TRPA
GOVERNING BOARD PACKETS

JUNE
1985
June 1985

Governance Board

TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on June 26 and 27, 1985, commencing at 9:30 a.m. each day, the Governing Body of the Tahoe Regional Planning Agency will conduct its regular meeting at 2155 South Avenue, South Lake Tahoe, California. The agenda for said meeting is attached to and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, June 26, 1985, commencing at 8:30 a.m., in the same location, the Finance Committee will meet to discuss the following: 1) status of Nevada Legislative Auditor Report; 2) status of FY 1984-85 budget; 3) status of FY 1985-86 and 1986-87 budget requests; 4) approval of TRPA/Caltrans Overall Work Program FY 1985-86; 5) approval of local jurisdiction claims for TDA funds; and 6) receipt of May financial statement.

NOTICE IS FURTHER GIVEN that at the conclusion of the Wednesday, June 26, 1985 session, in the same location, the Litigation Committee will meet to discuss additional legal support.

Date: June 13, 1985

By: William A. Morgan
Executive Director
Tahoe Regional Planning Agency

NOTE Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.
PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CONSENT CALENDAR

V SPECIAL REPORT
   A. Legal Counsel Representation of the Agency
   B. Tahoe-Transportation District (TTD) Status Report

VI PLANNING MATTERS
   A. Report on Apparent Discrepancies in Water Quality Analyses
   B. Regional Plan Work Program

VII ENFORCEMENT
   A. Don Steinmeyer/Lakeside Tennis Club, Show Cause Hearing, Unauthorized
      Construction of a Swimming Pool and Deck, 955 Tahoe Boulevard, Incline
      Village, Washoe County
   B. Reports
      1. Tom Montesano, Status of Compliance With Board Direction,
         534 Cole Circle, Incline Village, Washoe County APN 122-135-15
      2. Manny Beals, Status of Compliance With Board Direction,
         Douglas County APN 03-141-01, 03-142-01 and 03-145-01
      3. Other

VIII LITIGATION
   A. Consideration of Litigation in the Following:
      1. State of California/League to Save Lake Tahoe v. TRPA
      2. Tahoe Sierra Preservation Council v. TRPA, et al (Eastern
         District of California and District of Nevada)
B. Closed Litigation Session to Confer on the Following:

1. State of California/League to Save Lake Tahoe v. TRPA

2. Tahoe Sierra Preservation Council v. TRPA, et al (Eastern District of California and District of Nevada)

IX ADMINISTRATIVE MATTERS

A. Finance Committee Report and Recommendations

B. Selection of New Location for TRPA Office

C. Litigation Committee Report and Recommendations

D. Other

X REPORTS

A. Executive Director

1. Projects Approved at Staff Level

2. Other

B. Legal Counsel

C. Executive Session

D. Governing Body Members

E. Public Interest Comments

XI CORRESPONDENCE

XII RESOLUTIONS

XIII PENDING MATTERS

XIV ADJOURNMENT
CONSENT CALENDAR

Clearinghouse Review - Staff recommends that letters be sent to the U.S. Forest Service indicating that no conflicts are foreseen between the following acquisitions and the Agency's plans, rules and regulations, as currently drafted.

- Galena Resort Company, 872± Acres, Washoe County
- Clyde Gail and Donna Andress, 40.75± Acres, Washoe County

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommended Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freitas, Request for Finding of Vested Right, Single Family Dwelling, El Dorado County APN 29-371-16, TRPA File #84263</td>
<td>Approval with findings</td>
</tr>
</tbody>
</table>

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III(g) Public Law 96-551
MEMORANDUM

June 14, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: U.S. Forest Service/Galena Resort Company, Clearinghouse Review, Acquisition of 872+ Acres, Washoe County

As the area wide clearinghouse for the Tahoe Basin, TRPA has been asked by the U.S. Forest Service to comment on the compatibility of a property acquisition with the Regional Plan and other applicable Agency documents.

The U.S. Forest Service intends to acquire 872+ acres of sensitive land from the Galena Resort Company. The land is within the Lake Tahoe Basin, and is described as sensitive in the Environmental Impact Statement completed for the Burton-Santini Act (PL 96-586). The statement, while describing the land as sensitive, concluded that it should be classified as low risk for immediate development. As such, it is not available for purchase using Burton-Santini land acquisition funds. The funds to be used are other non Burton-Santini Land and Water Conservation Funds.

The property is within the northern-most portion of the Lake Tahoe Basin, north and at the upper elevations from the Incline Village residential area. Purchase will preclude possible future development, and allow erosion control work on roadways and other sensitive areas to proceed. The long term benefits are difficult to quantify, but would appear to be significant.

Staff recommends that a letter be forwarded to the U.S. Forest Service indicating that no conflicts are foreseen between the proposed acquisition and the Regional Plan, and other applicable Agency documents to date.

