

1992  
LAKE TAHOE  
AIRPORT  
MASTER PLAN  
SETTLEMENT  
AGREEMENT

&

TRPA  
OPERATING  
PERMIT

# TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court  
Elks Point, Nevada

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547  
Fax (702) 588-4527

April 6, 1993

Mr. Richard D. French  
1901 Airport Road  
South Lake Tahoe, CA 96150

Subject: Lake Tahoe Airport, Phase 1 Operation Commencement, El Dorado  
County, APN 32-090-02/04/06/08/09 -11 and 32-100-04/05/07

Dear Mr. French:

Enclosed please find an amended Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. TRPA will acknowledge the amended permit only after the applicable conditions of approval have been satisfied. Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to commencement of the additional use.

This permit is for commencement of Phase 1 operations, as amended from the December 1992 approval. This permit shall supersede the previous approval for commencement of Phase 1 operation.

Thank you very much for your attention and assistance in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,



Jim Allison  
Associate Planner  
Project Review Division

JA/kjl

Enclosures

cc: Dennis Crabb, City Attorney

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## STATEMENT OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION Phase 1 Operation Commencement

FILE # 921446

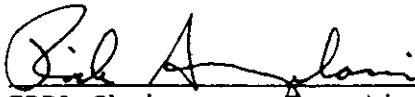
APN 32-090-02/04/06/08/09-11 and 32-100-04/05/07

PERMITTEE(S) City of South Lake Tahoe

COUNTY/LOCATION El Dorado / 1901 Highway 50, South Lake Tahoe, California

Staff Analysis: In accordance with Article VI of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

  
\_\_\_\_\_  
TRPA Chairman or Executive Director

4.6.93  
\_\_\_\_\_  
Date

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AMENDED PERMIT

PROJECT DESCRIPTION: Phase 1 Operation Commencement

FILE # 921446

APN 32-090-02/04/06/08/09-11 and 32-100-04/05/07

PERMITTEE(S): City of South Lake Tahoe

COUNTY/LOCATION: El Dorado / 1901 Highway 50, South Lake Tahoe, California

Having made the findings required by Agency ordinances and rules, TRPA approved the amended project on March 24, 1993, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

The use having commenced, this permit shall expire on February 1, 2003 without further notice. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO USE SHALL COMMENCE UNTIL ALL PRE-USE CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGMENT OF THIS PERMIT. IN ADDITION, NO USE SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT.

*Rich Aylmer* 4.6.93  
TRPA Executive Director/Designee Date

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PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) *Rich Aylmer* Date \_\_\_\_\_

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PERMIT CONTINUED ON NEXT PAGE



steps to insure the effectiveness of the mitigation measures and compliance with the terms and conditions of this permit. If the City fails to implement a required mitigation which is within its control to implement, then the City shall discontinue commercial flights until the measure is implemented by the City.

4. The City shall not schedule or allow arrivals or departures of any aircraft exceeding the following limits:
  - Single-Wheel aircraft exceeding 70,000 pounds
  - Dual-Wheel aircraft exceeding 150,000 pounds
  - Dual-Tandem-Wheel aircraft exceeding 210,000 pounds
  
5. The passenger enplanements at TVL shall be subject to the following conditions:
  - A. Limits on seat allocation levels shall be used to achieve a "cap" of 300,000 passengers annually during Phase 1. Passenger cap figures are intended to be all-inclusive, and shall include passengers of all chartered, commuter and transport category aircraft. However, the passenger cap figures shall not include persons using general aviation aircraft.
  - B. The starting date for calculating the seat allocation limits shall be the commencement of service by a carrier using transport category aircraft.
  - C. Twelve months after the starting date, the seat allocation formula shall be adjusted to include a load factor figure and related seat allocation limit which must be implemented 18 months after the starting date, to ensure that no more than 300,000 annual passengers will be enplaned. Twenty-four (24) months after the starting date, the second calculated adjustment shall be made and its results implemented for the six-month period beginning 30 months after the starting date. Adjustments shall continue to be calculated and implemented every six months thereafter. By making periodic adjustments to the seat allocations, as specified above, the annual passenger levels should match the 300,000 "cap" as closely as possible. A temporary overage in any adjustment period will not be regarded as a violation, but as a factor requiring ameliorative adjustments during the next adjustment period.
  - D. The seat allocation adjustments shall be made in accordance with the preceding condition and Section 4.5.4 of the Access Plan. If the actual enplaned passengers exceed 300,000 in two consecutive years or if the actual enplaned passengers exceed 315,000 in any one year, then the adjustments shall be made in accordance with the formula in Exhibit C of the Settlement Agreement.
  - E. The passenger cap shall be determined separately for each calendar year and the passenger count shall begin on January 1 and end on December 31 of each year. There shall be no carrying-over of any given year's passenger count to the next year. Each calendar year shall be considered separately when determining whether there has been compliance with the passenger cap.
  
6. Noise levels at TVL shall conform to the following conditions and standards. A strict enforcement program shall be enacted and implemented by the City as a deterrent for unwarranted noise events.

