TAHOE REGIONAL PLANNING AGENCY
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on May 22 and 23, 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, May 22, 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) receipt of April financial statement; 5) Transportation Development Act status report; and 6) other.

NOTICE IS FURTHER GIVEN that on Thursday, May 23, 1985, commencing at 8:30 a.m. in the same location, the Litigation Committee will meet to discuss additional legal support.

Date: May 10, 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.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BODY

TRPA Office, 2155 South Avenue
South Lake Tahoe, California

May 22, 1985  9:30 a.m.
May 23, 1985  9:30 a.m.

PRELIMINARY AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV 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)

V ENFORCEMENT

A. Request for Reconsideration and Further Action If Necessary, Tom
   Montesano, Violation of Conditions of Approval, 534 Cole Circle,
   Incline Village, Washoe County APN 122-135-15

B. Reports

VI PLANNING MATTERS

A. Report on Apparent Discrepancies in Water Quality Analyses

B. Sierra Pacific Power/Sacramento Municipal Utility District
   (SFFCo./SMUD), Intertie, Status Report

C. Further Information on ULI Report from the Tahoe
   Basin Association of Governments - Wednesday, 3:00 p.m.

D. Scheduling the Work Leading to Implementation of the Plan
VII ADMINISTRATIVE MATTERS

A. Finance Committee Report and Recommendations
B. Other

VIII REPORTS

A. Executive Director
B. Legal Counsel
C. Executive Session
D. Governing Body Members
E. Public Interest Comments

IX CORRESPONDENCE
X RESOLUTIONS
XI PENDING MATTERS

XII ADJOURNMENT
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
Date: May 14, 1985

To: TRPA Governing Body

From: Agency Staff

Subject: Request for Reconsideration: Tom Montesano, Violation of Conditions of Approval, 534 Cole Circle, Incline Village, APN 122-135-15

On March 27, 1985, the Governing Board of the Tahoe Regional Planning Agency 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. Tom Montesano and his attorney, Peter Tomaino, are now requesting that items #2 and #5 of the attached Board actions be reconsidered.

With respect to item #2, Mr. Montesano believes that the required stabilization can be obtained without a retaining wall, and he is objecting to this requirement. However, the Washoe County Building Department has required plan modifications to include a retaining wall, to stabilize the slopes created by the driveway excavation. Staff called for the retaining wall requirement based in part upon the County's action. However, Agency staff is willing to work with the property owner and to review engineered alternatives to a retaining wall. As of this date, no plans have been submitted for staff review and approval.

With respect to item #5, the $5,000.00 penalty assessment was based partly upon Mr. Montesano's lack of cooperation when instructed by Agency staff to replace the required temporary erosion controls. Continued slope sloughing and erosion damage resulted from his late response to an immediate and necessary action. Article VI(1) of the revised TRPA Compact provides that a penalty of up to $5,000.00 may be assessed for each day the violation persists. In this particular instance, a considerable period of time elapsed prior to obtaining compliance, potentially resulting in a much larger fine being assessed. This lack of cooperation coupled with the seriousness of the impact on the environment resulted in staff's recommendation for penalties.

Mr. Tomaino, in his letter (copy attached), feels that the fine is not justified when compared to the violation involving the Huntington's unauthorized placement of a caboose on their property. In that situation, no fine was assessed. With respect to the caboose violation, Agency staff received full and immediate cooperation with the property owner's, and were able to work out a settlement agreement with the Huntington's to resolve the violation. In addition, the caboose was not considered to be an intentional or flagrant violation since the
MEMORANDUM

Re: Tom Montesano - Request for Reconsideration
May 14, 1985
Page Two

Huntington's voluntarily informed the head of the Douglas County Building Department of their intentions in July of 1981, prior to moving the caboose onto the property. The immediate environmental impact of the Huntington matter was not as serious as the Montesano case and will be fully rectified.

Staff believes the $5,000 fine was justified for the Montesano case and recommends against a reduction in penalty.

5/14/85

AGENDA ITEM V A.
Mr. Bill Morgan  
Tahoe Regional Planning Agency  
P. O. Box 8896  
S. Lake Tahoe, CA 95731  

Re: Tom Montesano  

Dear Mr. Morgan:  

Pursuant to Mr. Owen's letter of April 30, 1985, and the letter of Robert Pavich dated May 3, 1985, herewith the information on which we base our request for reconsideration of the Governing Board's March 26, 1985, decision imposing the following:  

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

2. That a payment of a civil penalty of $5,000.00 be made to TRPA within 30 days of this Board action.  

With respect to the first item, Mr. Montesano now has engineered plans to show that the slope in question can be stabilized without a retaining wall. Such stabilization is environmentally superior to a retaining wall, and I believe your staff feels that this alternative procedure is in fact superior to the retaining wall. A request is therefore made to allow stabilization by this engineered alternative rather than the retaining wall.  