SC:mlm
6/14/85
MEMORANDUM

June 14, 1985

To: TRPA Governing Board
From: Agency Staff
Subject: U.S. Forest Service/Clyde Gail and Donna Andress, Clearinghouse Review, Purchase of 40.75+ Acres

As the area wide clearinghouse for the Tahoe Basin, TRPA has been asked by the U.S. Forest Service to comment on the compatibility of a property acquisition with the Regional Plan and other applicable Agency documents.

The U.S. Forest Service intends to acquire 40.75+ acres of sensitive land from Mr. Clyde and Mrs. Clyde G. Andress near the Tunnel Creek Station. The land is within the Lake Tahoe Basin, and is described as sensitive in the Environmental Impact Statement completed for the Burton-Santini Act (PL 96-586). The statement, while describing the land as sensitive, concluded that it should be classified as low risk for immediate development. As such, it is not available for purchase using Burton-Santini land acquisition funds. The funds to be used are other non Burton-Santini Land and Water Conservation Funds.

The parcel is located approximately two miles from the eastern edge of the Incline Village residential area. Acquisition will preclude future development and allow erosion control work on roadways and other sensitive areas to proceed.

Staff recommends that a letter be forwarded to the U.S. Forest Service indicating that no conflicts are foreseen between the proposed acquisition and the Regional Plan, and other applicable Agency documents to date.
Freitas, Request for Finding of Vested Right,  
Single Family Dwelling, El Dorado County  
APN 29-371-18, TRPA File #84263  

Applicant: Rose Freitas  

Land Use District: High Density Residential (HDR)  

Land Capability Classification: Level 7, EfB Soil Type  

Project Location: 3679 Primrose, El Dorado County  

Project History: On October 24, 1980, a CTRPA permit was issued for construction of a single family residence on the subject property. On December 19, 1980, the City of South Lake Tahoe Building Department issued a permit for construction of the subject dwelling. The proposed residence conformed to land capability coverage and height limitations, as well as all other criteria set forth by the City of South Lake Tahoe, CTRPA and TRPA.  

Construction of the foundation for the subject dwelling was begun in July, 1981 and was completed and inspected by the City of South Lake Tahoe Building Department on August 14, 1981. To date, no additional work has been performed on the subject site. The original City of South Lake Tahoe building permit expired June 27, 1982. One year later, on June 27, 1983, the permit was reinstated for an additional 120 days until May 10, 1984. As no additional site work or Building Department inspections occurred between June 27, 1983 and May 10, 1984, the local building permit again expired.  

On February 7, 1985, the City of South Lake Tahoe notified the applicant of the permit expiration and requested written approval from the TRPA prior to reissuing a building permit for construction of the dwelling (see attached Exhibit A).  

Vested Rights Findings: In support of his request, the applicant has submitted information relative to costs incurred in pursuit of completion of the project (see attached Exhibit B). Pertinent factors that should be considered in review of the claim for a finding of vested right include the following:  

1. The original building permit obtained by the applicant was valid and did not require review or approval by TRPA.  

2. The construction which has taken place on site was performed in compliance with a valid permit issued prior to December 19, 1980.  

3. Construction which has taken place on site includes:  
   a. Excavation and grading for foundation.  

RA:jf  
6/3/85  

CONSENT CALENDAR
b. Construction of the foundation.

4. The expenditures and work performed can be used only for a single family dwelling which is the use for which the vested right is being claimed.

5. All necessary governmental approvals and permits for construction have been obtained by the applicant prior to August 27, 1983.

6. Substantial expenditures for actual construction subsequent to and in good faith reliance on said valid governmental approvals and permits have occurred.

Staff Findings: Based upon the substantial evidence submitted in support of this request, staff recommends that a finding of vested rights for construction of a single family dwelling be granted to the applicant.
Mr. and Mrs. Ralph Freitas
17000 Roberto St.
Castro Valley, CA 94546

RE: 3679 Primrose, Permit #17553

A recent inspection of your property has indicated to our department that no work has been done on your permit since August 14, 1981. Our records show that the permit was issued on October 24, 1980 for the construction of a new single family dwelling and garage. Since the date of issuance we have on record only four inspections, the last being on August 14, 1981 for the foundation blocks.

Under the Uniform Building Code of 1976, which was in effect at the time your permit was issued, one hundred and twenty days were allowed between inspections. Upon expiration of a permit a period of one year is allowed in which to reinstate it. The one-time-only extension of the permit carries it another 120 days. In your case, the permit first expired June 27, 1982. One year later on June 27, 1983 your permit was reinstated for another 120 days. Since then no inspections have followed and your permit subsequently expired again on May 10, 1984. On May 24, 1984 our office was notified by the Tahoe Regional Planning Agency (T.R.P.A.) that your permit had expired. We have now found it necessary to clarify the proceedings on your property. Therefore, we are requesting of you to either relinquish your permit and sewer allocations with our office, T.R.P.A., and the sewer district (S.T.P.U.D.), whereby you would then be required to remove the foundation and return the lot to its original state, or if you still desire to build the house you must obtain written approval from T.R.P.A. before proceeding with any work. Whichever option you choose, we ask you to please respond within fourteen days of receipt of this letter. If you fail to communicate with our office within the specified time we will have no alternative but to relinquish your permits.

