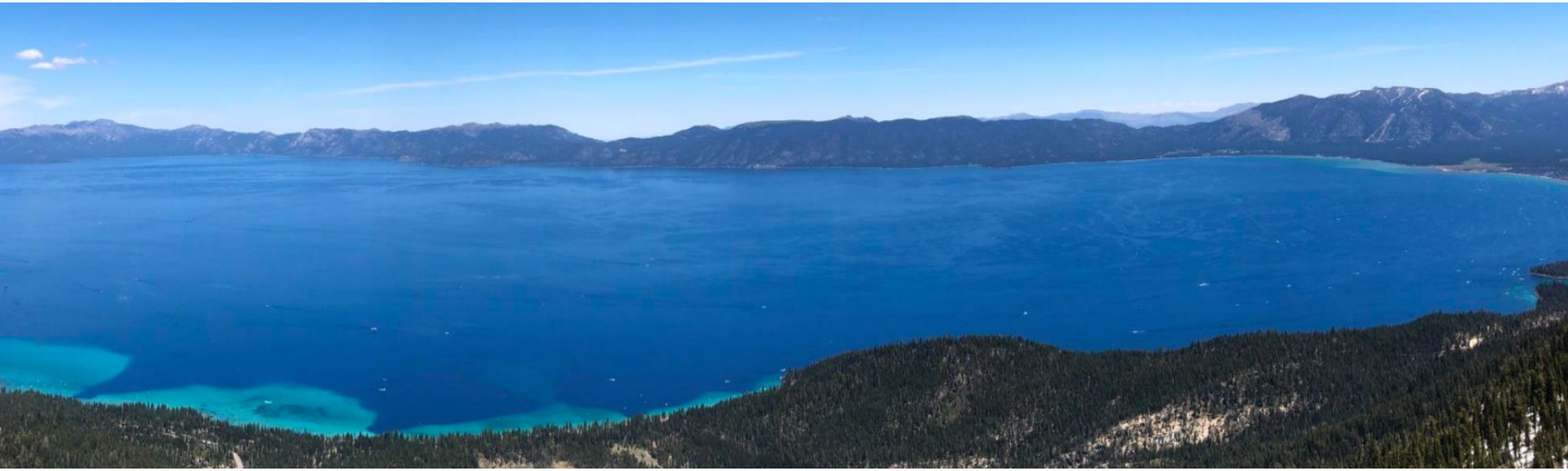
TAHOE LEAD REMOVAL PROJECT

Getting the Lead Out of Lake Tahoe

May 2024



© 2024 Tahoe Lead Removal Project, LLC

Contents

1. Introduction
2. Situation Overview
3. Key Risks from Inaction
4. Our Approach to Removal
5. Project Execution & Partners
6. Initiating Permitting Process

Appendix

A. Timeline of Events
B. Litigation Considerations
C. Nationwide Momentum

© 2024 Tahoe Lead Removal Project, LLC

1. Introduction

© 2024 Tahoe Lead Removal Project, LLC

Who we are

- We are the **Tahoe Lead Removal Project**, a community initiative focused on removing inactive lead telecommunication cables from Lake Tahoe
- Our efforts grew organically from a group of Rubicon Bay neighbors advocating for removal due to **the potential risks of lead contamination**
- An **ongoing lawsuit** between California Sportfishing Protection Alliance (CSPA) and Pacific Bell (AT&T) also centers on these cables
- We are **neutral**, **unaffiliated** with either party, and **separate** from that litigation
- Instead, we propose a **direct path to removal** through collaboration

© 2024 Tahoe Lead Removal Project, LLC

Why are we reaching out?

- In July 2023, CSPA and AT&T **vacated** an agreement to remove the cables
- Both sides **previously agreed on terms for removal** in 2021, with AT&T securing all required government authorizations
- **We seek to execute the removal** by building off their established frameworks
- These lead cables are **no longer in use**, and should be removed regardless of the precise amount of lead leaching out as they remain a long term risk
- We'd respectfully **request permits** required to deliver this important outcome

© 2024 Tahoe Lead Removal Project, LLC

Our Aims

- **Get the lead out!** Bring together stakeholders with the best possible partners to deliver the appropriate outcome for the future

- **Reorient path forward!** Shift focus from a legal dispute with national implications back to removal, now driven by our local community

- **Proactively address risk!** Eliminate the potential for a worst-case scenario that could irreversibly damage Lake Tahoe's water quality

© 2024 Tahoe Lead Removal Project, LLC

2. Situation Overview

© 2024 Tahoe Lead Removal Project, LLC

Situation Summary

- There are **+8 miles of lead cables** in Lake Tahoe running from Baldwin Beach to Rubicon Bay
- These cables were originally laid by Bell Systems in the early 20th century, with ownership transferred through a series of **telecommunication mergers**
- In 2020, AT&T claimed no record of the cables, but nevertheless entered into a **consent decree** in 2021 to remove them to avoid the burden of litigation
- **Homeowners** in Rubicon Bay engaged stakeholders on both sides to support near-term removal
- AT&T **denied current ownership** and confirmed it **stopped using the cables in the 1980s**
- AT&T also took the initiative to design engineering **methodology for removal**, establish the required **permits and authorizations**, and bring best-in-class **3rd party engineers** to the table
- Following delays and a series of news articles, AT&T **halted their removal plans** in July 2023, and both sides chose to re-engage in further litigation
- Rather than become a party to the ongoing litigation, homeowners came together to build a community effort to remove the lead cables: the **Tahoe Lead Removal Project**

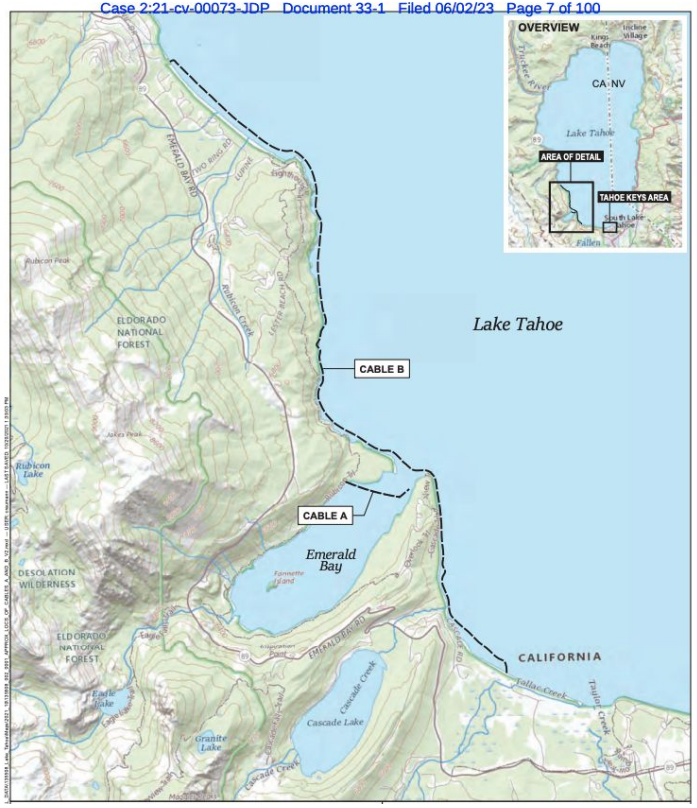
Source: As cited in 8.24.06 meeting minutes for CA State Lands Commission Calendar Item C19 Amendment of Lease, evidence of telecommunication cables originally placed in Emerald Bay in 1929. AT&T ownership statement as taken from Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Document #22.

© 2024 Tahoe Lead Removal Project, LLC

Where are the lead cables?

- Cable A bisects the north end of Emerald Bay, terminating near public campgrounds
- Cable B runs from public Baldwin Beach in South Lake Tahoe to a private residence in Rubicon Bay
- Cable B is large enough to be seen from satellites depending on the season and shifting sands





Source: Google Maps https://maps.app.goo.gl/SFxbxYhit1bs8gGy5, Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #33.

© 2024 Tahoe Lead Removal Project, LLC

What is the current state of the cables?

- The lead cables are visibly deteriorating
- In numerous places, they lay directly on or bend around rocks which appears to be contributing to their erosion
- They rest in areas of public recreation, in the same shallow waters where visitors swim, feet away from private docks and buoys







Source: Pictures taken by Tahoe Lead Removal Project organizers January 2024.

© 2024 Tahoe Lead Removal Project, LLC

Our petition

"We are Lake Tahoe homeowners, residents, visitors, and guardians.

We strongly oppose the presence of lead cables on the bottom of Lake Tahoe, regardless of the precise amount of lead currently leaching out. We view this as a multi-generational issue.

We ask all government, corporate and public entities to support immediate removal efforts, including our initiative to remove these lead cables as a community."

Source: tahoelead.com.

© 2024 Tahoe Lead Removal Project, LLC

Our petition’s positioning

"We are Lake Tahoe homeowners, residents, visitors, and guardians.

We strongly oppose the presence of lead cables on the bottom of Lake Tahoe, regardless of the precise amount of lead currently leaching out. We view this as a multi-generational issue.

We ask all government, corporate and public entities to support immediate removal efforts, including our initiative to remove these lead cables as a community."

We’re stakeholders in the safety and preservation of Lake Tahoe

We’re focused on the future, not the past nor the current state

We want to bring people together to deliver a positive outcome

Source: tahoelead.com.

© 2024 Tahoe Lead Removal Project, LLC

The presence of lead must be addressed

- As stated in our petition, we are strongly opposed to the presence of these cables ***irrespective*** of the precise amount of lead currently leaching out
- While that scientific fact is a point of contention in the ongoing litigation, for our community there is **no reason why these inactive lead cables should remain in Lake Tahoe**
- **We should not be forced to accept the risks** associated with the presence of lead, as ultimately every member of our community would be the stakeholder in any negative impacts
- Leaving lead cables in Lake Tahoe indefinitely **should not be considered a reasonable option**
- Furthermore, EPA has clearly mandated that there is a **zero tolerance for lead in drinking water**

"EPA has set the maximum contaminant level goal for lead in drinking water at zero because lead is a toxic metal that can be harmful to human health even at low exposure levels.

Lead is persistent, and it can bioaccumulate in the body over time."