- A. Single event noise standards applicable to all aircraft operating at TVL shall be measured and applied in terms of Lmax and maximum noise levels shall be measured in terms of A-weighted sound pressure levels using Slow meter response.
- (1) The single event noise standard for general aviation aircraft is 80 dBA Lmax for departure and 84 dBA Lmax on arrival except that there shall be a phased implementation of the arrival standard during Phase 1 of the Master Plan as provided in the TRPA thresholds as amended.
  - (2) The single event noise standard for transport category aircraft is 80 dBA Lmax on departure and 86 dBA Lmax on arrival except that there shall be a phased implementation of the arrival standard during Phase 1 of the Master Plan as provided in the TRPA thresholds as amended.
  - (3) The single event noise standard for commuter aircraft is 80 dBA Lmax on departure and 84 dBA Lmax on arrival except that there shall be a phased implementation of the arrival standard during Phase 1 of the Master Plan as provided in the TRPA thresholds as amended.
  - (4) The single event noise standard for commuter charter aircraft is 80 dBA Lmax on departure and 84 dBA Lmax upon arrival except that there shall be a phased implementation of the arrival standard during Phase 1 of the Master Plan as provided in the TRPA thresholds as amended.
  - (5) The single event noise standard for transport category charter aircraft is 80 dBA on departure and 86 dBA Lmax on arrival except that there shall be a phased implementation of the arrival standard during Phase 1 of the Master Plan as provided in the TRPA thresholds as amended .
- B. Enforcement of the noise standards for all aircraft operations shall be according to the following enforcement standards:
- (1) Compliance for transport and commuter aircraft carriers shall be enforced based on a quarterly arithmetic average of the measured noise levels. The three-month average shall be calculated each calendar quarter. The noise levels recorded at each monitor shall be averaged separately. Each carrier, and each aircraft type flying for each carrier into the TVL shall be averaged separately.
  - (2) Enforcement of general aviation and charters (transport category and commuter) shall be enforced on a single event, non-average basis.
- C. All readings from noise monitors shall be measured and reported separately and not averaged with the readings received from other monitors. 1.5 dBA shall be subtracted from the measured noise levels at noise monitoring site 3. The Tables in Sections 2.30.1 and 2.30.2 of the Access Plan shall be the maximum permitted noise levels.
- D. The City shall maintain a list of presumptively-banned aircraft. The presumptively-banned list shall consist of aircraft which are listed in the current version of the FAA's Circular 36-3 series as

having a noise level greater than 84 dBA on arrival, or greater than 80 dBA on departure. An operator of an aircraft on the banned list shall be given an opportunity under Section 7 of the Access Plan to qualify to operate at TVL.

- (1) To qualify, an aircraft must register 80 dBA or less on departure and 84 dBA or less on arrival. Qualification must be achieved over each appropriate monitor and shall be on a strict compliance basis. No leeway beyond the established 80-84 dBA departure-arrival standards will be permitted.
- (2) Even if an aircraft is qualified to operate at the TVL, any later violation of the noise standards shall be treated as a violation.
- (3) The City, when communicating with individuals seeking to qualify general aviation aircraft on the presumptively-banned list, shall not permit qualification testing with light loads or other unrealistic aircraft operations and configurations.
- (4) Aircraft using parking slots (tie-downs, T-hangars etc.) shall be subject to the noise standards for general aviation aircraft. Banned aircraft shall not be allowed to use such facilities except for qualification testing or emergencies.

E. Prior to April 1, 1993 all non-complying aircraft shall be phased out which do not meet the noise standards.

F. The City shall implement a program which directs aircraft during maintenance run-ups for engine testing to positions which direct the noise away from sensitive noise receptors such as residences. The City shall maintain a record of complaints for the preceding five years.

G. No night-time maintenance run-ups shall be permitted from 10:00 p.m. to 7:00 a.m.. Prior to commencement of Phase 1 operation the City shall provide TRPA any documentation which alerted airport operators of this requirement.

7. Flight levels for transport category aircraft are subject to the following conditions and the following yearly schedule shall be used for flight level limitations:

Summer High--May 22 through September 15  
Fall Low--September 16 through November 22  
Winter High--November 23--March 1  
Spring Low--March 2 through May 21

- A. During each of the two High periods, there shall be a maximum of 12 flights on any given day, subject to the provisions described in (C) below. However, there shall be no more than 10 regularly scheduled flights per day except for flights allowed as extra-sections or charters pursuant to (C) below.
- B. During each of the two Low periods, there shall be a maximum of 9 flights on any given day, subject to the provisions described in (C) below. However, there shall be no more than 8 regularly scheduled flights per day except for flights allowed as extra-sections or charters pursuant to (C) below.



- C. For each six-month period, consisting of a Summer High and Fall low (May 22 through November 22) and a Winter High and Spring low (November 23 through May 21), TVL is allowed to draw from specified pools of additional extra-section and charter flights, described below, to achieve the maximum of, 12 flights per day during the two high periods and the maximum of 9 flights per day during the two low periods.
- i. The extra-section pool shall consist of 48 flights in each six-month period.
  - ii. For the first 30 months operations by transport category aircraft, the charter pool shall consist of 15 flights in each six-month period. Thereafter, during the remainder of Phase 1, the charter pool shall consist of 26 flights in each six month period.
  - iii. Whether drawing from the extra-section pool or the charter pool, or both, the number of flights per day during any High (Winter or Summer) shall not exceed twelve (12), and the number of flights per day during any Low (Spring or Fall) shall not exceed nine (9).