Thank you in advance for a timely and prompt response to this letter. Feel free to contact our office at the above number if you have further questions.

Sincerely,

William E. Niles
Building Official, City of South Lake Tahoe

cc: Dennis Crabb, City Attorney
T.R.P.A.
EXPENSES LOT #11 BLOCK 1 PINEWOOD TERRACE  
3679 PRIMROSE SO. LAKE TAHOE, CALIFORNIA 

So. Lake Tahoe Public Ut. 8-17-81 $400.00 
Water Connection Fee 400.00 
Water for Year 69.50 
Materials 469.50 

Jones and Turner 7-21-81 
Survey 200.00 

North Tahoe Const. 7-21-81 (stumps) 50.00 
Dig. Foundation & 3 Trees 140.00 
190.00 

C.R. Coleman 7-25-81 
Remove remaining stumps 350.00 

So. Tahoe Block Co. 
From 8-3-81 thru 8-15-81 1236.29 

Western Concrete 8-11-81 
573.99 

Carson Tahoe Rents 8-15-81 thru 8-18-81 
Gas Mixer 96.80 

Clear Lot and Slash 
Week of 7-18-81 227.21 

Misc. items 24.90 

Burt Parsons (help w/foundation) 
Rent Allowance 40.00 
3408.69 

Ralph Freitas 1/2 of above 
1/2 Labor chg. Darrell Beal 1704.00 
1000.00 $2704.00 

Rose Cook Freitas 1/2 above 
Labor chg. Darrell Beal 1704.00 
1000.00 $2704.00 

Ralph Freitas paid 350.00 
Survey 200.00 

EXHIBIT B
MEMORANDUM

June 19, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Legal Counsel Representation of the Agency

This item has been withdrawn from the agenda.

jf
6/19/85

AGENDA ITEM V
MEMORANDUM

June 17, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Report on Apparent Discrepancies in Water Quality Analyses

Introduction

At the February Governing Board meeting, Mr. Haagen asked the staff to analyze apparent discrepancies between two water quality reports. One report, the Lake Tahoe Basin Water Quality Plan (California SWRCB, 1980), indicates there are 142 tonnes* of dissolved nitrogen per year entering the Lake from tributary streams. Another report, the Study Report for the Establishment of Environmental Threshold Carrying Capacities (TRPA, 1982), indicates there are only 10 tonnes per year entering the Lake through this route.

In addition, the draft Study Report (May, 1982) discusses the discrepancy between the 10 and 142 tonne/year estimates, but the final Study Report (October, 1982) drops this discussion and represents the SWRCB's estimate as 19 tonnes/year.

Specifically, Mr. Haagen asked the staff to determine whether TRPA's thresholds are based on incorrect information from the SWRCB's Basin Plan.

Response

The confusion over these various estimates stems from differing definitions of the term "dissolved nitrogen". There are two forms of dissolved nitrogen entering Lake Tahoe from its tributaries, dissolved inorganic nitrogen ("DIN") and dissolved organic nitrogen ("DON"). The inorganic forms come from precipitation, soil disturbance, fertilizers, and sewage. The organic forms come primarily from the breakdown of organic matter in the watershed.

* metric tons (1,000 kg or 2,200 lbs.)

DZ:jf
6/17/85

AGENDA ITEM VI A.
Although DON is a large component of the Lake's annual nutrient load, monitoring of DON is technically difficult, data on DON are spotty, and the role of DON in algal production is not well understood. DIN is easier to measure, and most water quality data from Lake Tahoe and its tributaries represent DIN. Also, algae are known to utilize DIN readily. It is important to note that the nitrogen budget in the Threshold Study Report is based on DIN only. On page 4-20 of the Study Report, the authors discuss the "largely unknown" importance of DON to Lake Tahoe's water quality and explain their reasoning for not including this type of dissolved nitrogen in their conceptual model.

At the time of preparation of the draft Threshold Study Report, the authors assumed that the 142 tonne/year estimate in the SWRCB's Basin Plan included only DIN, since the Basin Plan was not clear. The draft Study Report (May 1982), therefore, dismissed the 142 tonne/year estimate as an erroneous result from a modeling process. Subsequent to the publication of the draft Study Report, however, the SWRCB informed the TRPA staff and consultants that the 142 tonne/year estimate included DIN and DON and that the annual DIN load was approximately 19 tonnes/year. The Study Report authors revised their final report to reflect this information.

The final Study Report also discusses the difference between its estimate of 10 tonnes/year and the previous TRPA and SWRCB estimates of 19 tonnes/year. Briefly, the 10 tonnes/year estimate is based on an extrapolation of actual tributary data on flows and concentrations, and is considered superior to the other estimates which were based on theoretical models.

Although the ambiguity in the SWRCB's Basin Plan created some temporary confusion for the authors of the Study Report, the issue was resolved in the final Study Report to the satisfaction of the staff and the Agency's consultant. In the staff's opinion, the existence of ambiguity in the SWRCB's Basin Plan does not mean that the TRPA's water quality thresholds were based on incorrect data, nor that the SWRCB's Basin Plan was based on incorrect data.