Source: https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water

© 2024 Tahoe Lead Removal Project, LLC

This situation is a burden of the past

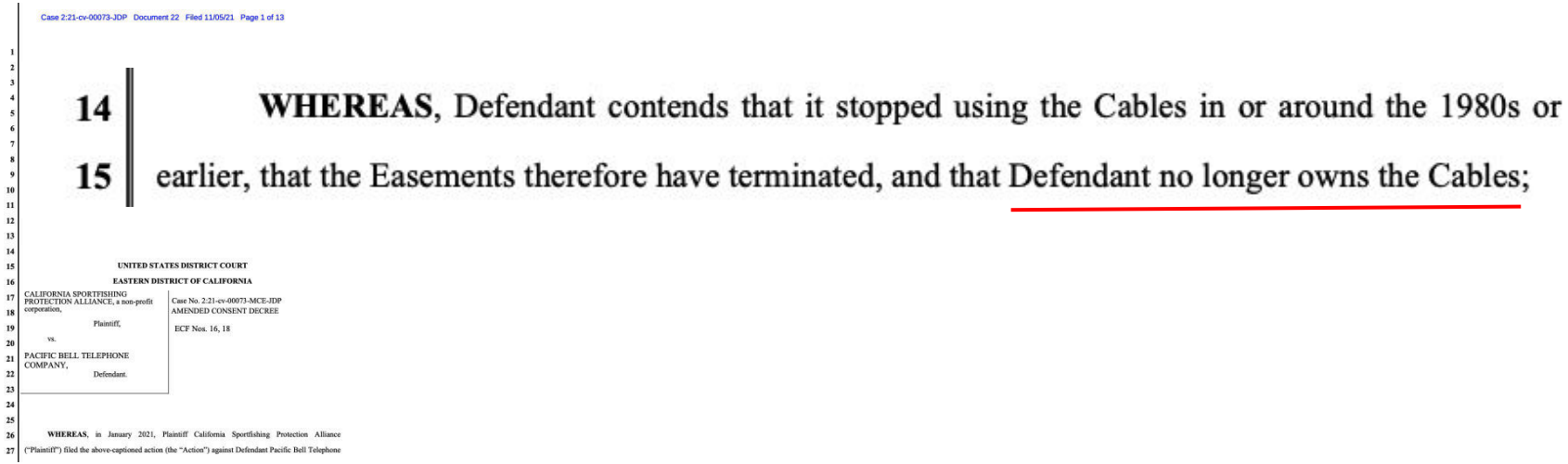
- Over decades, corporate telecommunication structures have evolved in response to economic and regulatory factors, especially following the Telecommunications Act of 1996
- While tracing that lineage is convoluted to most public observers, merger and acquisition law clearly states that companies **acquire assets and liabilities** in consolidation events
- The reality is that **no one** involved in the original decision to lay these underwater lead cables still operates in a professional capacity
- **No individual is to blame**, but rather this situation is an opportunity for a broader range of stakeholders to to come together and demonstrate leadership on a complex historical issue
- Current litigation efforts have the downside of “lose-lose” for almost everyone involved, with **more resources devoted to court battles than the projected cost of removal**



© 2024 Tahoe Lead Removal Project, LLC

AT&T is neither villain nor at fault

- Unfortunately, **the media has portrayed this situation in a divisive way** that assigns blame to the telecommunication companies that may have unknowingly acquired legacy lead infrastructure
- While the telecom companies have the resources and know how to step up and demonstrate true leadership in sustainability by taking action - the reasons why they won't are **self evident**
- The simple reality: **AT&T does not own the cables**, as they confirmed during legal proceedings



Case 2:21-cv-00073-JDP Document 22 Filed 11/05/21 Page 1 of 13

WHEREAS, Defendant contends that it stopped using the Cables in or around the 1980s or earlier, that the Easements therefore have terminated, and that Defendant no longer owns the Cables;

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE, a non-profit corporation,

Plaintiff,

vs.

PACIFIC BELL TELEPHONE COMPANY,

Defendant.

Case No. 2:21-cv-00073-MCE-JDP
AMENDED CONSENT DECREE

ECF Nos. 16, 18

WHEREAS, in January 2021, Plaintiff California Sportfishing Protection Alliance ("Plaintiff") filed the above-captioned action (the "Action") against Defendant Pacific Bell Telephone

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #22.

© 2024 Tahoe Lead Removal Project, LLC

Removal shouldn’t be contingent on litigation

- We acknowledge that approving the removal of these cables while they’re under consideration in active litigation is a **complicated decision** and included additional considerations in the Appendix
- It's also **inappropriate to render the preservation of Lake Tahoe subject to a lawsuit** that has already extended for years, reversed course, and exposed obvious motivations beyond the basin
- We’d proactively address a few of the key considerations below that should not dissuade action

Ownership	• As referenced on previous page, **AT&T has stated they don’t own the cables** • If they change course and **claim ownership** (along with liability), we will adjust
Prop 65	• We take the Proposition 65 allegations in the lawsuit very seriously • However, the **Plaintiff previously agreed to waive these allegations** if AT&T agreed to remove the cables, a key component of the consent decree • We aim to take a similar approach - with **removal the top priority**
Timing	• We are **proposing a spring 2025 removal**, which gives this litigation an entire year to conduct further testing • To date both sides have already conducted multiple testing cycles • Our community has already waited 3+ years for this project, and **Lake Tahoe has been waiting for decades!**

Source: As referenced previously regarding AT&T no longer owning the cables, Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #22.

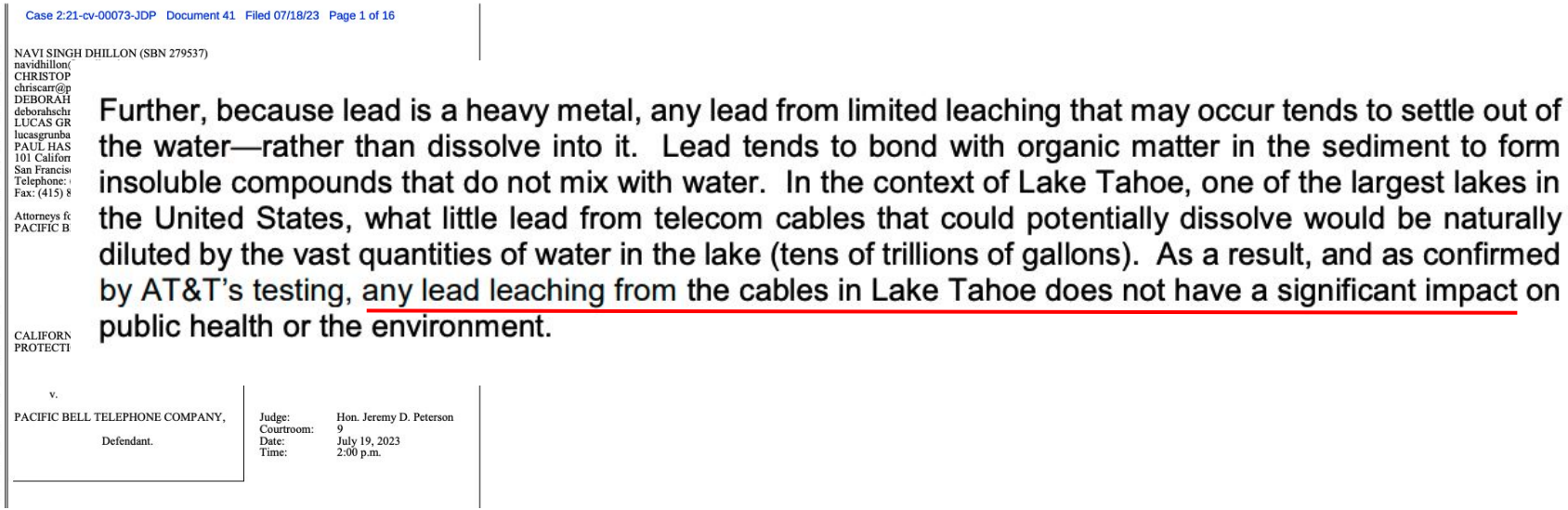
© 2024 Tahoe Lead Removal Project, LLC

3. Key Risks to Inaction

© 2024 Tahoe Lead Removal Project, LLC

AT&T made their opinion on lead impacts clear

- In their July 18, 2023 filing, AT&T outlined their rationale for delaying removal
- This included the passage below, that considers hypothetical lead exposure and its lack of impact
- **Where we differ from AT&T:** they state the cables pose no threat right now, whereas we view this on a multi-generational timeline and want them **removed to address potential, future risks**



Case 2:21-cv-00073-JDP Document 41 Filed 07/18/23 Page 1 of 16

NAVI SINGH DHILLON (SBN 279537)
navidhillon(
CHRISTOP
chriscarr@p
DEBORAH
deborahschr
LUCAS GR
lucasgrunba
PAUL HAS
101 Californ
San Francis
Telephone:
Fax: (415) 8

Attorneys fo
PACIFIC B

CALIFORN
PROTECTI

v.

PACIFIC BELL TELEPHONE COMPANY,

Defendant.

Judge: Hon. Jeremy D. Peterson
Courtroom: 9
Date: July 19, 2023
Time: 2:00 p.m.

Further, because lead is a heavy metal, any lead from limited leaching that may occur tends to settle out of the water—rather than dissolve into it. Lead tends to bond with organic matter in the sediment to form insoluble compounds that do not mix with water. In the context of Lake Tahoe, one of the largest lakes in the United States, what little lead from telecom cables that could potentially dissolve would be naturally diluted by the vast quantities of water in the lake (tens of trillions of gallons). As a result, and as confirmed by AT&T's testing, any lead leaching from the cables in Lake Tahoe does not have a significant impact on public health or the environment.

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #41.

© 2024 Tahoe Lead Removal Project, LLC

Key Risk: Erosion and deterioration on rocks

- ***Scenario: weathering slowly disintegrates the outside layer and exposes lead over time***
- In many places the deterioration of the cable is visible to the naked eye
- The cables rests on rocks throughout their paths, bends around others and shows wear and tear
- We worry that **underwater currents**, especially during the winter months, creates rubbing on the rocks that could speed up deterioration





Source: Pictures taken by Tahoe Lead Removal Project organizers January 2024.