With respect to the $5,000.00 penalty assessment, it is felt that the assessment was arbitrary and capricious. Subsequent to the March 26th hearing, it was discovered that the Board had considered a violation regarding David and Fritz Huntington. Although that violation was clearly intentional and flagrant, no fine was imposed. Enclosed are copies of two articles from the Tahoe Daily Tribune which brought the incident to our attention. Based on the fact that Mr. Montesano's violation was unintentional, in that he was not aware that Washoe County had removed his hay bales; and the further fact that he did all reasonably possible to rectify the situation once it was discovered, we feel no penalty should have been imposed.  

Please advise if this matter will be reconsidered by the Governing Board.  

Thank you for your cooperation.  

Best regards,  

Peter A. Tomaino  

PAT: dmc  
Enclosure  
cc: Tom Montesano  

MAY 10 1985
The legality of a family caboose on a Glenbrook property will be addressed by the Tahoe Regional Planning Agency governing board when it meets today.

David and Fritzi Huntington, owners of the life-size caboose that was once part of an actual train hook up, say it was brought on the property in 1981 for entertainment and recreational purposes. But it has since been cited by Douglas County building officials as being used for living quarters.

After a month of correspondence among the Huntington's, Douglas County, the state of Nevada and the TRPA, the agency has requested Mrs. Huntington to appear today before the governing board regarding the caboose's status.

Mrs. Huntington is the president of the pro-environmentalist League to Save Lake Tahoe.

Jerry Schwartz of the Douglas County Building Department said his staff recently found plumbing and electrical installations in the caboose without a permit. Schwartz said he notified TRPA officials about the caboose on March 14.

Prior to that, Schwartz said he had been in contact with the Huntington's regarding the caboose. He wrote to David Huntington Feb. 13, asking for an explanation on the caboose's use.

Schwartz said he received a reply from Huntington about a week later, explaining the caboose was used only for entertainment purposes.

Schwartz said his staff, upon inspection, found plumbing and electrical hook-ups, which would make the caboose a "dwelling" rather than an "accessory" as the Huntington's had claimed.

Schwartz contacted the Nevada Division of Manufactured Housing, he said, to see if the caboose was under state jurisdiction as a mobile-type home.

The division replied that it was not considered mobile and therefore required a building permit from Douglas County, he said.

Schwartz said he then contacted the TRPA about the caboose.

Also to be addressed by the TRPA staff is the cutting back of 2,700 square feet of "non-conforming coverage" on the Huntington's property, he said.

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Editor's letterbox

Concern for drivers

EDITOR,TAHOE DAILY TRIBUNE:
I have a very deep concern with people drinking and driving. I was out with friends the other night and as I sat back watching the groups of people around me, I observed a woman being almost carried out, since she was so drunk she couldn't walk and hit me where I almost fell off my chair. I immediately called the manager and explained what I had just seen. As we went on to our next stop, I observed a man almost asleep with head bobbing and the cocktail waitress served him.

Is our society so money hungry that it doesn't care about another human being? We've got to educate the employees in our bars and restaurants, in order to keep these dangerous drivers off our roads.

How would you feel if you knew someone served a cocktail who was your customer really didn't need that extra cocktail and they drove and killed someone? I don't know if I could ever live with myself. We have a new service in town, the Good Samaritans. Their main concern is to remove these dangerous drivers. They provide a sober and insured driver to drive the intoxicated person and his vehicle home.

GAIL ANNE OSMER
South Lake Tahoe

wrist with a wet noodle.

Mrs. Huntington is the president of the League to Save Lake Tahoe, a pro-environmentalist group, yet their president is in violation of what they stand for.

Let's look at the facts, as stated by Jerry K. Schwartz on March 27, 1985 to the Reno Gazette Journal.

"The Huntingtons did do electrical, plumbing and heating work in their caboose without benefit of permits or inspections. This constitutes violations of Douglas County codes and ordinances and Nevada State law."

He also states that the staff of Tahoe Regional Planning Agency, at that time, said the caboose presents a land coverage problem.