At the June Governing Board meeting, the staff will give a brief report on this issue and answer questions from the Board. Please contact Dave Ziegler at (916) 541-0249 if you have any questions or comments on this memorandum.
LOADING RATES OF NITROGEN TO LAKE TAHOE
### Table 4-4. DIN Budget for Lake Tahoe

<table>
<thead>
<tr>
<th>Water Year</th>
<th>Precipitation and dry deposition</th>
<th>Surface runoff</th>
<th>Groundwater</th>
<th>Sedimentation</th>
<th>Truckee River outflow</th>
<th>Net input, tonnes/ year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>40-66</td>
<td>14.3</td>
<td>14.3</td>
<td>20-50</td>
<td>2.2</td>
<td>16-72</td>
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<tr>
<td>1974</td>
<td>40-66</td>
<td>14.8</td>
<td>14.8</td>
<td>20-50</td>
<td>4.6</td>
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<td>20-50</td>
<td>3.9</td>
<td>20-76</td>
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<tr>
<td>1976</td>
<td>40-66</td>
<td>5.7</td>
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<td>20-50</td>
<td>3.6</td>
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<td>2.2</td>
<td>(-7)-49</td>
</tr>
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<td>20-50</td>
<td>1.0</td>
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<td>1979</td>
<td>40-66</td>
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</tbody>
</table>

As discussed previously, the actual amount of precipitation, and the resultant DIN load, falling on Lake Tahoe has not been measured. The DIN load from precipitation was estimated to be 60 to 100 percent of the DIN load measured at the TRG's Ward Valley bench station. This results in a DIN load of 40 to 66 tonnes/year, which is a large range relative to the other sources of DIN to the lake.

The load from surface runoff in the tributaries was estimated to range from 2 to 17 tonnes/year, with an average of 10 tonnes/year. This estimate was based on DIN load data collected by the TRG on the Upper Truckee River, Trout Creek, Blackwood Creek, and Ward Valley. Since 44 percent of the total runoff to the lake comes from these four tributaries, the estimate is likely to be close to actual conditions. It is not possible to calculate an accurate basinwide load without intensive flow and DIN concentration sampling on each stream in the Basin. The TRPA (1977) estimate of the nitrate load from tributaries was 19 tonnes/year. Since ammonia concentrations in the tributaries are below the analytical detection limit, the nitrate load of 19 tonnes/year represents the DIN load. The TRPA estimate is about twice as much as the current estimate of 10 tonnes/year. The TRPA estimate is likely to be high since it was based on the nitrate concentration in runoff. The DIN load estimate of 10 tonnes/year is comparable to the California State Water Resources Control Board's (SWRCB) estimate of 19 tonnes/year (SWRCB, 1980). The SWRCB's estimate was based on a model relating land use and land capability to sediment load. The nitrate load was calculated by multiplying the sediment load by the ratio of nitrate to suspended sediment in surface runoff.
The groundwater DIN load is based solely on the TRG data collected in Ward Valley, which is the only data available on DIN loads in groundwater. The estimate of 2 to 17 tonnes/year is probably reasonable but much more work needs to be done before an accurate estimate of the groundwater load can be made.

The loss of 20 to 50 tonnes of DIN per year to sedimentation is based on preliminary data collected by the TRG. They estimated that 200 to 500 tonnes/year of total N is lost to sedimentation. This estimate is based upon an analysis of the rate of sedimentation shown in core sampling of the lake bottom and an analysis of the nitrogen content of bottom sediments. Since the DIN concentration in the lake is approximately 10 percent of the total N concentration, they estimated the DIN loss to sedimentation was 10 percent of the total N loss. The DIN loss to sedimentation is actually a loss of organic N that would have been converted to DIN if sedimentation had not occurred. A DIN loss of 20 to 50 tonnes/year to sedimentation represents a small loss from the 2,000 tonnes nitrate pool in the lake; however, the range from 20 to 50 tonnes/year is quite large in comparison to the other sources and losses in the nitrate budget.

The Truckee River outflow loss of 1 to 5 tonnes/year was based on measured flows in the Truckee River and estimated concentrations in lake water. The concentrations ranged from 13 ug/l in 1973 to 14.6 ug/l in 1981. These are the average concentrations in Lake Tahoe in these two years. These estimates of the outflow loss of DIN are probably high since the average DIN concentration in the surface waters of the lake is lower than the average concentration throughout the water column of the lake. The DIN lost in the outflow of the Truckee River is small in comparison to the loss due to sedimentation.