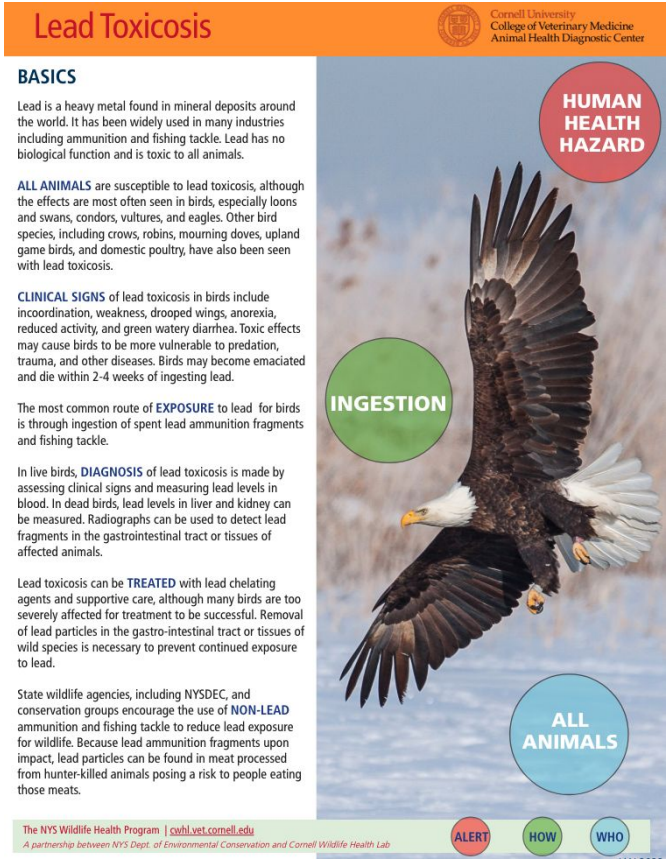
© 2024 Tahoe Lead Removal Project, LLC

Key Risk: Potential impact to wildlife

- ***Scenario: animals come into direct contact with lead underwater or on the shore***
- Lake Tahoe has a delicate ecosystem that is already under many threats
- This cable could potentially negatively impact the fish in the lake and wildlife

"ALL ANIMALS are susceptible to lead toxicosis, although the effects are most often seen in birds, especially loons and swans, condors, vultures, and eagles. Other bird species, including crows, robins, mourning doves, upland game birds, and domestic poultry, have also been seen with lead toxicosis"

- NYS Wildlife Health Program

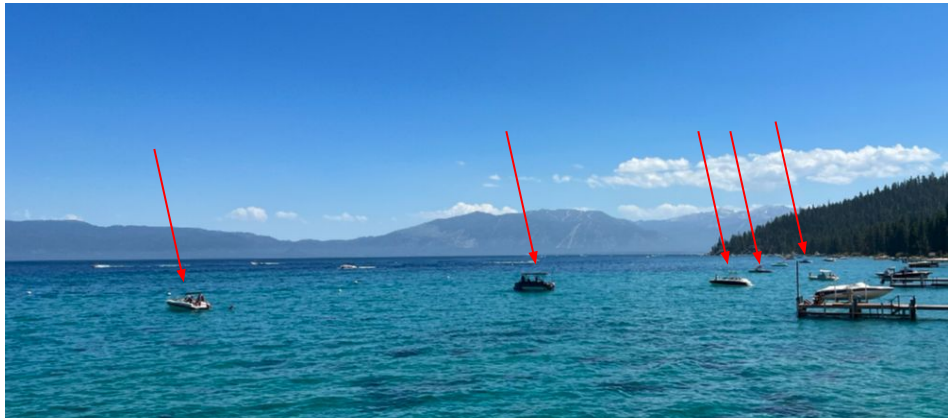


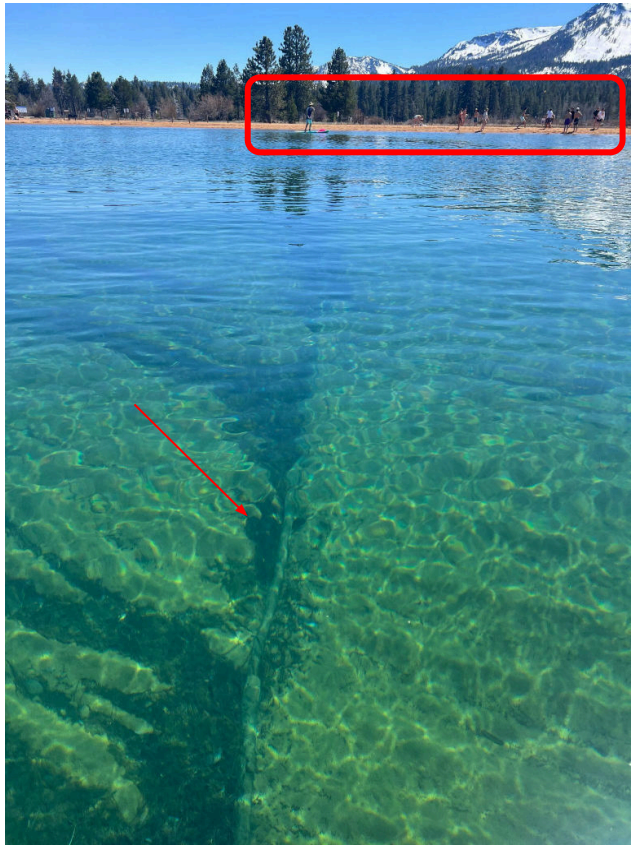
Source: https://cwhl.vet.cornell.edu/system/files/public/cwhl-fact-sheets-lead.pdf

© 2024 Tahoe Lead Removal Project, LLC

Key Risk: Recreational incident or accident

- ***Scenario: Individuals unknowing come into contact with lead contaminated waters or cause a breach***
- The cables rest in Emerald Bay, Baldwin Beach and Rubicon Bay, areas with many boaters and swimmers
- Beach goers sometimes set up sometimes within a few feet of where the cables rest
- It impacts our peace of mind to do activities above lead cables regardless of verifiable amount of leaching
- Boats anchoring could create a dangerous situation



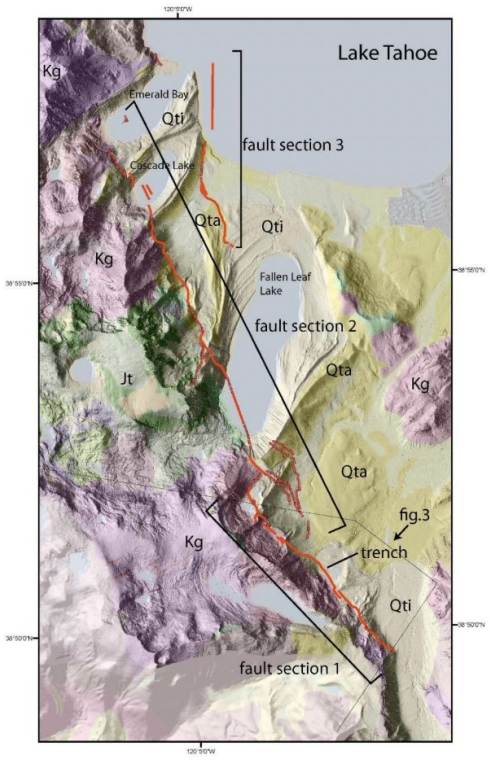


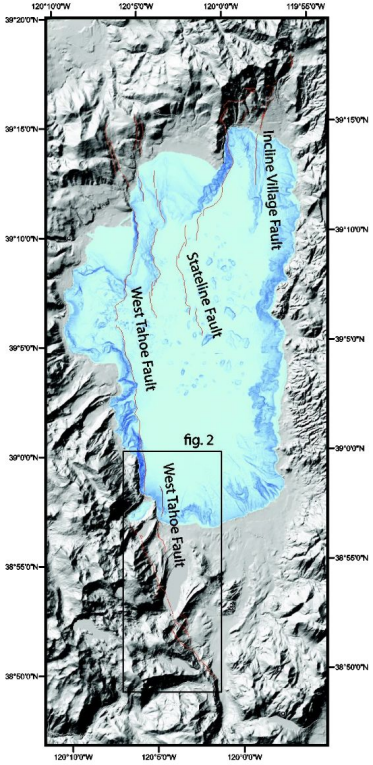
Source: Pictures taken by Tahoe Lead Removal Project organizers August 2023 (left) and April 2024 (right).

© 2024 Tahoe Lead Removal Project, LLC

Key Risk: West Shore Fault

- ***Scenario: seismic event in Lake Tahoe***
- The Lake Tahoe Basin sits on 3 distinct fault lines, including the West Shore Fault
- The path of this fault intercepts the cable between Baldwin Beach and Emerald Bay
- While there has never been a significant earthquake on record in the area, this remains a profound risk as we consider a multi-generational timeline
- While the probability of this event is low, it also implies that each day these lead cables stay in the water brings the potential for **catastrophic consequences that could change the water quality forever**





Source: Gordon Seitz, PhD, CEG, *Characterization of the Highest Slip Rate Fault in the Lake Tahoe Basin: Paleoseismic Investigation of the West Tahoe Fault.*