- D. If, on any given day, the actual scheduled or charter flights did not reach the maximum allowed, no additional flights shall be permitted by the City on a later day to "make up" for the less-than-maximum flight on that prior day. However, in the event a scheduled or charter flight was cancelled due to weather, mechanical difficulties or other specified factors, as set forth in the Access Plan, the flight could be rescheduled and flown within the next 24 hours only, even if that meant that the number of flights in that next day exceeded the maximum established by the rules set forth above.

8. All charter flights are subject to the following conditions:

- A. All arriving and departing charter flights, with passengers, shall be met with pre-arranged ground transportation which includes at least one seat for each arriving passenger and one seat for each departing passenger. The City shall adopt and implement an airport order which requires charter operators to provide ground transportation.
- B. Charter service shall not be provided on a regularly scheduled basis or as a substitute for regularly scheduled service.
- C. If there are more proposed charter flights than slots available for such flights, the City shall, if feasible, allocate the available slots to the operators using the quietest aircraft.
- D. The City shall mail a copy of all the rules and restrictions in the Settlement Agreement, which are applicable to charter flights, to all charter operators and all local sponsors of charter operations of which the City has knowledge and shall provide a copy of the rules and restrictions to the operator of each arriving charter flight.

9. Permanent aircraft parking shall only be allowed on existing paved areas and shall be limited to a maximum of 115 permanent aircraft parking spaces including tie-downs and hangars. Transient aviation

parking spaces may be provided as needed on existing paved areas or, if paved areas are not available, on existing compacted areas.

- A. To insure that transient aviation parking is not used on a quasi-permanent basis, when there is an insufficient number of tie-downs for transient parking, the City shall adopt a modified rate structure which significantly increases the rate charged on any aircraft for the use of transient parking more than 21 days per year. A copy of this rate structure shall be submitted to TRPA within 30 days of adoption by the City.
10. The City shall implement the following projects to offset the nitrogen contribution to the Lake Tahoe nutrient budget:
    - A. During the first five years of Phase I and within six (6) months after scheduled transport category service is initiated, the City shall fund \$500,000 toward implementation of the Cove East restoration project. The City shall coordinate implementation of this project with the California Tahoe Conservancy.
    - B. During the second five years of Phase I, the City shall obtain funding of between 1 and 1.5 million dollars toward the restoration of the Truckee River marsh areas adjacent to, or near, the TVL. The City shall coordinate implementation of this project with the California Tahoe Conservancy.
  11. The City shall conduct semi-annual traffic and visitor surveys at TVL. The data collected in the surveys shall be used to measure the VMT impacts generated by TVL operations and the effectiveness of the mitigation measures designed to offset those impacts. Compliance, during the ten-year term of this permit, shall be measured using the formulae and assumptions set forth in 4.b.(ii) of the Settlement Agreement (p.27-29). The surveys are subject to the applicable parameters set forth in Section 4.b (p.25) and Section 5.c.3.9 (p.53) of the Settlement Agreement. By April 1, 1993 the City shall submit the proposed survey form, schedule and methodology to TRPA for review and approval prior to implementation.
  12. There shall be no new or expanded rental car facilities at the TVL, no new rental car parking at the TVL, and no City contracts for advertisements for off-airport rental cars. For purposes of this condition, existing facilities and parking consists of three rental companies and 68 parking spaces.
  13. The fuel farm shall be located at a new site outside the stream environment zone. Except as provided herein, all fuel facilities serving TVL shall be consolidated at the new site by October 1, 1993 with the exception of the general aviation fuel tanks which must be relocated by October 2, 1994, in accordance with the current fixed based operator contract. The existing site shall be cleaned up in accordance with applicable provisions of local, state and federal law. The one underground automobile fuel tank may remain at the general aviation facility subject to all applicable local, state and federal regulations concerning such tanks and shall be removed if required under such regulations.
  14. The City shall by October 1, 1993 revegetate the contractors yard (approx. 2 acres) including the area presently being used as an access road to obstruction lights, and revegetate the banks of the existing drainage channel in accordance with TRPA standards and previous TRPA

mitigation requirements. If the City wishes to use the access road, the City shall submit an application by July 1, 1993 and receive approval from TRPA prior to constructing or using the access road. This condition does not preclude an application by the City for a permit to construct T-hangars at the contractors yard site.

15. The "corporation yard", adjacent to the contractors yard, shall be revegetated in accordance with TRPA ordinances and regulations by October 1, 1993.
16. Continuous noise monitoring shall be conducted on all aircraft. The noise complaint system, described in Exhibit E of the Settlement Agreement, shall be implemented by the City and its operation reviewed, verified and approved by TRPA before the commencement of transport category aircraft operations at the TVL. The City shall contact TRPA not later than 30 days prior to commencement of transport category operations at the TVL to verify compliance with this condition.
17. The City shall only accept general-aviation aircraft which meet the noise standards for tie-downs or hangars. All 115 permanent t-hangars and tie-downs shall be leased only to locally based aircraft which meet the general aviation noise standards. No subleases, or assignments, or other similar transfers of rights which are inconsistent with these provisions shall be allowed. "Locally-based" aircraft means aircraft owned by persons who own or operate a business or have a residence in the Tahoe Basin. If there are more applications for permanent tie-downs and hangars than there is space available, then the City shall give preference to the quietest aircraft.
18. The following noise curfews shall be enforced:
  - A. An 8 p.m. to 8 a.m. noise curfew closing the TVL shall be enforced for all aircraft operations at the TVL with the only exceptions being for emergency or mercy flights, and aircraft which measure 77.1 dBA Lmax or less at the noise monitoring stations set forth in the Access Plan.
  - B. There is a a 30 minute grace period for non-general aviation aircraft arriving late due to Air Traffic Control, mechanical and weather delays and other statutorily required exceptions. This grace period is available only to arriving aircraft except where specific statutory requirements would allow late departures also. This grace period is not available to general aviation aircraft.
    - (1) The TVL staff shall prepare and maintain a standard written policy regarding the operations during the 30 minute grace period. A copy of the policy shall be submitted to TRPA. For any granted clearance under this provision, a written report documenting the clearance shall presented to the Airport Manager within 48 hours of the clearance.
  - C. From 10 p.m. to 7 a.m. a ban on all general aviation and commercial engine run-ups shall be enforced except for run-ups associated with the departure of emergency or mercy flights, or the departure of aircraft which measure 77.1 dBA Lmax or less at the criterion monitoring stations.