Only because they were caught were the Huntingtons willing to correct the situation, and according to TRPA staff, again at that time, the Huntingtons were "therefore not (?) in flagrant and willful violation."

Who is kidding whom? Sewer hookups, electrical, plumbing and heating work without permits are not "flagrant, willful violations? Gee, if I cut down a lot of trees and agree to plant new ones everything is OK?"

Mrs. Huntington, I believe the membership of the so-called League to Save Lake Tahoe should fire you as president, or to save face, you should resign now. Not only have you committed the above violations, you have violated the bylaws of the League to Save Lake Tahoe.

How can we have others abide by the rules when the president of the board does not."

City build the ster Abiding by the rules

EDITOR,TAHOE DAILY TRIBUNE:
A "conditional agreement" given to Mr. and Mrs. David Huntington may not be all it seems.

CHA
April 30, 1985

Peter A. Tomaino, Esq.
Post Office Box 790
South Lake Tahoe, California 95705

Re: Montesano Matter

Dear Peter:

Your letter to Bill Morgan, TRPA Executive Director, dated April 22, 1985, has been referred to me for reply. While the Governing Body's action concerning Mr. Montesano is not subject to "appeal", TRPA historically has permitted persons appearing before the Governing Body to request reconsideration of actions affecting them. Reconsideration, however, is generally granted only in the event new information has been discovered that was not otherwise available for presentation during the previous hearing.

Accordingly, please set forth the details of any new information you determine pertinent for purposes of reconsideration in a letter to Bill Morgan. Mr. Morgan will review the material submitted and determine whether it justifies placing your request for reconsideration on the agenda for the May TRPA Governing Body meeting. In the interim, however, to protect your opportunity to appear on the agenda, TRPA will note an appropriate agenda item for this purpose. The process essentially involves two steps: (1) A decision by the Governing Body whether to reconsider; and (2) If the latter motion is adopted, new action upon the original matter before the Governing Body.

Finally, in order to effect meaningful reconsideration should same be warranted, please be advised that I have been authorized to waive the applicable statute of limitations set forth in Article VI(j)(4) of the Compact to 30 days subsequent to the date of the May Governing Body meeting when reconsideration is to be considered. Again, please understand Mr. Morgan may elect not to allow the matter to proceed should your reasons for requesting reconsideration be insufficient.
If you have any questions or desire further information, please do not hesitate to contact me at your convenience.

Sincerely yours,

HEATON, DORESCHER & OWEN, LTD.

By
Gary A. Owen

GAO: pay

cc: William A. Morgan, TRPA Executive Director
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

cc: Peter Tomaino, Esq.
Mr. Houghteling suggested that only the Chairman or majority of the Board could call a special meeting. Ms. Scholley responded that the notice of the public hearing and special meeting for the 15th had been published to give the Board the option should the members wish to have a public hearing. There is a 20-day notice requirement.

Mr. King questioned the hurry in holding a public hearing. Mr. Reed responded that the Committee felt it was important to get a review by the Board and the public as soon as possible if there were going to be a settlement. By getting the hearing scheduled as early as possible, the 1985 building season can perhaps be saved.

Mr. Westergard reminded the Board that the Committee had been appointed to develop a settlement package. The Committee members followed that direction; a logical procedure to follow now is to hear their report. Anyone in the public sector who would wish to know what is going to be reported today has had ample opportunity to be present. By setting the public hearing, the Committee is simply responding to expressed concerns about public involvement.

Ms. Roberts withdrew her motion pending the Committee's report.

While copies of the framework were being made, the Board moved on to other agenda items.

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

Ms. Scholley advised she had nothing new to report or discuss.

B. Closed Session to Confer on the Following:

2. Tahoe Sierra Preservation Council v. TRPA, et al

No closed session was held on this matter.

VII ENFORCEMENT

A. Show Cause Hearings

5. Manny Beals, Unauthorized Construction and Signs, Douglas County APN 03-141-01 and 03-142-01

Mr. Midkiff advised that Mr. Beals had called and requested a continuance because of the weather. The Board agreed to give him a continuance to the April regular meeting.

6. F. Huntington, Unauthorized Structure, Douglas County 01-080-09

Copies of a March 25, 1985 settlement between the Huntingtons and the Agency were distributed to Board members and a brief summary of its contents was presented by Mr. Midkiff. The Huntingtons have agreed to sign the settlement and will post a $6,500 security to ensure implementation of its terms. Ms. Scholley advised that every violation or settlement is handled on its individual merit. There are no rules which would have the Board's treatment of this matter
set a precedent for another situation. Each is handled independently. Ms. Roberts commented that this situation points to the fact that good people do get desperate. It doesn't matter which side of the development/environmental issue a person is on; everybody has a problem with land use and the right to use of private land. These problems affect everyone.