© 2024 Tahoe Lead Removal Project, LLC

4. Our Approach to Removal

© 2024 Tahoe Lead Removal Project, LLC

Our community effort

1. Verify Public Consensus

2. Engage Potential Partners

3. Acquire Required Authorizations

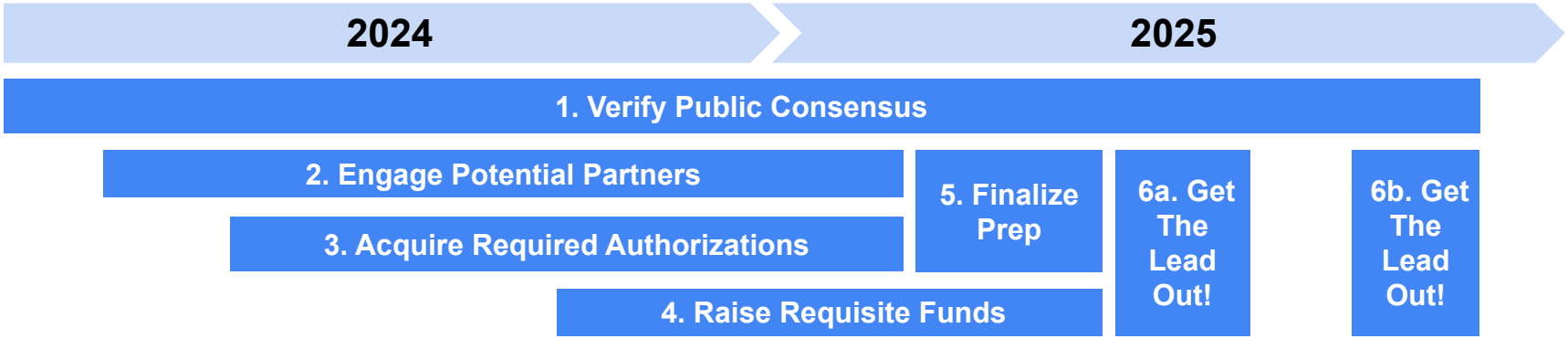
4. Raise Requisite Funds

5. Finalize Preparations

6. Get The Lead Out!

© 2024 Tahoe Lead Removal Project, LLC

Illustrative Project Timeline

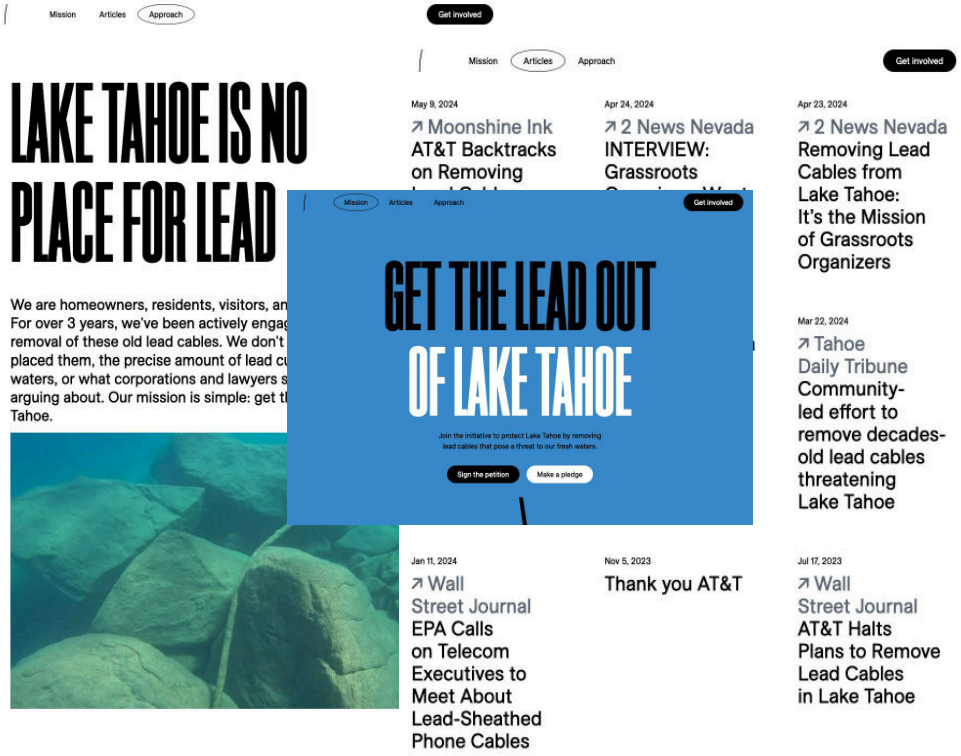


- Given the nature of the project, we're planning **conservatively** across all phases
- While 2025 may seem far off, we have the benefit of watching this process unfold in 2022-23 and anticipate that it will take time and require flexibility - **we must be prepared**
- We made a conscious decision to begin fundraising **after** we have baseline validation from agencies
- Seasonality and recreation provides **only 2 realistic windows for removal**: Spring and early Fall
- Fall 2025 is considered "Plan B" and has a wide range of potentially challenging dynamics

© 2024 Tahoe Lead Removal Project, LLC

We publicly launched our initiative this February

- Our website - tahoelead.com - provides the public with a place to learn more about our community efforts
- The website hosts our petition
- **We do not accept donations** at this juncture despite many inquires
- We lay out our mission, approach, and links to public articles
- We also write pieces for the website
- **Our first article posted was "Thank you AT&T"**, as we are grateful for their efforts to design the appropriate methodology and establish key precedents

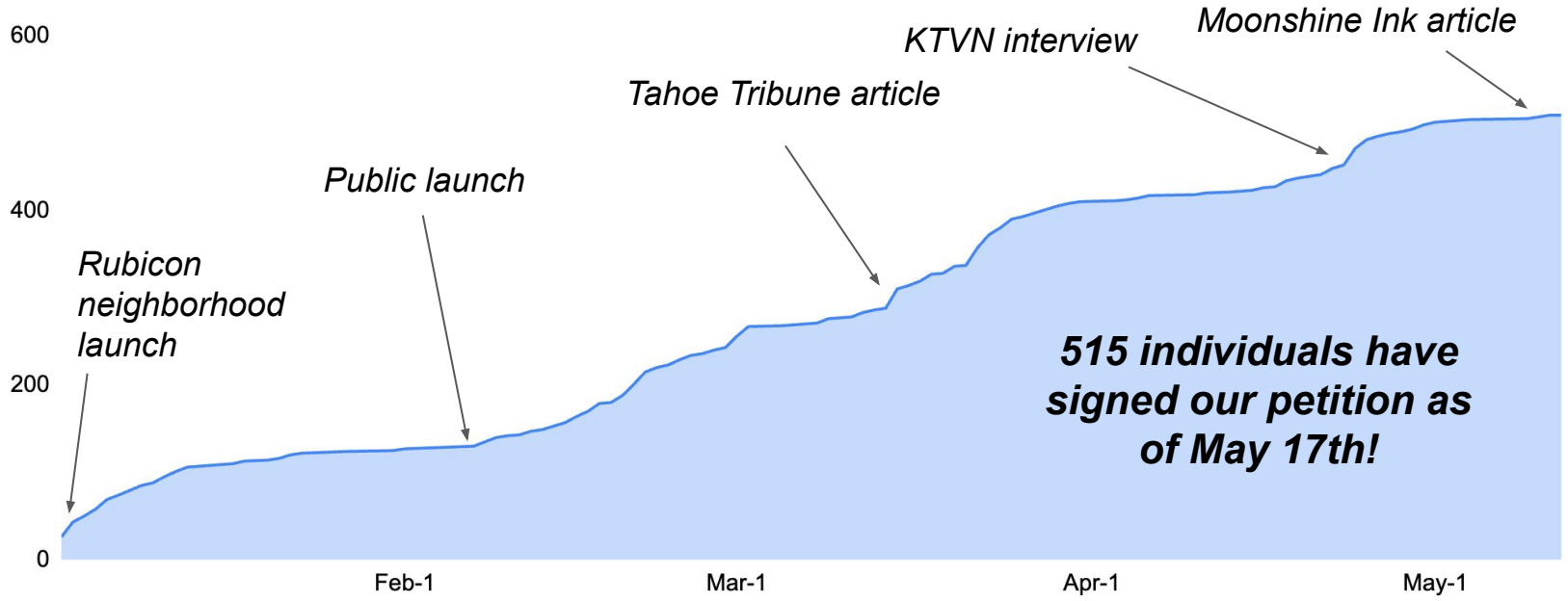


Sources: tahoelead.com.

© 2024 Tahoe Lead Removal Project, LLC

Petition signers in 2024

- Since launching our public petition we have seen consistent growth of support
- What originally started as a few dozen households quickly evolved to a movement

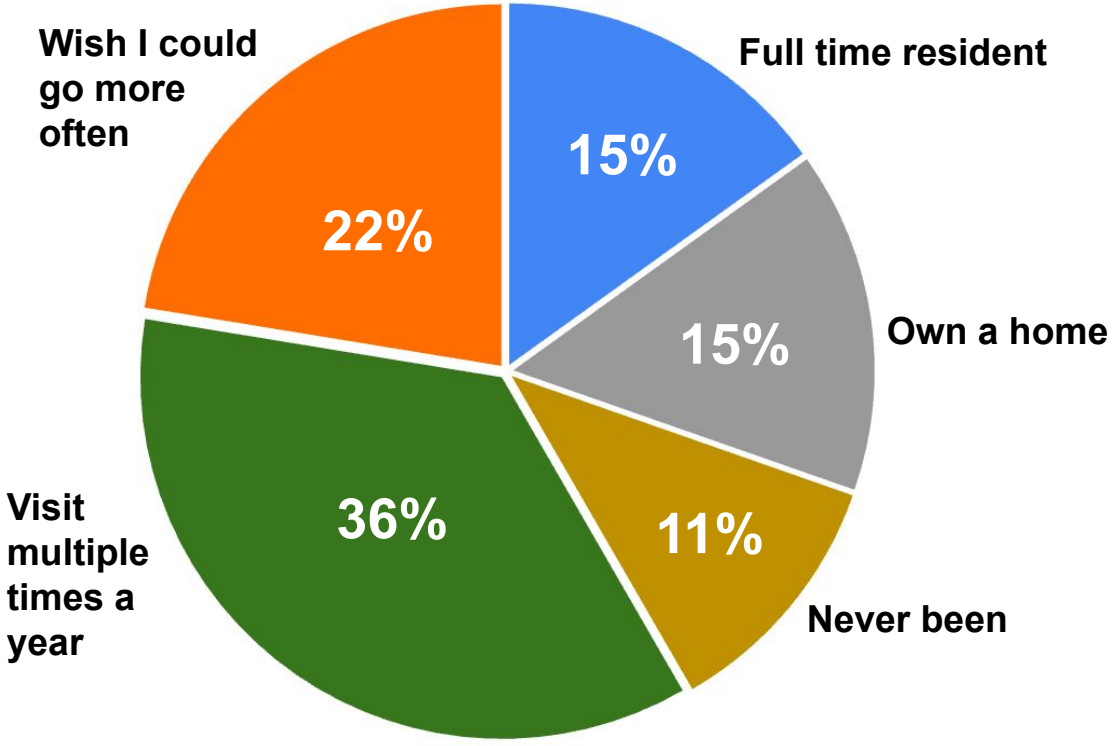


Sources: typeform.com.

© 2024 Tahoe Lead Removal Project, LLC

We are bringing a wide range of people together

- It’s been exciting to see such resounding support locally, as well as from frequent visitors
- We’re inspired by those who’ve “never been” and support us, showing broad appeal of the cause



Sources: typeform.com, summary results.

© 2024 Tahoe Lead Removal Project, LLC

Public support has driven media interest

Tahoe lead: Community-led effort to remove decades-old lead cables threatening Lake Tahoe

News FOLLOW NEWS | Mar 22, 2024

Madison Schultz / Special to the Tribune

RUBICON BAY, Calif. – The drive from South
with breathtaking views of crisp blue water
scattered throughout the treacherous lands
lake's surface that is also present on this ma

From Baldwin Beach in South Lake Tahoe to
cables are present in Lake Tahoe, and have
cables span nearly 10% of Tahoe's total shor
cables, located directly below one of the mo
Tahoe.

In an effort to aid in the removal of these d
stepping up in the Lake Tahoe community t
harmful lead cables from the lake.

Tahoe Daily Tribune





173rd Anniversary

CALIFORNIA'S OLDEST NEWSPAPER – EST. 1851

Mountain Democrat

WEDNESDAY, MARCH 27, 2024 mtdemocrat.com VOLUME 173 • ISSUE 35 | $1.00

Mt. Aukum brothers victims in mountain lion attack

Eric Jaramishian
Staff writer

A mountain lion attack that occurred in the Georgetown area Saturday afternoon took the life of 21-year-old Tiglen Robert Claude Brooks and seriously injured his brother, 18-year-old Wyatt Jay Charles Brooks, both from Mt. Aukum.

The incident involving the two brothers occurred

the brothers during this time of year.

While walking along the dirt roadway, they observed the mountain lion walk up to the road from the lower side. As the lion approached the brothers, they raised their hands in the air, threw items at the lion and yelled at it in an attempt to scare it off.