19. The City shall enforce and/or comply with the following:
  - A. To the extent allowed by state and federal law, discourage flights over noise sensitive areas, including the Desolation Wilderness.
  - B. Request that all departing aircraft utilize the "meadow" departure route, insofar as is possible, to minimize the overflight of existing residential areas.
  
20. After reinstatement of transport category aircraft service to TVL, Requests for Proposal (RFPs) shall be used pursuant to Section 4.g of the Settlement Agreement (p.32). The City shall pursue a five-year goal of trying to achieve 84 dBA for arrivals of transport category aircraft. This goal is for planning and analytical purposes only.
  
21. By October 1, 1993 the City shall complete the relocation of the Site 1 noise monitor to a position on the extended centerline of Runway 18/36 at a distance of about 6,500 meters from the start of takeoff roll on Runway 36. The City shall provide a new monitoring site in the Truckee River meadow about 6,500 meters from the start of takeoff roll on Runway 36, under the approximate centerline of the "Meadow" arrival/departure route. The City shall provide a new monitoring site in the Truckee River meadow about 2,000 meters from the Runway 18 landing threshold, under the approximate center line of the "Meadow" arrival/departure route.
  
22. The City shall upgrade and maintain the existing noise monitoring system. The system, at a minimum, shall include powered noise monitors and a tape recorder tuned to the tower frequency. This condition shall be satisfied in the following stages:
  - A. Prior to July 1, 1993 the improvements listed below shall be completed:
    - (1) Purchase one (1) additional portable noise monitoring unit (e.g. Metrosonics dB604) with microphone, dehumidifier, cables and windscreen to provide back up unit for existing installations.
    - (2) Purchase four (4) microphone dehumidifiers to replace faulty existing units.
    - (3) Return existing noise monitoring units to manufacturer for calibration and firmware updates.
  - B. Prior to October 1, 1993 the following improvements shall be completed:
    - (1) Purchase two (2) additional portable noise monitoring units (e.g. Metrosonics dB604) with microphone, dehumidifier, cables and windscreen to provide monitoring at two additional sites (Condition 20 above).
    - (2) Install 110V AC power to all permanent monitoring sites .
    - (3) Purchase one multi-channel audio tape recorder with date/time search capability, and one aircraft radio scanner and antenna to provide input to audio tape recorder.

C. By October 1, 1995, the improvements below shall be completed:

- (1) Install telephone lines to each of the four permanent monitoring sites.
- (2) Install intelligent modem or computer at each monitoring site to facilitate dial-up data down-loading.
- (3) Develop software to accomplish downloads from central office and to prepare standard reports.
- (4) Purchase standard IBM - compatible computer with hard disk, color VGA display and printer to operate software and store noise measurement data.
- (5) Purchase one portable audio cassette noise event recorder with date/time search feature.
- (6) Modify existing noise monitors as needed to accommodate noise event recorder.
- (7) Purchase additional microphone dehumidifiers to allow service (drying) of one set of four units while another set of units is in use in the field.

23. On the first day of scheduled operations of any carrier using transport category aircraft, the City shall contribute, on an annual basis, a fund, to be used for transit projects, based on the STAGE bus trip per passenger trip times the percentage of passengers deplaned that were considered induced passengers. The City shall provide a minimum amount of funds each year. The minimum shall be based on the figure of 75,900 passengers/year. This minimum shall be due regardless of whether the actual passenger levels are, in any given year, below 75,900. The City's commitment above the minimum shall be measured using the actual passengers enplaned (with a minimum guaranteed at 75,900) times 31 percent (induced trips), updated annually in accordance with the passenger survey (Condition 11), times the local transit company's cost/passenger trip for the current year, to arrive at the funding level required.

- A. The City shall mitigate all the VMT impacts from a passenger base of zero regardless of prior passenger levels.
- B. The annual contribution shall be placed in a City account, to be held in trust for TRPA, for the purpose of funding transit projects within the City. The City shall obtain TRPA approval prior to expenditure of the funds.

24. Within 90 days of introduction of operations of scheduled transport category aircraft, the City shall hire a noise monitor or consultant to handle the duties listed in Section 5.b.2.7 of the Settlement Agreement (p.44).

25. By April 1, 1993 City shall implement a \$0.25 taxi flag drop surcharge at TVL. Collection of this charge shall be the responsibility of the City. The funds generated shall be used for transit-related purposes and administered by the City.