The load of DIN to Lake Tahoe from all sources ranges from 44 to 100 tonnes/year. The loss to sedimentation and the Truckee River outflow ranges from 21 to 55 tonnes/year. In any one year, there can be a net loss of DIN from Lake Tahoe as shown by the drought year of 1977; however, on the average more DIN goes into the lake than is lost from the lake. This results in an accumulation of DIN in Lake Tahoe. In 1973, the average DIN concentration in the lake was estimated to be 13.0 ug/l (Paerl et al., 1975). In 1981, the average DIN concentration was estimated to be 14.6 ug/l (Goldman et al., 1982). This increase in the DIN concentration represents an increase in the accumulated DIN load from 2,015 to 2,260 tonnes. This load of DIN is mixed into the euphotic zone when the lake mixes during the spring. The DIN and other nutrients that are mixed into the surface waters stimulate primary productivity. As the accumulated load increases, more DIN is introduced into the euphotic zone when the lake mixes.
nitrate sources and losses that were discussed in the previous section. Table 4-4 presents the estimated nitrate loads from precipitation, surface runoff, and groundwater and the amounts of nitrate lost due to sedimentation and outflow in the Truckee River from 1973 to 1981.

Table 4-4. Nitrate Budget for Lake Tahoe

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As discussed previously, the actual amount of precipitation, and the resultant nitrate load, falling on lake Tahoe has not been measured. The nitrate load from precipitation was estimated to be 60 to 100 percent of the nitrate load measured at the TRG's Ward Valley Bench Station. This results in a nitrate load of 40 to 66 tonnes/year, which is a large range relative to the other sources of nitrate to the lake.

The load from surface runoff in the tributaries was estimated to range from 2 to 17 tonnes/year, with an average of 10 tonnes/year. This estimate was based on nitrate load data collected by the TRG on the Upper Truckee River, Trout Creek, Blackwood Creek, and Ward Valley. Since 44 percent of the total runoff to the lake comes from these four tributaries, the estimate is likely to be close to actual conditions. It is not possible to calculate an accurate basinwide load without intensive flow and nitrate concentration sampling on each stream in the basin. The TRPA (1977) estimate of the nitrate load from tributaries was 19 tonnes/year. This is about twice as much as the current estimate of 10 tonnes/year. The TRPA estimate is likely to be high since it was based on the nitrate concentration in runoff. The nitrate load estimate of 10 tonnes/year differs greatly from the California State Water
Resources Control Board's estimate of 142 tonnes/year (CSWRCB, 1980). The State Board's estimate was based on a model relating land use and land capability to sediment load. The nitrate load was calculated by multiplying the sediment load by the ratio of nitrate to suspended sediment in surface runoff. The State Board's estimate of the dissolved N load appears to be quite high. If the nitrate load to Lake Tahoe was 142 tonnes/year, the average nitrate concentration in the tributaries would have to be 381 ug/l. As discussed in the section on tributaries, the mean nitrate concentration in streams draining developed areas is 24 ug/l and the mean concentration in streams draining undeveloped areas is 6 ug/l. The mean nitrate concentration in urban runoff is 126 ug/l, as discussed in the section on surface runoff. The actual tributary nitrate load to Lake Tahoe is likely to be much closer to 10 tonnes/year than to 142 tonnes/year.

The groundwater nitrate load is based solely on the TRG data collected in Ward Valley, which is the only data available on nitrate loads in groundwater. The estimate of 2 to 17 tonnes/year is probably reasonable but much more work needs to be done before an accurate estimate of the groundwater load can be made.

The loss of 20 to 50 tonnes of nitrate per year to sedimentation is based on preliminary data collected by the TRG. They estimated that 200 to 500 tonnes/year of total N is lost to sedimentation. This estimate is based upon an analysis of the rate of sedimentation shown in core sampling of the lake bottom, and an analysis of the nitrogen content of bottom sediments. Since the nitrate concentration in the lake is approximately 10 percent of the total N concentration, they estimated the nitrate loss to sedimentation was 10 percent of the total N loss. A nitrate loss of 20 to 50 tonnes/year to sedimentation represents a small loss from the 2,000 tonne nitrate pool in the lake; however, the range from 20 to 50 tonnes/year is quite large in comparison to the other sources and losses in the nitrate budget.

The Truckee River outflow loss of 1 to 5 tonnes/year was based on measured flows in the Truckee River and estimated concentrations in lake water. The concentrations ranged from 13 ug/l in 1973 to 14.6 ug/l in 1981. These are the average concentrations in Lake Tahoe in these two years. These estimates of the outflow loss of nitrate are probably high since the average nitrate concentration in the surface waters of the lake is lower than the average concentration throughout the water column of the lake. The nitrate lost in the outflow of the Truckee River is small in comparison to the loss due to sedimentation.
MEMORANDUM

June 19, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Regional Plan Work Program

In conjunction with the development of a comprehensive work program for FY 85-86, the staff is developing a detailed schedule for refining the Regional Plan and completing the related ordinances and implementing programs. In the area of the Regional Plan Work Program, the Agency's goal is to resolve the conflicts over certain key issues and to complete the entire Regional Plan framework. A synopsis of the complaints in current litigation is attached.

To reach our goal, the staff has recommended that controversial issues be identified and then resolved, through a consensus-building approach involving those who have major stakes in the outcome and professional, trained facilitators. Bill Morgan and Gordon Barrett will be talking to some potential facilitators on Tuesday, June 25.