The lion did not retreat and charged Wyatt, biting his face and taking down the

Wyatt Brooks were attacked by a Georgetown Saturday afternoon, an fled to Tiglen's death.

Shine Arslanian speeds through the course in the Challenged Athlete Foundation Bionic Mile.

LLENGES

't stop me."

Shine Arslanian, Garden Valley 6-year old

above the knee so that he could eventually walk with prosthetics. His condition at birth was a surprise to his mother but that is not the real story. What Shine became is the real inspiring story.

Shine spent his first three weeks of life in the neonatal intensive care unit where he had three lifesaving surgeries. Daby did not know if he was suffering or if he would even live beyond a few days or weeks. Since those early days leading up to his sixth

See SHINE, page A3

KARMAN AKC AMERICAN KITCHEN CABINETS
Your Vision, Our Expertise!
Call TODAY for Your FREE ESTIMATE & 3D Design!
(530) 622-8477
Visit our Showroom at 386 Placerville Drive

Getting the lead (cable) out of Lake Tahoe

Madison Schultz
Special to the Tahoe Daily Tribune

The drive from South Lake Tahoe to the Lake Tahoe's west shore is filled with breathtaking views of crisp blue water, rugged alpine shores and lakefront homes scattered throughout the treacherous landscape; but something lurks below the lake's surface that is also present on this majestic tour of Lake Tahoe — lead cables.

From Baldwin Beach to Rubicon Bay, lead cables are present in Lake Tahoe and have been for decades. These lead cables span nearly 10% of Tahoe's total shoreline, with a total length of 35,940 feet, located directly below one of the most populated shoreline areas of Lake Tahoe.

In an effort to aid in the removal of these lead cables, a new organization, Tahoe Lead, has formed in the Lake Tahoe community to promptly remove these potentially harmful lead cables from the lake.

"We don't want lead in Lake Tahoe," Tahoe Lead's website reads. "While Lake Tahoe's ecosystem is subject to a range of risks, these lead cables pose a unique threat to water quality. Lead is insoluble and could irreparably contaminate our waters, negatively impacting residents, recreation and wildlife. While it's unfortunate these cables contain lead, they have not been used for decades, making their removal straightforward."

Tahoe Lead organizer Evan Dreyer has been passionate about the sustainability of Lake Tahoe's environment since he was young. Born in Northern California, Dreyer spent his summers swimming on the shores of Rubicon Bay, not realizing lead cables lay below.

In 2020 Dreyer encountered a boat with scientists on board who were analyzing the cables' impact on Tahoe's ecosystem. From that point on, Dreyer knew he wanted to get involved.

"A lot of my path to bringing Tahoe Lead to fruition was because I love Lake Tahoe. This thing is not about me. It's about Lake Tahoe and the community effort," Dreyer said.

Dreyer worked on Wall Street for half a decade then moved back to California. Relocating to the Bay Area, Dreyer got involved with the San Francisco Baykeeper nonprofit organization, a nonprofit that defends the health of the San Francisco Bay. With Dreyer as a lead organizer for Tahoe Lead, he brings experience and knowledge from working in the nonprofit space.

Dreyer wrote directly to the business responsible for the lead cables: AT&T.

"To AT&T's credit, they've been very proactive in communicating with us. We wrote a letter to AT&T's lawyers and within a month I was out with AT&T looking at the cable in the water

"When stuff isn't working, you have to keep perspective. AT&T had established that this project is possible and that's a huge win."
— Evan Dreyer, Tahoe Lead organizer

See LEAD CABLES, page A3

Sources: Tahoe Daily Tribune. Mountain Democrat. KTVN 2 News Nevada.

© 2024 Tahoe Lead Removal Project, LLC

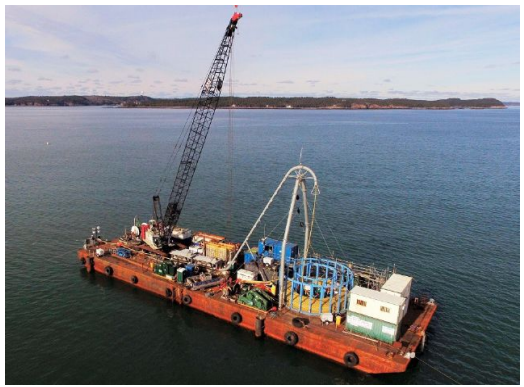
5. Project Execution & Partnerships

© 2024 Tahoe Lead Removal Project, LLC

Capitalizing on existing momentum

- This project would be **inconceivable** without the time and resources expended by AT&T to date
- Their efforts established **best-in-class engineering methodologies**
- These approaches were approved by government agencies, establishing a **clear removal approach**
- With the same authorizations, we can further engage these same potential partners while running a request-for-proposal (RFP) process as appropriate
- Since launching, we've received inbound interest from local firms and see potential for a coalition
- A **projected budget of $1.5 million to $2 million** has been further verified with potential partners







Sources: jfbrennan.com for bottom left and center, Moonshine Ink/Ted Coakley III for bottom right.

© 2024 Tahoe Lead Removal Project, LLC

Execution Overview

- The appropriate approach to removal has been demystified over the past few years
- By leveraging previous project planning, we have a clear understanding of required removal efforts
- We have broken these down into three phases, each with a **3rd party partner**







Hosting ✅	**Extraction**	**Disposal**
Launch point to and from the water; equipment storage	*Underwater diving + barge-based removal*	*Collection and safe delivery to lead smelter*

✅ Denotes partner identified & secured.

© 2024 Tahoe Lead Removal Project, LLC

Location Planning

- Project activities will be concentrated in the southwest corner of Lake Tahoe
- **Hosting** serves as the base of operations, as the barge will make daily site visits, and return with extracted cable
- **Extraction** will occur alongside the shoreline, and include four lakeside excavations and cappings
- **Disposal** will start once the first truck is full and ready to make its delivery directly to the lead smelter

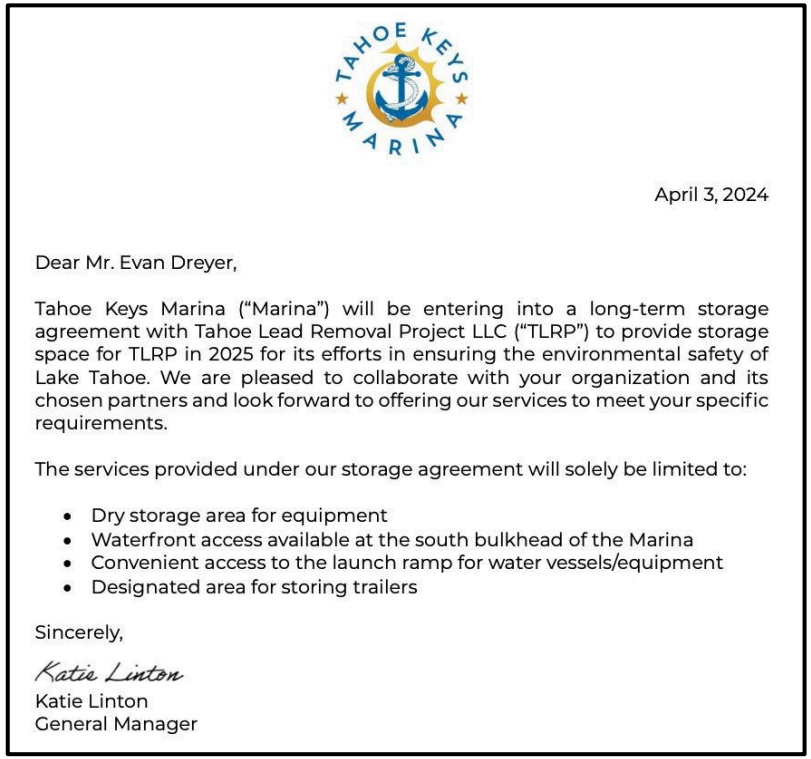


Note: Cable locations illustrative based as sourced from graphics on Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #33. Image taken via Google Maps.

© 2024 Tahoe Lead Removal Project, LLC

Confirmed Hosting Partner: Tahoe Keys Marina

- We're excited to share that Tahoe Keys Marina has agreed to **partner** with us on this project!
- As the **largest marina in Lake Tahoe**, this location is ideal for the engineering operations and in close proximity to the site
- From the onset of the previous permitting process, Tahoe Keys Marina was identified as the **preferred location**
- Engineering firms previously confirmed this hosting location is **fit for purpose**
- Members of our effort make contact with Tahoe Keys Marina in May 2023 and they've been a pleasure to work with - we're grateful for their **years of leadership** on this issue!



TAHOE KEYS MARINA

April 3, 2024

Dear Mr. Evan Dreyer,

Tahoe Keys Marina ("Marina") will be entering into a long-term storage agreement with Tahoe Lead Removal Project LLC ("TLRP") to provide storage space for TLRP in 2025 for its efforts in ensuring the environmental safety of Lake Tahoe. We are pleased to collaborate with your organization and its chosen partners and look forward to offering our services to meet your specific requirements.

The services provided under our storage agreement will solely be limited to:

- Dry storage area for equipment
- Waterfront access available at the south bulkhead of the Marina
- Convenient access to the launch ramp for water vessels/equipment
- Designated area for storing trailers

Sincerely,

Katie Linton

Katie Linton
General Manager

Source: Katie Linton, Tahoe Keys Marina, klinton@suntex.com.