Mr. Pruett reminded the Agency that Douglas County was instrumental in bringing this matter to the public's attention. The background work was done by the County.

MOTION by Mr. Reed to accept the Huntington settlement. The motion carried on the following vote:

Ayes: Mr. Pruett, Ms. Roberts, Mr. Henrikson, Ms. Twedt, Mr. Westergard, Mr. Houghteling, Mr. Dodgion, Mr. Reed, Ms. Lowe

Nays: Mr. King, Mr. Hansen

Abstain: None

Absent: Mr. Hibdon, Mr. Haagen, Mr. Gibbs

4. Raymond Haas, Unauthorized Structure Below High Water Line, 5550 North Lake Boulevard, Placer County APN 89-051-08

Mr. Middkiff presented a brief summary of the violation and of staff's discussions with the property owner. Mr. Haas has agreed to remove all fence material including associated concrete retaining wall and pier blocks lakeward of the high water line (6229.1 Lake Tahoe Datum), and he has posted a $2,500 security to insure removal. A final judgment has yet to be made on whether the tree that was removed was dead. Based on Mr. Haas' agreement to remove the structures, to post the security, and pending a final report on the tree, staff feels the settlement is satisfactory. No Board action was taken.

V. LITIGATION (continued)

A. 1. Consideration of California Attorney General/League to Save Lake Tahoe b. TRPA

Chairman Hansen asked that members of the Committee present a report on their efforts. (A copy of the document entitled: "TRPA Special Litigation Committee, Proposed Settlement Framework", Draft #10, March 27, 1985, was distributed to Board members and members of the audience.) Mr. Reed started by advising that the Committee had met for 16 hours last week and had met with the plaintiffs. In attendance were Leo Poppoff, Tony Clark, Peggy Twedt, Chester Gibbs and himself. Preliminary discussion recognized the concern on the part of many Nevada legislators and others that it appeared the California Attorney General was making policy decisions for TRPA. The Committee agreed, basically, that the law suits would, effectively, be put on hold. The appeal would be stayed, and the law suit by the Attorney General in District Court would also be stayed, pending pursuit of the planning process. The basic agreement does not put the Committee, the Board or the plaintiffs in the posture of making substantive policy decisions. What it does is fill out in more detail the framework of a plan and adds such items as monitoring to determine if the Agency is making progress towards thresholds. It fills out the framework and adds to the Regional Plan without undoing most of the policy decisions that have already
SETTLEMENT AGREEMENT

March 25, 1985

In settlement of a claim by the Tahoe Regional Planning Agency that an unauthorized structure, namely a railroad caboose, was placed on Douglas County APN 01-080-09, Glenbrook, Nevada, David and Fritzi Huntington agree to do the following:

1. Huntington's agree to remove all dwelling unit amenities from the caboose, to include: cook top stove, sink, refrigerator, water closet, and shower;

2. Huntington's agree to disconnect the water and sewer utility connections from the caboose;

3. Huntington's agree to submit an application to the Tahoe Regional Planning Agency (TRPA), within ten (10) days from the date of acceptance of this agreement by the TRPA Governing Board, for replacement of nonconforming land coverage;

4. Huntington's agree to pay double the usual filing fee upon submittal of the above-referenced application;

5. Huntington's agree to remove 2,742 square feet of existing nonconforming land coverage, as required by the TRPA Land Use Ordinance, and by the California Tahoe Regional Planning Agency Land Use Ordinance. Said removal shall be accomplished no later than June 1, 1985;

6. Huntington's shall revegetate and restore to a natural setting the area of land coverage removal;

7. Huntington's agree to post a security deposit with the TRPA, in the amount of $6,500, to ensure implementation of the terms of this settlement. This security shall be posted within ten (10) days from the date of acceptance of this agreement;

8. Huntington's agree not to assert any rights under any applicable statute of limitations that would or may otherwise preclude the TRPA from commencing ordinance enforcement proceedings relating to the unauthorized placement of the caboose, in the event of noncompliance with this settlement; and
HUNTINGTON SETTLEMENT AGREEMENT

9. In the event of litigation with respect to the terms or enforcement of this agreement, the prevailing party shall be awarded reasonable attorney's fees and costs of suit, in addition to such other relief as may be granted by the Court.