Consensus-Building Process

To date, the staff has identified five issues that it feels should be resolved through the consensus-building process:

1. land coverage limitations
2. treatment of sensitive lands
3. treatment of pipeline projects
4. allocation limits on new development
5. phasing of development and the individual lot evaluation system.

DZ:jf
6/19/85

AGENDA ITEM VI B.
Memo to the Governing Board
Regional Plan Work Program
June 19, 1985 page two

At its June 12 meeting, the APC recommended the following additional topics for the consensus-building approach:

6. redevelopment
7. involvement of state and local government in Plan implementation
8. shorezone protection policies.

At this time, the staff desires Governing Board direction on the adequacy of this list of issues for which the consensus-building approach will be used. Should additional topics be added or should topics be removed from the list? The Board will note that several topics which have been controversial in the past are not on the staff or APC lists and, therefore, will be resolved through the usual process of consideration by APC committee, the full APC, and the Governing Board. Some of these topics are:

1. review of specific plans and master plans
2. development of monitoring programs.
3. water quality and traffic mitigation fees
4. transfer of development rights.

Potential Threshold Revisions

As the Agency develops a work program for refining the Regional Plan, it must determine which threshold standards, if any, require revision. To the extent that a threshold is directly related to one of the consensus-building topics (e.g., the coverage threshold), the staff feels that the final consensus should address possible changes to the thresholds as well as Agency Goals and Policies. Certain other thresholds, however, may require strictly technical amendments (e.g., the littoral zone turbidity threshold). Again, the staff recommends these noncontroversial changes be accomplished through the usual process of APC and Governing Board review.

Key Milestones

Although the staff is still working on the details of a six-month schedule to refine the Regional Plan and complete the ordinances and implementing programs, several key milestones have been tentatively agreed upon at the staff level, as follows:

Consensus achieved on key issues October 1, 1985
Completion of Governing Board review January 22, 1986
of elements of Regional Plan framework

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Memo to the Governing Board
Regional Plan Work Program
June 19, 1985  page three

In the next three months, the Governing Board can anticipate review for approval of the following items:

**Code of Ordinances**
- General Provisions (Chapter 1)
- Subdivision (Chapter 3)
- Water Quality (Chapter 7)
- Air Quality/Transportation (Chapter 8)

**Other Regulations**
- Revised BMP Handbook

**Additional Information**

At the June Board meeting, the staff will make a brief presentation on the proposed schedule and receive questions and comments from the Board. If there are any questions prior to the June meeting, contact Dave Ziegler at (916) 541-0249.
TRPA LAWSUITS
ANALYSIS OF COMPLAINTS

State of California/League to Save Lake Tahoe v. TRPA

<table>
<thead>
<tr>
<th>Complaints (Court Ruling)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Plan adopts a system of land coverage which conflicts with the soil environmental threshold carrying capacities. (Policy issue)</td>
<td>This is a major and sensitive issue. Options are: 1) revise thresholds; 2) revise method of calculation, i.e. parcel by parcel; 3) utilize banking TDR; and 4)</td>
</tr>
<tr>
<td>2 The TRPA has failed to adopt adequate V(g) findings. (Completed Plan issue)</td>
<td>This is a minor issue and requires the rewording of the existing findings and a careful establishment of the linkages between thresholds and projects.</td>
</tr>
<tr>
<td>3 Plan allows for approval of development inconsistent with thresholds (pipeline projects). (Policy issue)</td>
<td>The major problem is the 87 case-by-case applications (and 199?) and some of the vested lll. A minor problem is the requirement of reserving allocations for the California SFD's.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complaints (Not Ruled On)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Plan fails to include explicit provisions for attainment of thresholds, required time schedules, and monitor programs. (Completed Plan issue)</td>
<td>The complete Regional Plan must be drafted and the individual thresholds must be addressed. Minor problem but very time consuming unless 5-year test is made more restrictive.</td>
</tr>
<tr>
<td>2 Plan does not include an integrated Land Use Plan. (Completed Plan issue)</td>
<td>All the pieces of the framework must be completed and coordinated.</td>
</tr>
<tr>
<td>3 The Plan does not specify maximum population density or intensity of use. (Policy issue)</td>
<td>The Plan does this by Plan Area and for the region. For more detail, a traditional zoning map would resolve a major portion of this complaint, with a loss of flexibility.</td>
</tr>
<tr>
<td>4 The Plan contemplates intrusions into SEZ's. (Policy issue)</td>
<td>Very minor problem which centers around the exceptions for PS, Rec. and access for SFD's with 150% mitigation.</td>
</tr>
<tr>
<td>5 Plan contemplates illegal delegation of Agency's powers to other governments. (Policy issue)</td>
<td>No delegation at this point. Legal opinion will be required for Code and MOU's.</td>
</tr>
<tr>
<td>6 Requirements for mitigation are vague, insufficient or absent. (Completed Plan issue)</td>
<td>Generally not controversial but does require completion of major parts of the Plan.</td>
</tr>
</tbody>
</table>
7 Plan allows development of SFD's in highly sensitive locations. (Policy issue)

It is not the intent of EIS and Goals and Policy Plan. Completion of ILES in the Code should resolve this.