© 2024 Tahoe Lead Removal Project, LLC

Extraction Overview

- While submarine cable removals are executed across the U.S., **Lake Tahoe is a unique setting**
- AT&T and their partners have established an **engineering methodology** for removal that was previously approved by all required government agencies
- Under the **approved plan**, scuba divers with a rover will inspect the cable before guiding it to the surface where it is cut in a safe manner on a barge and immediately wrapped
- Based on AT&T's California State Parks permit, the **project is expected to take ~16 work days**

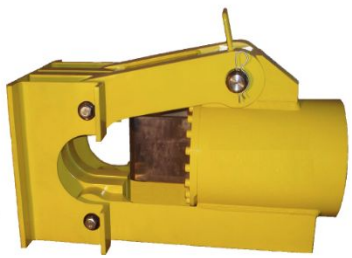
Underwater rover



Nitrile Gloves



Hydraulic Cutter



High Density Polyethylene (HDPE) Wraps



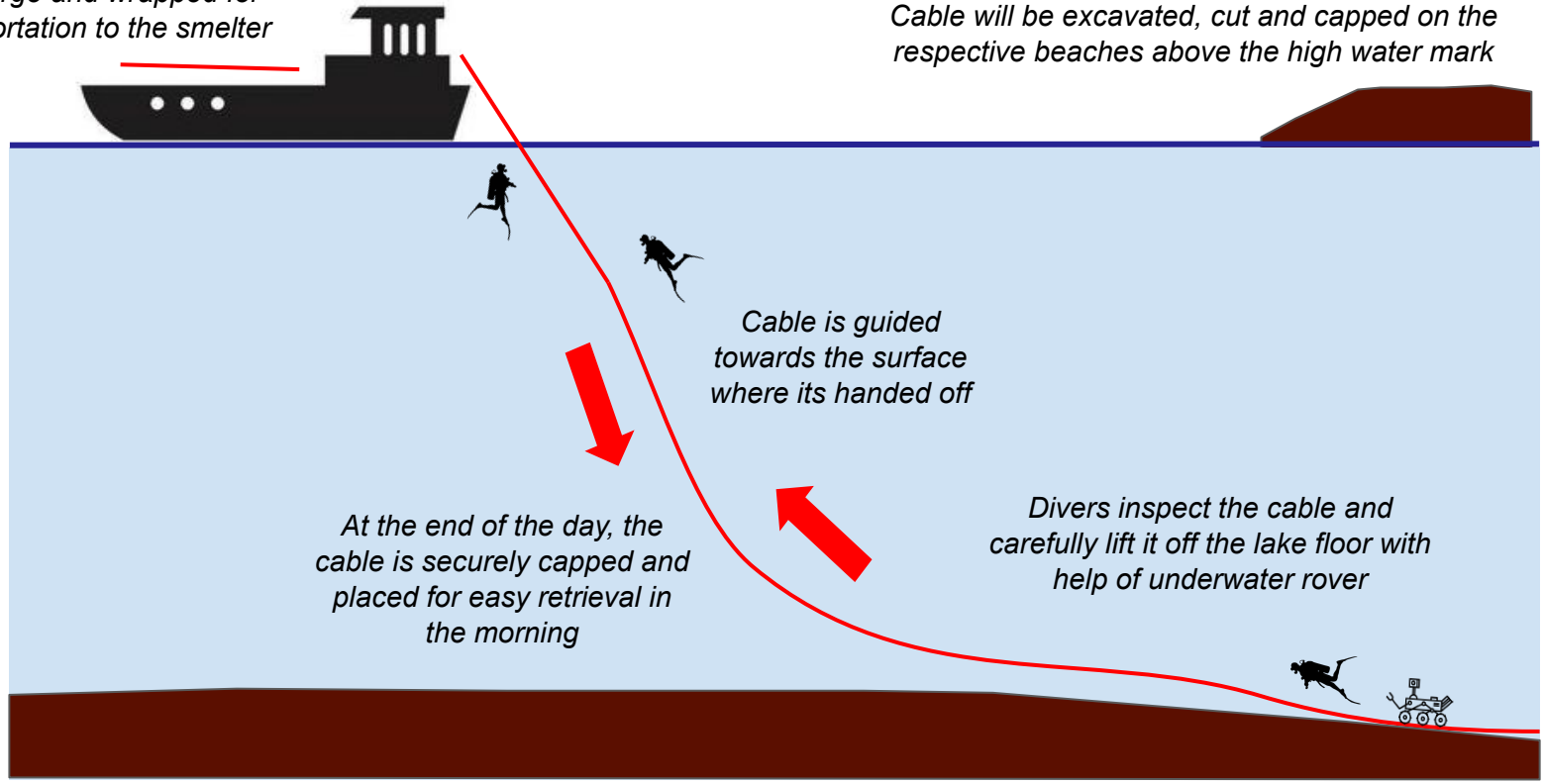
Source: Rover from J.F. Brennan (jfbrennan.com). Nitrile Gloves from Palmflex (Palmflex.com). Industrial hydraulic cutter from JAG Industries (jagindustries.co.uk). HDPE wraps from May Wes Manufacturing (maywes.com). CA State Park permit sourced via Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #33.

© 2024 Tahoe Lead Removal Project, LLC

Extraction Method

Cable is cut into sections aboard the barge and wrapped for transportation to the smelter

Cable will be excavated, cut and capped on the respective beaches above the high water mark



Cable is guided towards the surface where its handed off

At the end of the day, the cable is securely capped and placed for easy retrieval in the morning

Divers inspect the cable and carefully lift it off the lake floor with help of underwater rover

Note: Diagram is illustrative based on details provided in Case 2:21-cv-00073-JDP Document 33-1 Filed 06/02/23.

© 2024 Tahoe Lead Removal Project, LLC

Preferred Partner: J.F. Brennan

- One of AT&T's greatest contributions to the effort was bringing J.F. Brennan to the table
- Over **100+ years of operations**, this Wisconsin-based engineering firm has established itself as the premier marine construction firm in the nation
- They recently completed a high profile underwater cable project in Puget Sound
- We've been fortunate to connect with them multiple times since starting the project
- **They've verbally stated that if we can secure the permits and raise the money that they are willing to do the work!**
- We're ready to engage others as appropriate and see a key role for local firms to play



Sources: jfbrennan.com.

© 2024 Tahoe Lead Removal Project, LLC

Disposal

- At its core, we are executing a **big recycling project**
- Once extracted and loaded into shipping containers, semi-trucks will deliver the sections of lead cables directly to a lead smelting plant
- Recycling the lead and copper in the cable has a wide range of **positive externalities**, including reducing the relative need for dangerous mining of these materials!
- Salvage value will also be recovered which provides opportunity for additional impact





Sources: Left imagine form gme-recycling.com, middle image from cssmindustry.com, right image from Tampa Bay Times.

© 2024 Tahoe Lead Removal Project, LLC

Cost anticipation & approach to fundraising

- As part of the consent decree, AT&T agreed to a conservative amount of up to **$1,500,000** for the physical removal of the cables
- This amount was never adjusted prior to vacating the consent decree, and has been **verified in discussion with J.F. Brennan,** who was clear that costs have risen with inflation since 2021
- There are **additional potential costs**, including transactional, consulting, or legal fees associated with relevant permitting efforts or the costs of the disposal or transportation
- **Insurance** is another key consideration, and we've incorporated that into our budgeting
- Given **salvage value** of copper and lead, overall costs are partially offset by more than $200,000
- We are conservatively forecasting an **all-in cost of $2,400,000**
- **We aim to fund the project with a coalition of partners**, including non-profits, conservancies, and lakefront home owners who have previously stated desire to contribute
- While we are a community effort, **we view the community funding the project as a last resort** and unlikely scenario given the inbound interest we've already received
- We are open to appropriate considerations on both of these fronts

Source: Cost figure sourced directly from Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #22, page 3.

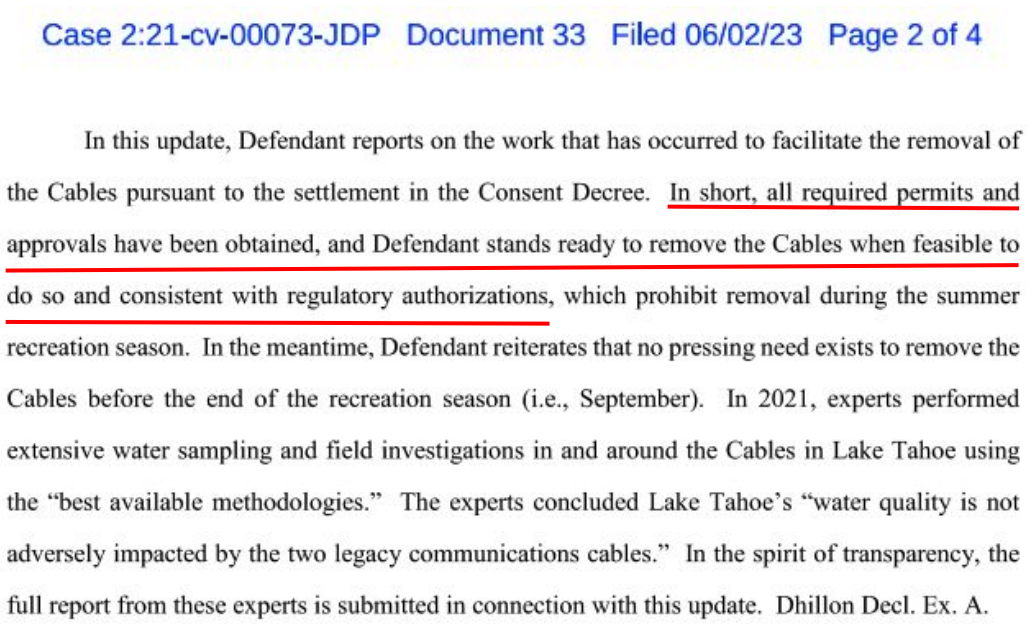
© 2024 Tahoe Lead Removal Project, LLC

7. Initiating Permitting Process

© 2024 Tahoe Lead Removal Project, LLC

Permitting Precedents

- **We are grateful to AT&T** for their due diligence and efforts to establish precisely which agencies are required to provide permits for this project
- In June 2023, AT&T represented in U.S. District Court that *"all required permits and approvals have been obtained"*
- This claim was fundamental to their position that they were doing everything required by the consent decree
- ***If for whatever reason AT&T was incorrect, this fact needs to be escalated ASAP as there are legal implications to misrepresentation***



Case 2:21-cv-00073-JDP Document 33 Filed 06/02/23 Page 2 of 4

In this update, Defendant reports on the work that has occurred to facilitate the removal of the Cables pursuant to the settlement in the Consent Decree. In short, all required permits and approvals have been obtained, and Defendant stands ready to remove the Cables when feasible to do so and consistent with regulatory authorizations, which prohibit removal during the summer recreation season. In the meantime, Defendant reiterates that no pressing need exists to remove the Cables before the end of the recreation season (i.e., September). In 2021, experts performed extensive water sampling and field investigations in and around the Cables in Lake Tahoe using the "best available methodologies." The experts concluded Lake Tahoe's "water quality is not adversely impacted by the two legacy communications cables." In the spirit of transparency, the full report from these experts is submitted in connection with this update. Dhillon Decl. Ex. A.

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #33.

© 2024 Tahoe Lead Removal Project, LLC

Authorizations Required

- From October 2022 to April 2023, AT&T received all the required permits
- This timing aligned with the ~6 month expectations originally outlined
- Their great work **proves that this project is possible** and all agencies are willing to provide authorizations
- We are hopeful that because they were recently issued, the agencies can address our applications accordingly
- We propose a conservative window for removal of **April 1 to May 23, 2025**

Case 2:21-cv-00073-JDP Document 33 Filed 06/02/23 Page 3 of 4

Agency	Approval Date
Lahontan Regional Water Quality Control Board	October 25, 2022
Tahoe Regional Planning Agency	March 9, 2023
California Department of Fish and Wildlife	March 20, 2023
California Department of Parks and Recreation	March 24, 2023
California State Lands Commission	April 3, 2023
U.S. Army Corps of Engineers	April 12, 2023
U.S. Forest Service	April 28, 2023

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint Document #33.