TAHOE REGIONAL PLANNING AGENCY

Gary D. Midkiff, Acting Executive Director  4/3/85

David Huntington  April 2, 1985

Fritzi Huntington  April 2, 1985
MEMORANDUM

May 13, 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
5/13/85

AGENDA ITEM VI A.
Memo to the TRPA Board

Water Quality Analyses
May 13, 1985  page two

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 May 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.

5/13/85  AGENDA ITEM VI A.
FROM APPROVED 209 PLAN

LOADING RATES OF NITROGEN TO LAKE TAHOE
### Table 4-4. DIN Budget for Lake Tahoe

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<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>
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<td>40-66</td>
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<tr>
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<td>4.8</td>
<td>20-50</td>
<td>1.8</td>
<td>(-2)-54</td>
</tr>
</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

<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>
</tr>
<tr>
<td>1974</td>
<td>40-66</td>
<td>14.8</td>
<td>14.8</td>
<td>20-50</td>
<td>4.6</td>
<td>15-71</td>
</tr>
<tr>
<td>1975</td>
<td>40-66</td>
<td>17.0</td>
<td>17.0</td>
<td>20-50</td>
<td>3.9</td>
<td>20-76</td>
</tr>
<tr>
<td>1976</td>
<td>40-66</td>
<td>5.7</td>
<td>5.7</td>
<td>20-50</td>
<td>3.6</td>
<td>(-2)-54</td>
</tr>
<tr>
<td>1977</td>
<td>40-66</td>
<td>2.4</td>
<td>2.4</td>
<td>20-50</td>
<td>2.2</td>
<td>(-7)-49</td>
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<tr>
<td>1978</td>
<td>40-66</td>
<td>10.2</td>
<td>10.2</td>
<td>20-50</td>
<td>1.0</td>
<td>9-67</td>
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<tr>
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<td>9.3</td>
<td>9.3</td>
<td>20-50</td>
<td>1.7</td>
<td>7-63</td>
</tr>
<tr>
<td>1980</td>
<td>40-66</td>
<td>9.3</td>
<td>9.3</td>
<td>20-50</td>
<td>1.1</td>
<td>7-63</td>
</tr>
<tr>
<td>1981</td>
<td>40-66</td>
<td>4.8</td>
<td>4.8</td>
<td>20-50</td>
<td>1.8</td>
<td>(-2)-54</td>
</tr>
</tbody>
</table>

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 TRC'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 TRC 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

May 14, 1985

To: The TRPA Governing Board

From: The Staff

Subject: Sierra Pacific Power/Sacramento Municipal Utility District (SPPCo./SMUD), Intertie, Status Report

At the May 8, 1985 APC meeting, a member of the APC requested information on the status of TRPA involvement in regards to the above-referenced proposal. In response to this inquiry, staff felt it was appropriate to present a status report at the May 22, 1985 Governing Board meeting.

The SMUD-SPPCo. intertie project is a planned 345,000 volt single-circuit extra high voltage line which would connect SMUD’s electrical service system with the service system of the Sierra Pacific Power Company (SPPCo.). The alternative termination points for the intertie project are either the Valley Road Substation to the north of Reno, Nevada and a proposed switchyard west of Roseville, California, or the Buckeye Substation east of Minden, Nevada connecting with the planned Lake Substation southeast of Folsom, California.

There have been several meetings at staff level with the project proponents, at which time they were advised of the potential hurdles in obtaining approval of such a proposal through the Lake Tahoe Basin.

At the request of the project proponents, staff has recently submitted a motion to the Federal Court, Eastern District of California, to seek an exemption from the Preliminary Injunction Order to process the environmental documentation for the subject proposal. At the request of Deputy Attorney General Rick Skinner and representatives of the League to Save Lake Tahoe, the exemption request is for processing of the environmental document only and not for processing of the project application. Further, a separate exemption from the Injunction would be required to process the project.

Attached for your information is the most recent newsletter concerning the project circulated by SMUD/SPPCo. The Forest Service representative stated at the May 8 APC meeting that the Forest Service has not taken a position on the alternative routes as yet, contrary to what was reported earlier.
MEMORANDUM

Date: May 14, 1985

To: TRPA Governing Body

From: Agency Staff

Subject: Scheduling of Work Leading to Implementation of the Plan

Introduction

Based on the Board's decision on May 10 to suspend settlement talks with the plaintiffs in People/League to Save Lake Tahoe v. TRPA, it is necessary for the Agency to take immediate steps to implement the Regional Plan through completion of the required ordinances and programs. The Agency desires to prepare a complete package for presentation to the Governing Body for adoption in approximately six months.