- A. Taxi-cab curb parking at the TVL shall be limited by the City to a maximum of 10 taxi-cab parking spaces at one time.

26. The City shall assist and support the TTD, or other agency, for the purpose of acting as a transportation funding and implementation agency.
27. The City shall support implementation and, if commenced, continuation of the Lake Lapper and Beach Bus service as priority projects.
28. The City shall maintain contractual commitments for gratuitous transport and for-hire transit, to provide one seat for each arriving non-resident passenger. The arrival goal is to capture 50% of all non-resident passengers and 25% of all resident passengers. However, the capture rate for all arriving passengers shall not drop below 40%. The first year will assume 18% of the arriving passengers are residents. In subsequent years, the percentage of resident arriving passengers shall be determined by the visitor monitoring program (Condition 11). The departure goal is to capture 35% of all non-resident departing passengers. If shuttles are not provided on a continuing basis, excluding strikes, weather delays, and equipment failures, then the City shall reduce flights and passenger seat levels proportionately.
29. The City shall support a light rail system feasibility study. Funding of this study shall not diminish existing funding for STAGE or deplete other revenues generated by the rental car surcharge and the airport transportation funding (Condition 23). If the study is commenced, then the City shall aid in its completion and provide all necessary information to facilitate the study.
30. The City shall coordinate an education and marketing program for visitors regarding the availability of transit in the Lake Tahoe area, consistent with other transit/VMT mitigation measures. The City shall provide free advertising in the terminal for free transit services and shall install directional signs in the area where passengers deplane to direct them to areas where free transit is available.
31. The City shall require that all newly acquired City utility vehicles be California certified Low Emission Vehicles (LEVs), or equivalent, provided such vehicles are available at a reasonable price. In addition, this requirement shall be extended to publicly funded transit vehicles operated as part of the transit system serving the City, when such vehicles become available at a reasonable price.
32. By December 1, 1992 the City shall implement short term parking charges, exempting employees, and long term automobile parking charges, comparable to, and no less than, the parking fees charged at the Reno-Cannon International Airport. Validated parking for businesses located at the TVL may be authorized. There shall be no increase in parking spaces or expansion of parking facilities. Fees received shall be used by the City for airport related mitigation measures itemized in the Settlement Agreement, less any reasonable costs related to the administration of the parking charges.
33. The ongoing monitoring and reporting of water quality to Lahontan Regional Water Quality Control Board and TRPA shall be maintained. In the event that the water quality monitoring discloses the presence of any toxic substances or the presence of ethylene or propylene glycol, in any drainage ditch at TVL, use of any of the above substances shall be discontinued until an approved recovery program is implemented. Monitoring and reporting shall be conducted by the City, at a minimum,

twice a year (winter and summer) and the results reported to TRPA and Lahontan Regional Water Quality Control Board.

34. The City shall regularly sweep the airfield and apron surfaces which may be contaminated from the use of oil, grease, anti-freeze, and other similar substances.
35. General aviation facilities shall not be increased in capacity during Phase 1 except as may be approved by TRPA consistent with the Settlement Agreement.
36. During Phase 1, for the commercial terminal facilities, there shall be no more than two jetways and two commuter doors. If construction of the jetways is not exempt or qualified exempt, then a separate TRPA permit shall be required.
37. Airline leases or similar agreements shall not be inconsistent with or extend beyond the ten-year term of this permit. The City shall provide TRPA with a copy of the standard lease to be used with all airlines. All lease agreements shall be made pursuant to 14 Code of Federal Regulations, section 161.101(d). The standard lease shall include the following provisions:
  - A. All leases between an airline and the City shall not preclude any remedial steps, including a reduction in flights or passengers, as may be required by the City or TRPA. All leases shall advise airlines that reasonable additional mitigation measures, or a reduction in or discontinuance of flights, may be required following the five-year compliance review if the mitigation measures to that point have not been effective or implemented.
  - B. Require that airlines comply with all noise standards adopted as a part of the Master Plan.
  - C. Require that all airlines cooperate and support all measures undertaken by the City to improve the peak hour traffic service levels on Highway 50.
  - D. Require that all airlines participate in the passenger surveys, coordination of its service with ground transportation to reduce VMT, and noise testing.
  - E. The City shall use its best efforts to negotiate with air carriers using transport category aircraft, a lease provision requiring the air carrier to avoid scheduled airline arrivals between 4:00 p.m. and 5 p.m. from Thanksgiving through Easter Sunday and shall use its best efforts to coordinate its lease provisions with commuter airlines to insure that they avoid scheduled arrivals between 4:00 p.m. and 5:00 p.m. from Thanksgiving through Easter Sunday. If the City's best efforts are not successful, then the City shall propose additional or substitute mitigation for TRPA review, so that the air quality and traffic impacts caused by airline arrivals between 4:00 - 5:00 p.m., Thanksgiving through Easter, are mitigated and offset.
38. The City shall prepare the following reports:
  - A. An annual report, submitted within 60 days of the end of each calendar year, which includes:

- (1) A monthly total of enplaned passengers for charter, commuter, and transport category operations, a yearly total of operations by aircraft type and carrier; a yearly total of general aviation operations as reported by the FAA tower (does not include operations when tower is closed); documentation of adjustments to the passenger cap (Condition 5), if applicable.
  - (2) Status of compliance with charter ground transportation requirement of Condition 8.A.
  - (3) Status of upgrades to the aircraft noise monitoring system, including the dates of installation for all required items (Conditions 21 and 22) and a listing of maintenance activities and equipment replacements.
  - (4) The amount of funds generated from the taxi flag drop charge and a listing of the expenditures.
  - (5) Status of gratuitous transport and for-hire transit capture rates, including capture rates for resident and non-resident arrivals and departures.
  - (6) Listing of City LEV acquisitions.
  - (7) The amount of funds generated by parking charges; the administrative costs deducted from the funds; and a listing of expenditures.
  - (8) Depiction of CNEL boundaries.
  - (9) Number of permanent T-hangars and tie-downs under lease.
  - (10) Description of the City's coordination and cooperation with the casinos, hotels, Visitor Authority and scheduled airlines, to educate and market to visitors regarding the availability of transit in the Lake Tahoe area.
  - (11) A listing of licensed ground transportation services at TVL.
  - (12) Status of the airport transportation funding (Condition 23) and a listing of expenditures from the fund.
- B. A semi-annual report, submitted within 30 days of the end of the reporting period, which includes:
- (1) The traffic related impacts of charter service and the characteristics of the passengers using the charter service.
  - (2) The market segments served by the TVL by geographical origin, travel mode used to arrive, socioeconomics, and by resident or visitor.
  - (3) The percent of the passengers, from each market segment, who would have traveled to the Tahoe Basin even if airline service had not been available (diverted passengers) and the percent of passengers, from each market segment, who would not have travelled to the Tahoe Basin if airline service had not been available (induced passengers). The determination of either diverted or induced passengers shall be made based



on the response to the specific question in Section 4.b.i.(4) of the Settlement Agreement (p.25).

- (4) For diverted passengers, the alternative mode of transportation which would have been used by diverted passengers to get to the Tahoe Basin.
- (5) The length of passengers' stays in the Tahoe Region, mode of travel used in the Region, and whether the length of stay was affected by the availability of air service.
- (6) Transit capture rate for arriving passengers and the visitor/resident/owner mix.
- (7) Such other survey information as may be requested by TRPA.
- (8) An analysis of the survey information shall be conducted pursuant to Section 4.b.ii of the Settlement Agreement (p.26).

C. A quarterly report, submitted within 30 days of the end of each calendar quarter, which includes:

- (1) The arithmetic averages of the single event noise standards for transport and commuter aircraft by type of aircraft and operator; all operations enforced on single event basis; results of any required enforcement actions; the number and percentage of noise events which exceeded the applicable noise standards, and a correlation of noise complaints with the corresponding noise event.
- (2) Updates to FAA Circular 36-3 and the current list of presumptively-banned aircraft; including test results from aircraft noise testing.
- (3) A listing of grace clearances and their circumstances.

D. A monthly report, submitted the fifteenth (15th) of the next month, which includes:

- (1) The number of commercial flights (transport category, commuter and charter) arriving at TVL, by air carrier and aircraft type, including extra-section and charter pool flights and rescheduled flights under Condition 7; the number of enplaning and deplaning passengers; the number and description of noise complaint and Access Plan violations and related enforcement actions. The monthly reports for March, May, September and November shall include the total number of flights drawn from the charter and extra-section pools for the preceding High/Low period.

39. By April 1, 1993, the City shall provide TRPA with a Fuel Spill Management Plan.
40. The City shall implement a car and van pooling program for airport employees when airport staff exceeds 49 persons.
41. The City shall regulate ground transportation service at TVL to maximize coordination and efficiency of the transit services.

42. Airport noise contours (CNEL) shall not exceed 1982 levels. The Airport Transportation Corridor of 60 dBA CNEL, as adopted by TRPA, shall also be maintained.
43. Powered equipment and vehicles used at TVL during construction shall be equipped with adequate mufflers and/or enclosures at all times. From 6:30 p.m. to 8:00 a.m., construction activities shall not result in noise levels in excess of 70 dBA Lmax at any developed residential property boundary. Emergency work is exempted. In addition the Airport Manager shall respond to all complaints of construction noise. Such response shall be made by phone within one working day of receipt of the complaint. A report shall be made available within two weeks of receipt of the complaint. A record of complaints shall be maintained by the City for the preceding five years.
- >44. Beginning in November 1993, the City shall implement a bald eagle monitoring program. The wintering bald eagle in the Upper Truckee River Marsh shall be used as an indicator species to monitor wildlife impacts from the Lake Tahoe Airport. If abandonment occurs the City shall consult with the Forest Service, TRPA and other affected state and federal agencies to determine if factors other than the airport operations caused the abandonment. At a minimum the monitoring program shall consist of one eight-hour survey each month from November through February in the Upper Truckee River Marsh. Abandonment shall be deemed to have occurred if no bald eagles are observed during any two consecutive years of monitoring. The City shall submit the results of the monitoring program by April 1 of each year. If it is determined that airport operations are significantly impacting wildlife then additional mitigation shall be required to offset that impact. If other responsible agencies or entities are conducting bald eagle surveys in the Upper Truckee River Marsh, the City may submit the results of those surveys in lieu of a City survey.
45. Subject to FAA considerations and directives, TVL shall:
- A. Request aircraft operators to use the "Meadow" departure when departing on Runway 36.
  - B. Request aircraft operators use the "Meadow" when arriving on Runway 18.
  - C. Request operators of aircraft exceeding 12,500 pounds to use Runway 36 for departures and Runway 18 for arrivals.
  - D. Request the FAA to advise operators of aircraft using the TVL to avoid flying over noise sensitive areas such as the Desolation Wilderness. The City shall request that this advisory be inserted in the TVL entry in the FAA Airport and Facility Directory.
46. The following definitions apply, in addition to the definitions in Section 2 of the Access Plan:
- A. An aircraft operation is one arrival (landing) and one departure (takeoff).
  - B. Except for charters, a flight is two operations: one arrival and one departure. This applies regardless of how the flight is designated (e.g. scheduled, trailers or extra-sections).