© 2024 Tahoe Lead Removal Project, LLC

Points of contact

- We’re fortunate to have many members of our community contributing to our efforts
- For the permitting process, please find our organizers below



Evan Dreyer
evan@tahoelead.com

- 14+ years in finance industry
- 6+ years as nonprofit board member
- Investor in 50+ startups
- NYU Masters in Risk Management
- Vice President at Rubicon Mutual Water Company



Zach Steeb
zach@tahoelead.com

- 3+ years in real estate development
- 8+ years in corporate finance
- Experience in M&A integrations
- Active CPA since 2014
- North Star homeowner and multi-time Trans Tahoe swimmer



Kate Johnson
kate@tahoelead.com

- Director of Strategy at Propel
- 8+ years of startup experience
- Former External Relations at Google
- South Lake Tahoe resident
- Kayaked around 64 miles of Lake Tahoe shoreline, in a single day

© 2024 Tahoe Lead Removal Project, LLC

In closing

- While this situation has created significant consternation in our community over the past 4 years, we are excited that there is a **direct path to removal**
- **Lake Tahoe is worth preserving** if there is any risk of irreversible negative impact
- **All involved parties have previously agreed** in various forms that these lead cables not only *should* be removed but *can* be removed
- We aim to organize the **same project,** this time driven by our community and not a corporation under threat of legal ramifications
- We are grateful for your consideration and partnership, and hope we can come together to make **something special happen** for Lake Tahoe
- **Let's get the lead out**!

© 2024 Tahoe Lead Removal Project, LLC

Appendix

© 2024 Tahoe Lead Removal Project, LLC

A. Timeline of Events

© 2024 Tahoe Lead Removal Project, LLC

Timeline of key events



June 2020
Local home owners become aware of lead cables

August 2020
CSPA files formal notice of violation of federal and California law

November 2020
Moonshine Ink publishes article regarding situation

December 2020
Local property owners submit 1st formal letter to AT&T council

January 2021
Local homeowners host AT&T personnel on private property, local divers provide tour via boat

CSPA filed a suit in Federal Court against Pacific Bell following tests that confirm presence of lead

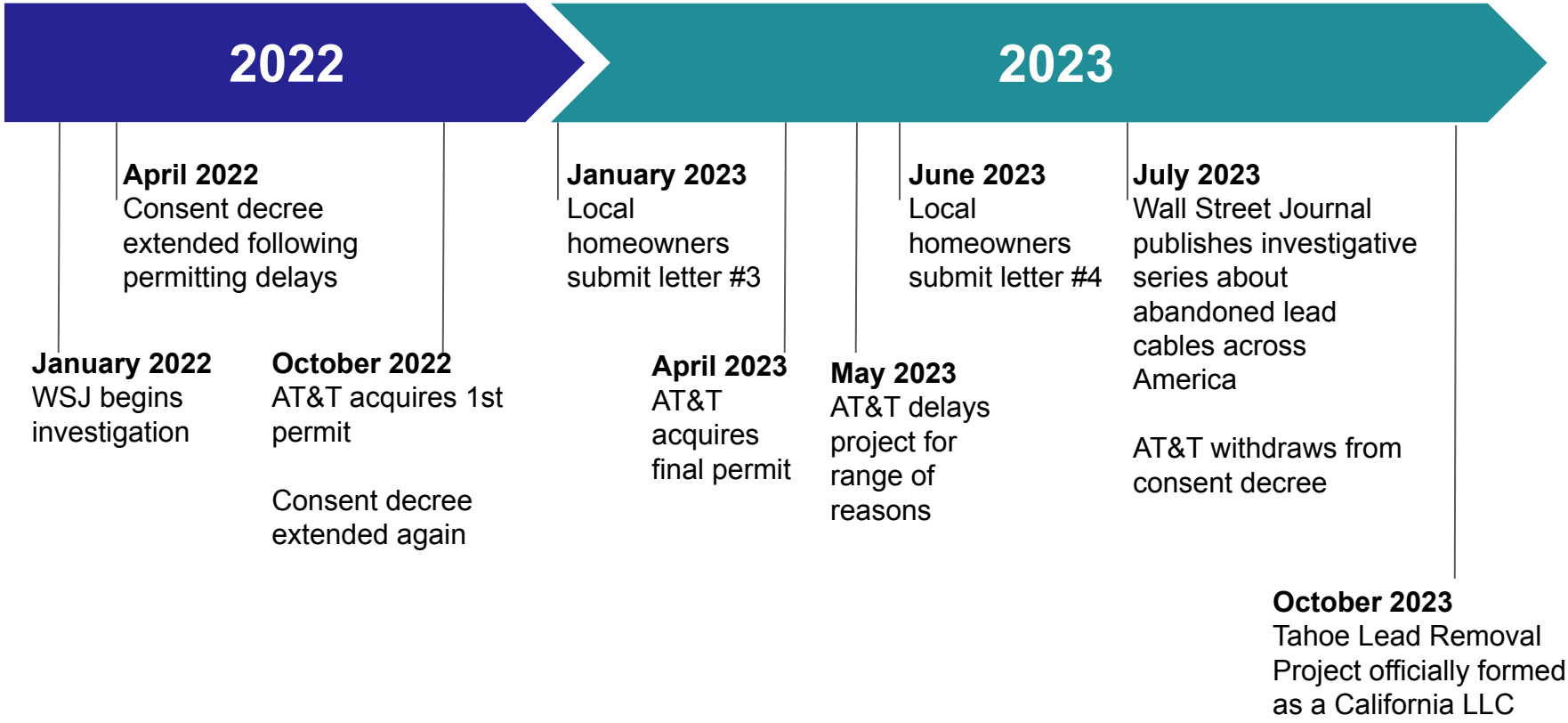
May 2021
Local homeowners submit letter #2

November 2021
CSPA and Pacific Bell enter into a consent decree to avoid burden of litigation; AT&T agrees to remove with $1.5 million budget, permits to be acquired within 6 months

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Internal Tahoe Lead Removal Project actions and considerations.

© 2024 Tahoe Lead Removal Project, LLC

Timeline of key events



Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Internal Tahoe Lead Removal Project actions and considerations.

© 2024 Tahoe Lead Removal Project, LLC

Timeline of key events



February 2024
Tahoe Lead Removal Project publicly launches

April 2024
Tahoe Keys Marina formally agrees to work with Tahoe Lead Removal Project

April to December 2024
Tahoe Lead Removal Project to acquire all 7 authorizations as previously done by AT&T

Project funding to commence once path to permitting has been established and partners confirmed

June to September 2024
Litigation between CSPA and AT&T set to resume following thorough lead testing by both sides

February 2025
Tahoe Lead Removal Project internal deadline for all permits & funding

April to May 2025
Tahoe Lead Removal Project proposed window for removal

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Internal Tahoe Lead Removal Project actions and considerations.

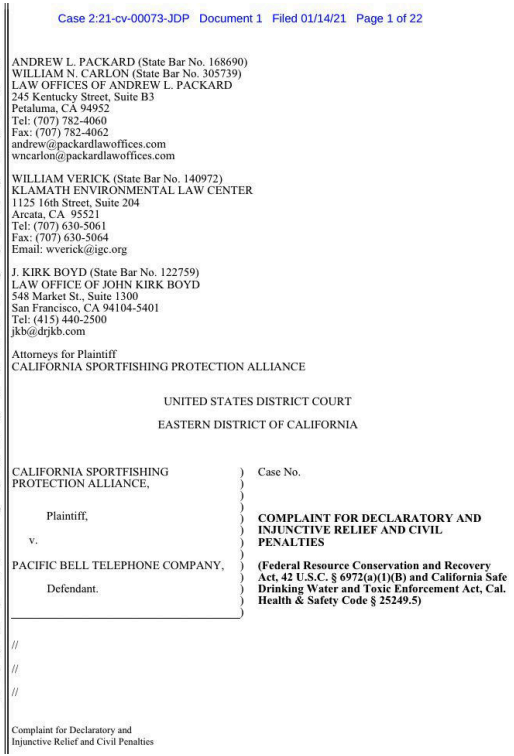
© 2024 Tahoe Lead Removal Project, LLC

B. Litigation Considerations

© 2024 Tahoe Lead Removal Project, LLC

Ligation Consideration: CSPA vs. Pacific Bell

- On January 14, 2021, 3 law groups filed a civil suit on behalf of California Sportfishing Protection Alliance (CSPA) under the Resource Conservation & Recovery Act and Prop 65
- They somehow obtained a portion of the cables, and conducted testing through which “reasonable inference can be drawn” that lead is being disseminated into Lake Tahoe
- Since both sides dissolved the consent decree in July 2023, they have brought in national law firms - Kirkland & Ellis and Aqua Terra Aeris - inappropriately transforming Lake Tahoe into a battleground with bigger implications
- We are respectful and supportive of the legal process; our community includes members who value the work of “environmental watchdogs” and longtime AT&T customers
- We seek a direct path to removal, and generally view this litigation as delaying the appropriate course of action given the potential impact and relative cost of removal



Case 2:21-cv-00073-JDP Document 1 Filed 01/14/21 Page 1 of 22

ANDREW L. PACKARD (State Bar No. 168690)
WILLIAM N. CARLON (State Bar No. 305739)
LAW OFFICES OF ANDREW L. PACKARD
245 Kentucky Street, Suite B3
Petaluma, CA 94952
Tel: (707) 782-4060
Fax: (707) 782-4062
andrew@packardlawoffices.com
wncarlon@packardlawoffices.com

WILLIAM VERICK (State Bar No. 140972)
KLAMATH ENVIRONMENTAL LAW CENTER
1125 16th Street, Suite 204
Arcata, CA 95521
Tel: (707) 630-5061
Fax: (707) 630-5064
Email: wverick@igc.org

J. KIRK BOYD (State Bar No. 122759)
LAW OFFICE OF JOHN KIRK BOYD
548 Market St., Suite 1300
San Francisco, CA 94104-5401
Tel: (415) 440-2500
jkb@drjkb.com

Attorneys for Plaintiff
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING PROTECTION ALLIANCE,

Plaintiff,

v.

PACIFIC BELL TELEPHONE COMPANY,

Defendant.

Case No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL PENALTIES

(Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6972(a)(1)(B) and California Safe Drinking Water and Toxic Enforcement Act, Cal. Health & Safety Code § 25249.5)

//

//

//

Complaint for Declaratory and Injunctive Relief and Civil Penalties

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Complaint — Document #1.