8 TRPA has arbitrarily adopted allocation levels. (Policy issue)

The Agency has chosen the high risk allocation from the EIS. There is no environmental threshold carrying capacity requirement; however, there are schedule requirements to be linked to new development. A lower allocation number reduces the scheduling and risk and requires Policy Plan amendments.

9 Plan fails to include schedules for attaining air quality, water quality standards. (Completed Plan issue)

Schedules need to be completed for code.

10 EIS for the Plan is inadequate. (Completed Plan issue)

Prepare an addendum fully describing the "Plan" and impacts.

City of South Lake Tahoe v. TRPA

Complaints

1 Noise environmental threshold carrying capacity for airport not supportable. (Policy issue)

Comment

The airport master plan process may resolve this.

Tahoe Sierra Preservation Council v. TRPA

Complaint

1 Plan removes all reasonable uses from SFD lots in I-3 land. (Policy issue)

Comment

ILES should resolve this along with TDR program. SEZ policy is the most rigid. Possible legislation to allow coordination with buyout agencies may strengthen the Plan.
MEMORANDUM

Date: June 17, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: Don Steinmeyer/Lakeside Tennis Club, Show Cause Hearing, Unauthorized Construction of a Swimming Pool and Deck, 955 Tahoe Boulevard, Incline Village, Washoe County

On April 29, 1985, the Tahoe Regional Planning Agency staff received an anonymous complaint stating that a swimming pool had been installed at the Lakeside Tennis Club during the preceding weekend. Inspection of the site showed that excavation work had taken place, and a 28' x 12' fiberglass pool had been set in place. In addition, a concrete deck had been constructed surrounding the pool, creating a total of 1,739 square feet of new land coverage (47'x 37'). No permit or approvals had been obtained for this project from TRPA or the Washoe County Building and Health Departments. The County has posted a stop work order on the project.

Agency staff met with Mr. Steinmeyer and his attorney, Geno Menchetti, on May 7 and June 17, 1985 to discuss the unauthorized swimming pool. As a result of those discussions, the Executive Director has decided to delay a final recommendation pending the receipt of land coverage information from Mr. Steinmeyer. The matter should be continued until the July, 1985 Governing Board meeting.
MEMORANDUM

Date: June 17, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: Tom Montesano, Status of Compliance With Board Direction, 534 Cole Circle, Incline Village, Washoe County APN 122-135-15

On March 27, 1985, the Tahoe Regional Planning Agency Governing Board made certain findings and took specific actions (see attachment) with respect to violations of conditions of approval concerning Mr. Montesano's single family dwelling construction site. On May 22, 1985, the Governing Board heard testimony on a request by Mr. Montesano for reconsideration of two items: specifically, the requirement for an engineered retaining wall, and the $5,000 penalty assessment. The Board determined that it would not reconsider the matter and directed Agency legal counsel to pursue civil litigation in the event that the previous requirements are not complied with. None of the deadlines were extended, but the Board directed the staff to review the new engineered plans Mr. Montesano submitted.

The revised plans call for a rock rip rap retaining structure in place of the required concrete retaining wall. Staff has discussed the engineering with the Washoe County Building Department and their requirements for slope retention are as follows:

2:1 slope or less - no retaining structure needed

2:1 slope to 1:1 slope - rip rap or other mechanical stabilization

steeper than 1:1 - engineered retaining wall required

The revised plans were drawn and stamped by Paul A. Ferrari, a registered professional engineer in the State of Nevada. The plans show the rock rip rap on slopes ranging from 1.44:1 to 164:1, falling within the range for rip rap slope stabilization per Washoe County requirements. The staff feels that, based upon the representations by Paul Ferrari for rock rip rap slope stabilization, that this method will provide sufficient slope stabilization on Mr. Montesano's construction site.

As of June 17, 1985, Mr. Montesano has failed to pay the $5,000 penalty. Staff has been in contact with Mr. Montesano's attorney and he has urged him to submit the total penalty immediately.

Agency legal counsel is preparing a complaint to be filed regarding the $5,000 penalty assessment.

SC:b1
6/18/85

AGENDA ITEM VII B. 1.
March 29, 1985

Tom Montesano
1601 Prospect
Sparks, NV  89431

Subject: Governing Board Action, Montesano Violation

Dear Mr. Montesano:

On March 27, 1985, the Governing Board of the Tahoe Regional Planning Agency made the following findings regarding the above-noted matter:

1. That a violation does exist;

2. That an engineered retaining wall be built to permanently stabilize the driveway excavation, with such plans submitted to Agency staff for approval;

3. That the retaining structures noted in item #2 be completed within 10 days of May 1, 1985;

4. That all permanent erosion control and slope stabilization measures, and the dwelling foundation be installed by October 15, 1985;

5. That a payment of a civil penalty of $5,000 be made to TRPA within 30 days of this Board action;

6. That the property owner agrees to waive the statute of limitations (Agency staff needs to receive a letter in writing to this effect); and

7. That noncompliance with any of the Board approved actions result in the case being forwarded to Agency legal counsel for action towards civil judicial proceedings.