- C. A charter flight is a maximum of four operations; one arrival with passengers, one departure without passengers, one arrival without passengers, one departure with passengers.
  - D. Scheduled flights include extra-sections but not charters.
  - E. Regularly-scheduled flights do not include charters or extra-sections.
47. The City shall prepare and submit an updated BMP Retrofit Plan, including a schedule of implementation, in compliance with Chapter 25 of the TRPA Code. The updated BMP Retrofit Plan shall include fuel spill containment provisions, including 1) installation of trap-type drop inlets at all existing drainage collection points; 2) drainage gates at the headwalls between the runway and taxiway and apron areas, as needed, to permit fuel spill impoundment; and 3) a diversion of the drainage ditch at the southend of the runway to the airport's drainage ditch retention system. TRPA may approve equivalent fuel spill containment measures in lieu of the above. In the event scheduled transport category service commences prior to 1997 and the completion of the drop inlet retrofit and drainage gate installation, the City shall complete the inlet retrofit and drainage gate installation prior to commencement of the scheduled transport category service. If they cannot be completed due to grading season restrictions, then they shall be completed no later than the end of the next grading season.
48. TRPA reserves the right to enforce its permit conditions by any and all lawful means, including, but not limited to, Article VI(1) of the Compact. The references herein to the Access Plan and its enforcement program shall not be construed to limit TRPA's enforcement authority.
49. This permit shall expire on February 1, 2003.

7/24/92

SETTLEMENT AGREEMENT--AIRPORT MASTER PLAN

The Tahoe Regional Planning Agency (TRPA), the City of South Lake Tahoe (City), the League to Save Lake Tahoe (League), and the Attorney General of the State of California (California) hereby agree to complete the Lake Tahoe Airport (TVL) Master Plan and related documents and to resolve pending litigation concerning the TVL as follows:

1. Recitals.

a. Description of the Legal Setting.

i. The TRPA Bi-State Compact.

In 1980 the States of California and Nevada approved, and the Congress ratified, the most recent version of the Tahoe Regional Planning Compact (Compact; P.L. No. 96-551, 94 Stat. 3233 (1980)). The findings of the Compact include, among other findings, a determination that "the waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endanger the natural beauty and economic productivity of the region," and that the region is experiencing "deficiencies of environmental control." Consequently, the Compact authorized the TRPA to adopt both environmental threshold carrying capacities (thresholds) and a Regional Plan (Plan) and implementing ordinances which will maintain the thresholds while providing opportunities for orderly growth and development consistent with the environmental thresholds established for the Lake Tahoe Basin.

ii. The TRPA Thresholds

On August 26, 1982, the TRPA adopted the "Environmental Threshold Carrying Capacities for the Lake Tahoe Region" (TRPA Resolution No. 82-11). The thresholds established standards for air quality, water quality, soil conservation, vegetation preservation, wildlife and fisheries protection, noise, recreation, and scenic resources, all of which are applicable to TVL operations. The thresholds also included specific noise standards applicable to the operations at the TVL. The airport noise thresholds are divided into two categories: single event noise standards applicable to the operations of all aircraft using the TVL and noise standards based upon the

average of all noise events (CNEL) to be maintained within the TVL transportation corridor and the various land use areas surrounding the TVL.

iii. The TRPA Regional Plan

On April 26, 1984, the TRPA adopted the "Goals and Policies" and related documents as their Regional Plan. (TRPA Ordinance No.84-1.) These documents were successfully challenged by the California Attorney General's Office and the League to Save Lake Tahoe as being incomplete and contrary to the thresholds and the Compact (People of the State of California v. Tahoe Regional Planning Agency and League to Save Lake Tahoe v. Tahoe Regional Planning Agency USDC Nos. CIVS 84-0561, 84-0565 EJJ; People/League v. TRPA (9th Cir. 1985) 766 F2d 1308). On June 25, 1987, pursuant to a litigation settlement, the TRPA adopted the current Regional Plan. (TRPA Ordinance No. 87-9). The 1987 Plan requires the adoption of a separate Airport Master Plan insuring that there is compliance with the thresholds before air service could be increased at the TVL.

iv. Local Regulations

The City purchased the TVL from El Dorado County in 1983. As the airport proprietor, the City installed certain regulations of its own. By way of ordinances, airport manager orders and lease provisions with airlines including Air Cal and its successors American Airlines and American Eagle, various limitations were put in place as specified in the Access Plan which is attached hereto and incorporated herein as Exhibit A.

v. Federal Law

In 1978 Congress passed the Airline Deregulation Act (ADA; 49 USC 1301 et. seq.). In 1985 the U.S. District Court Eastern District ruled that the ADA did not preempt the Compact with regard to regulation by TRPA of the TVL. The Court concluded, inter alia, that the Compact was a federal law which was not preempted and which could be interpreted harmoniously with the ADA. That decision was not appealed. (City of South Lake Tahoe v. TRPA (E.D. Cal. 1987) 664 F.Supp. 1375.) In October, 1990 the Congress passed the Airport Noise and Capacity Act of 1990 (ANCA, 49