© 2024 Tahoe Lead Removal Project, LLC

The lawsuit continues to be delayed, impairing action

- The Plaintiff claimed they needed more time for testing, even though they originally brought the suit back in January 2021
- **Our community should not be forced to incur this risk** at the convenience of two parties whose interests extend far beyond the Lake Tahoe Basin

Case 2:21-cv-00073-JDP Document 85 Filed 11/27/23

Deadline	Scheduling Order Dkt. No. 70	Proposed Extension
Deadline to file a motion to amend pleadings	10/26/2023	1/15/2024
Notice of subject matter for each expert report	3/22/2024	7/24/2024
Expert disclosures	4/12/2024	8/10/2024
Rebuttal disclosures	5/10/2024	9/20/2024
Last day to hear motions to compel	6/20/2024	11/8/2024
Discovery closes	7/12/2024	12/31/2024
Deadline to file dispositive motions (*not calendared*)	8/8/2024	1/31/2025
Last day to hear dispositive motions	9/12/2024	2/28/2025

Case 2:21-cv-00073-JDP Document 127 Filed 02/13/24

Latest scheduling confirmed by court

Notice of subject matter for each expert report	6/26/2024
Expert disclosures	7/10/2024
Rebuttal disclosures	8/16/2024
Last day to hear motions to compel	9/26/2024
Discovery closes	10/18/2024
Last day to hear dispositive motions	12/19/2024

Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Document #85 and #127.

© 2024 Tahoe Lead Removal Project, LLC

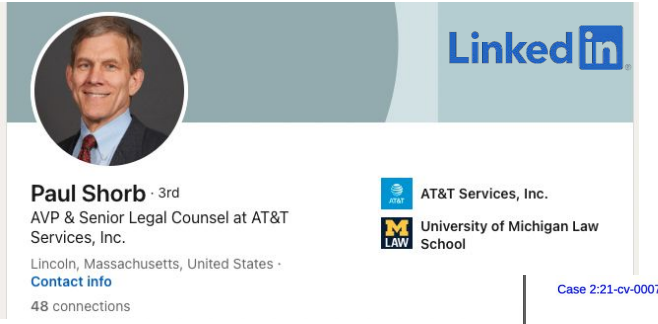
A prolonged legal dispute exacerbates key risks

- The current litigation brings additional layers of **complexity** to an inherently challenging situation
- We appreciate that taking decisive action ahead of finality in this case is complicated
- **Since the beginning we have aimed for a Spring 2025 removal**, specifically given this dynamic - we wanted to ensure the legal proceedings had concluded
- However, it's increasingly apparent that **both sides** are willing to extend this process well into 2025 and perhaps beyond
- This development is concerning, as **key permits expire in 2025** - potentially extending the timeline for removal even if the sides agree on that course of action again
- Given the Wall Street Journal's accusations, its apparent that this is case has nationwide implications which is why the focus is on lead testing - but **Lake Tahoe is not their scientific laboratory**
- **Every year this removal project is delayed and deprioritized increases the risk of catastrophe**
- That's another year of erosion, anchors, and potential for an earthquake

© 2024 Tahoe Lead Removal Project, LLC

AT&T has invested in legal & compliance for years

- For nearly 27 years, AT&T has employed an attorney who specializes in compliance systems, M&A transactions and submarine cables
- This lawyer signed the November 2021 consent decree



LinkedIn

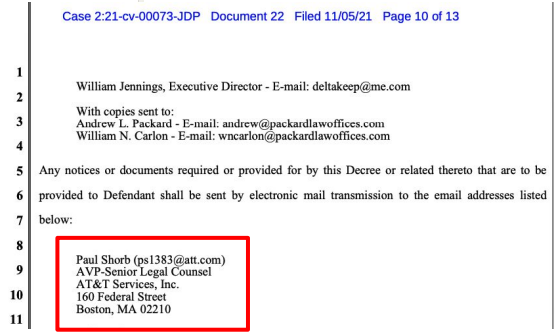
Paul Shorb · 3rd
AVP & Senior Legal Counsel at AT&T Services, Inc.
Lincoln, Massachusetts, United States · Contact info
48 connections

AT&T Services, Inc.
University of Michigan Law School

About

Attorney specializing in environmental law since 1982.

Specialties: Compliance systems; M&A transactions; submarine cables



Case 2:21-cv-00073-JDP Document 22 Filed 11/05/21 Page 10 of 13

William Jennings, Executive Director - E-mail: deltakeep@me.com

With copies sent to:
Andrew L. Packard - E-mail: andrew@packardlawoffices.com
William N. Carlon - E-mail: wncarlon@packardlawoffices.com

Any notices or documents required or provided for by this Decree or related thereto that are to be provided to Defendant shall be sent by electronic mail transmission to the email addresses listed below:

Paul Shorb (ps1383@att.com)
AVP-Senior Legal Counsel
AT&T Services, Inc.
160 Federal Street
Boston, MA 02210

Experience

General Attorney
AT&T Services, Inc.
Sep 1997 - Present · 26 yrs 9 mos
New Haven, CT

> Responsible for providing legal advice on environment, health & safety matters to all operating companies affiliated with AT&T Inc.
> Support project permitting, development and refinement of compliance systems, contracting, government affairs, branding and litigation related to environmental requirements.

Director
Beveridge & Diamond, P.C.
Jan 1990 - Aug 1997 · 7 yrs 8 mos

> Led the environmental due diligence, cost estimating and contract language negotiation for the transfer of industrial businesses in about 50 transactions.
>Negotiated multimillion-dollar cleanup plans with governments regarding several contaminated industrial sites, and related cost-sharing agreements with private parties.
> Provided environmental compliance advice to industrial and other clients and defended government enforcement actions.

Associate
Heller Ehrman
1987 - 1989 · 2 yrs

Associate
Beveridge & Diamond, P.C.
1983 - 1987 · 4 yrs

Source: LinkedIn as accessed May 4, 2024. Source: Courtlistener CA Sportfishing Protection Alliance v. Pacific Bell Telephone Co. Document #22.

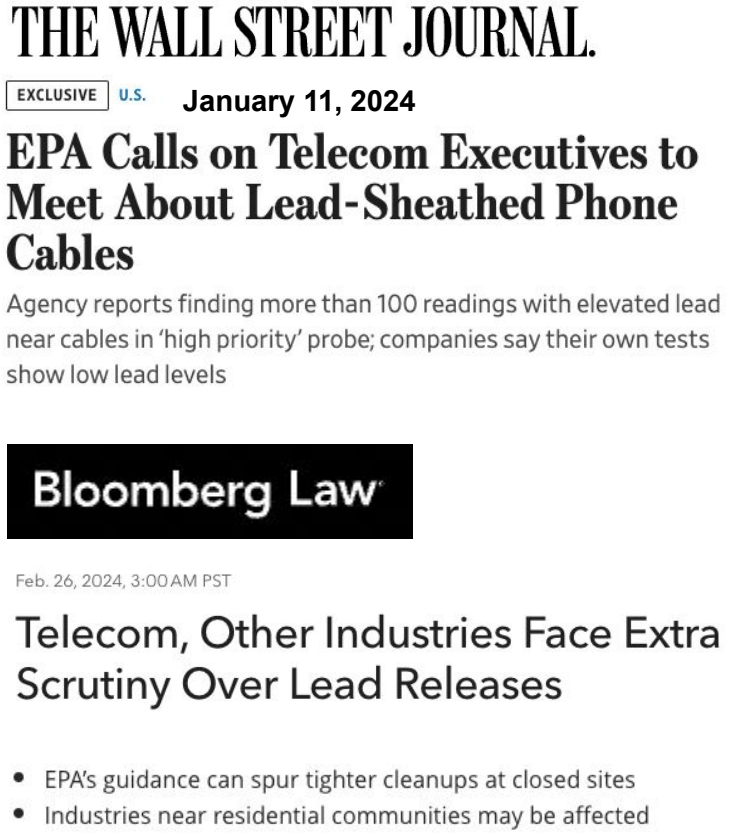
© 2024 Tahoe Lead Removal Project, LLC

C. Nationwide Momentum

© 2024 Tahoe Lead Removal Project, LLC

EPA continues to press on this issue nationwide

- In January 2024, EPA sent letters requesting telecommunication companies to meet with the agency about their lead-sheathed phone cables
- This action was a new phase of an EPA investigation to protect the public from potential lead hazards, previously launched in 2023
- EPA testing in 3 states near telecom lead-cable locations identified found 101 results, 41% of the samples taken, exceeded the EPA's lead-safety guideline for children
- Our group has connected with the EPA on these specific lead cables, including direct dialogue with the Lake Tahoe Basin Coordinator



THE WALL STREET JOURNAL.

EXCLUSIVE U.S. **January 11, 2024**

EPA Calls on Telecom Executives to Meet About Lead-Sheathed Phone Cables

Agency reports finding more than 100 readings with elevated lead near cables in 'high priority' probe; companies say their own tests show low lead levels

Bloomberg Law

Feb. 26, 2024, 3:00 AM PST

Telecom, Other Industries Face Extra Scrutiny Over Lead Releases

- EPA's guidance can spur tighter cleanups at closed sites
- Industries near residential communities may be affected

Source: https://www.wsj.com/us-news/epa-calls-on-telecom-executives-to-meet-about-lead-sheathed-phone-cables-52627f24
https://news.bloomberglaw.com/environment-and-energy/telecom-other-industries-face-extra-scrutiny-over-lead-releases

© 2024 Tahoe Lead Removal Project, LLC

Elected representatives have joined in call for action

- There is bipartisan consensus around this issue, as confirmed by members of both the U.S. Senate and House of Representatives
- Representatives on both side of the aisle commenting on these potential risks to our communities highlights the importance of this issue and path forward

"There is no safe level of lead exposure—none—which is why I'm so disturbed by these reports of lead cable lines throughout the country"

Representative Frank Pallone, Jr (R., NJ), ranking member of the House Energy and Commerce committee

"We take seriously the concerns raised about potential lead exposure from communications lines—including the infrastructure that first connected so many remote and rural parts of the country," FCC spokesperson



THE WALL STREET JOURNAL.

POLITICS **July 11, 2023**

Lawmakers Demand Telecom Firms Act on Toxic Lead Cables After WSJ Investigation

Sen. Markey says it is 'corporate irresponsibility' for firms to leave behind lead; telecom companies say the cables are safe

"Exposure to lead in our soil and water can significantly harm public health, especially for children in frontline communities. As we learn more about the impact of these abandoned lead cables across our country, we must ensure that we are taking all the necessary steps and actions to protect communities from lead exposure."

U.S. Senator Tom Carper (D., Del.), chairman of the Environment and Public Works Committee

Source: https://www.wsj.com/articles/lawmakers-demand-telecom-firms-act-on-toxic-lead-cables-after-wsj-investigation-9c4f6a09

© 2024 Tahoe Lead Removal Project, LLC