If you should have any questions concerning this matter, please feel free to give me a call.

Sincerely,

Robert Pavich
Field Representative

RP:bl
cc: Peter Tomaino, Esq.
MEMORANDUM

Date: June 18, 1985

To: TRPA Governing Board

From: Agency Staff

Subject: Manny Beals, Status of Compliance With Board Direction, Douglas County APN 03-141-01, 03-142-01 and 03-145-01

On April 25, 1985, the Tahoe Regional Planning Agency Governing Board held a show cause hearing concerning violations of Agency ordinances on Mr. Beals' property (see attached letter). The Board directed that the unauthorized structures be removed, the unauthorized uses cease, and that a security in the amount of $5,000 be posted within 30 days to insure compliance. A $15,000 penalty was to be paid within 60 days of the Board's action.

Mr. Beals and his attorney were notified of the Board action by mail on April 30, 1985. Due to a lack of response from Mr. Beals, on May 30, 1985, the letter was hand delivered to him. During the approximately 20 to 30 minute discussion with Mr. Beals, he stated that he was unaware of any TRPA action against him, except for what he read in the newspaper. He also stated that TRPA would have to take him to court on the matter and that Bob Hager was no longer his attorney.

To date, the Agency has not received the $5,000 security nor the $15,000 penalty. The unauthorized structures are still in place and the uses are continuing. Because Mr. Beals has not complied with the Governing Board directives of April 25, 1985, Agency legal counsel is preparing a complaint.

SC:bl 6/18/85

AGENDA ITEM VII B. 2.
April 30, 1985

Mr. Manford Beals  
Cave Rock  
Glenbrook, NV 89413  

Subject: Show Cause Hearing

Dear Manny:

On April 25, 1985, the Tahoe Regional Planning Agency Governing Board held a scheduled show cause hearing concerning the following violations of Agency ordinances:

1. Unauthorized construction of 2 wood frame storage sheds on APN 03-141-01 (gas station)

2. Expansion of deck, roof, and commercial floor space on APN 03-145-01

3. Direct discharge of waste water and materials from APN 03-142-01 (Manny's Burgers) to Lincoln Creek

4. Placement of new, unauthorized signs on the parcels

Although you were properly notified, you chose not to attend the hearing. The Agency allowed you a 1 month continuance from the March, 1985 meeting at your request. I sent you a letter on April 13, 1985 advising you of the meeting. The meeting agenda and staff summary were mailed to you on April 17, 1985 and staff telephoned your business on the morning of April 25. While we were concerned that you chose not to defend your actions, we will continue to pursue these matters.

The Governing Board of the Tahoe Regional Planning Agency directed that the unauthorized structures be removed, the unauthorized uses cease, and that a security in the amount of $5,000 be posted within 30 days to ensure compliance. A $15,000 penalty is to be paid within 60 days of the Governing Board's action. Should these directions not be carried out within 60 days, a finding of violation will become effective and Agency legal counsel is authorized to pursue civil litigation.
Mr. Manford Beals
April 30, 1985
Page Two

Please contact me or have your attorney contact me if you need any further information on this matter.

Sincerely,

[Signature]

Steve Chilton, Chief
Enforcement Division

SC:bl

cc: Bob Pruett, Douglas County Commissioner
Bob Oswald, Douglas County Commissioner
Richard Skinner, Deputy Attorney General
Robert Loveberg, Douglas County Planning Department
Jerry Schwartz, Douglas County Planning Department
Brent Kolvet, Douglas County District Attorney
Joseph L. Nebe, Nevada State Health Division
William C. Schneider, State of Nevada, Bureau of Reg. Health Service
John Shorter, State of Nevada, Department of Transportation
Robert Hager, Attorney at Law
WHEREAS, the Tahoe Regional Planning Agency (TRPA) has been designated the Regional Transportation Planning Agency for the California portion of the Tahoe Basin; and

WHEREAS, all Regional Transportation Planning Agencies are eligible for California State Subvention Funds; and

WHEREAS, the TRPA assembled an Overall Work Program for Fiscal Year 1985-86 which identifies work elements and tasks to be performed for that fiscal year; and

WHEREAS, the Overall Work Program incorporates the comments of State of California Department of Transportation.

NOW, THEREFORE BE IT RESOLVED that the TRPA Governing Board submits the FY 1985-86 Transportation Planning Overall Work Program to the California Department of Transportation and the California Transportation Commission as the Final Adopted Work Program.

PASSED AND ADOPTED THIS __________ day of June, nineteen hundred and eighty five by the Governing Board of the Tahoe Regional Planning Agency by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENTEES:

Stanley G. Hansen, Chairman
Tahoe Regional Planning Agency