USC 2151 et seq.). ANCA subjects local regulation of certain aircraft and aircraft operations to FAA jurisdiction and review. The applicability of ANCA to TVL is disputed in a number of respects. The status of the Compact and the status of TRPA and local regulations adopted prior to October 1, 1990, the effective date of ANCA, are also disputed. The objective of the parties is to resolve all of the above issues in a manner consistent with applicable federal, state, and municipal laws.

b. Chronology

A chronology of the events relevant to the litigation and settlement discussions is set forth as follows:

05/09/83 TRPA staff concludes that Air Cal's proposed flights are consistent with the TRPA single event and CNEL noise standards. The TRPA staff approved the AirCal project of 15 flights per week/3 flights per day (Wednesday through Sunday) and concluded that the project was exempt from TRPA review.

05/15/83 Air Cal, with the approval of the TRPA staff and El Dorado County (the airport proprietor), begins airline service to the TVL. Pursuant to a compromise, in lieu of litigation, with California, the County agrees to comply with CEQA with respect to the AirCal project. The parties agree to a temporary emergency exemption from CEQA due to the fact that emergency airline service was needed because a major mudslide blocked traffic on Highway 50. After the exemption expired, an EIR was to be prepared and circulated for the AirCal project.

10/07/83 The City acquired the TVL from the County and agreed to assume the County's obligation to bring the AirCal project into compliance with CEQA. The City limited the AirCal lease to six months to allow time for the preparation of the necessary environmental documents. Also the City required that AirCal use aircraft capable of meeting the TRPA noise thresholds.

03/30/84 The City submits a Negative Declaration (ND) with respect to AirCal's proposed service of 29 flights per week.

- 05/01/84 AirCal, before receiving approval from the City or TRPA, initiates service of 29 flights per week at the TVL.
- 05/10/84 City requests TRPA staff review and approval of 29 flights per week.
- 05/17/84 TRPA staff determined that an increase to a maximum of 21 flights per week/ 3 flights per day, using the DC-9-80, would "not exceed the Agency CNEL standard" and therefore would be exempt from TRPA Governing Board review. However, as a condition to this approval by the TRPA staff, AirCal flights had to be decreased from 29 to 21 per week immediately. The City did not accept this condition.
- 05/22/84 The City Council authorizes Air Cal's project of 29 flights per week and approves the ND.
- 05/26/84 TRPA issues a Cease and Desist Order against the City with respect to AirCal's flights above 15 per week.
- 05/29/84 The City files litigation against the TRPA alleging that the TRPA has no jurisdiction over air carrier service at the TVL, nor the jurisdiction to issue the Cease and Desist Order. City of South Lake Tahoe v. Tahoe Regional Planning Agency USDC No. CIVS 84-0819 EJM (City v. TRPA) California subsequently intervened on behalf of the TRPA and AirCal and United States were given permission to join the City in this litigation.
- 06/27/84 California files litigation against the City and AirCal regarding the City's approval of 29 AirCal flights per week. People of the State of California v. City of South Lake Tahoe, Sacramento Superior Court No. 321269 (People v. City I).
- 04/16/85 Judge Garcia, of the United States District Court, grants TRPA's Motion For Partial Summary Judgment in the City v. TRPA case and upholds TRPA jurisdiction over flights and noise at TVL. This decision was not appealed and was subsequently published. (City v. TRPA, 664 F.Supp. 1375 (E.D. Cal. 1987.))

- 08/20/85 The City authorizes an increase in AirCal flights to a maximum of 35 flights per week/5 flights per day. TRPA approval was not sought or given. California filed a separate lawsuit in Sacramento Superior Court challenging the City's approval of this increase in service. (People of the State of California v. City of South Lake Tahoe, Sacramento Superior Court No. 329624 (People v. City II.))
- 09/17/85 Judge Marler of the Sacramento Superior Court, granted California's petition for writ of mandate concluding that the City violated CEQA when it approved AirCal's 29 flights. The Court directed City and AirCal to discontinue service until there is compliance with CEQA. People v. City I.
- 10/01/85 A Notice of Appeal of Judge Marler's decision was filed in Third District Court of Appeal by City and Air Cal.
- 11/01/85 Air Cal and United States file litigation against the State of California seeking to preclude California from enforcing Judge Marler's decision or CEQA with respect to air service at the TVL. (United States v. State of California and AirCal Inc. v. Van de Kamp USDC Nos. CIVS. No. 85-1600 and 85-1606 EJG (United States/AirCal v. California.))
- 03/11/86 Airport Consensus discussions begin among the various parties involved in the Regional Plan and TVL related litigation and other interested parties. The Airport Consensus group decides to use the completion of the Airport Master Plan as a means of resolving the disputed issues.
- 04/01/86 Judge Garcia grants California's Motion for Summary Judgment in the United States/AirCal v. California case and dismisses the lawsuits brought by AirCal and the United States. The Court held that California has the right to enforce CEQA and that any argument regarding Judge Marler's decision could be raised by AirCal and the United States in the People v. City I case. This decision was not appealed and was published. (United States v. California 639 F.Supp. 199 (E.D. 1986).)