Because of the complexity of the Regional Plan and our desire to develop a complete package promptly, the staff will prepare a thorough work program describing the planning process for the next six months. To develop such a work program requires staff, the APC, the Board, and the public to (1) review the existing situation, (2) identify problems which must be resolved, (3) select a strategy, including goals, objectives, and priorities.

The balance of this staff summary discusses these three points, and suggests a schedule for key tasks and events.

Existing Situation

On May 8, staff briefed the Advisory Planning Commission on the status of each element of the Regional Plan Framework. (A copy of the briefing notes is attached.) The APC gave staff the following comments:

1. The Agency should focus on key changes to the Goals and Policies, as identified in the litigation process, rather than revisit all issues.

2. The Agency should take an orderly approach toward implementing the Plan, i.e., start with the Goals and Policies, move on to the Code of Ordinances, then work on the implementing programs.
Scheduling the Work

Page 2

3. Beginning in June, the staff should schedule full APC hearings on issues related to the Goals and Policies and Code of Ordinances.

4. All parties should increase the productivity of the committee meetings by establishing agendas in advance, and sticking to them.

5. The Agency should not promise an early completion date and raise unrealistic expectations on the part of the public.

6. The staff should ask the Governing Board members to reaffirm their commitment to completing the Plan, ordinances, and implementing programs and, for those Board members who also have a representative on the APC, commit the time necessary for their counterparts to participate in the process.

Problem Identification

In general, the problem facing the Agency is its need to carry out the mandate of the Tahoe Regional Planning Compact by preserving the many values of the Tahoe region. In addition, the Agency is faced with litigation over the Regional Plan, which it would like to resolve so that development activities in the region can resume.

The most-difficult and complex tasks facing the TRPA in the next six months involve gaining consensus on key issues, and carrying that consensus through the Goals and Policies, ordinances, regulations, and implementing programs.

With respect to the Regional Plan Goals and Policies, it will be necessary to review Agency policies in the following areas:

-- land use issues (allowed uses, adequacy of zoning, redevelopment policy, regulation of impervious coverage)

-- growth management issues (development priorities, phasing, performance standards, individual lot evaluation system, development allocations)

-- other issues (transfer of development rights, shorezone policies, public services and facilities plan)

When these issues are resolved, the Agency must then complete and adopt the final Plan Area Statements, Code of Ordinances, other regulations, and implementing programs. All parties should attempt to create a simple, concise, and unambiguous Code of Ordinances.

Strategy Formulation

The short-term goal of the Agency is to carry out the Compact and resolve the outstanding lawsuits against the Regional Plan. Some of the issues in the
lawsuits may be resolved by refinements in the Plan and its associated documents. The Agency desires to place a complete package before the Board for review by January, 1986.

To reach this goal, the Agency will develop a detailed work program based upon the following objectives:

1. Through a consensus-building approach, resolve the land use, growth management, and other issues related to the Goals and Policies Plan.

2. Having completed objective (1),
   a. revise (as necessary) and adopt the Plan Area Statements,
   b. complete, streamline, and simplify the draft Code of Ordinances,
   c. complete the other regulations and implementing programs.

3. Demonstrate that the combined policies and programs of the Regional Plan will attain and maintain the environmental thresholds and applicable water quality and air quality standards. This may require an amendment to the EIS.

To ensure an orderly process, the Agency should place a priority on objective (1), since consensus is needed to drive the completion of the other objectives. While the Agency is attempting to complete objective (1), the staff and APC can proceed to work on non-controversial aspects of objective (2) at the same time. When the Agency has reached consensus on objective (1), the staff can then complete the entire Code of Ordinances, the other regulations, and the implementing programs and also complete objective (3).

Proposed Schedule

The staff proposes to develop a consensus resolution of objective (1) through the process of open workshops on each topic. With Board concurrence, the staff will schedule these workshops for the months of June, July, and August. During these same months, the staff will work with the APC and the public on non-controversial aspects of objective (2).

Starting in October, the Governing Board will turn its attention to finalizing the Plan Area Statements and reviewing the draft Code of Ordinances. In October, the staff will also make its initial demonstration of the adequacy of the Plan, covered in Objective (3). In the 3-month period from October to December, the staff will ask the Board to review final drafts of all the elements of the Regional Plan framework. (See attachment.) When all these reviews are complete, and necessary changes made, the staff will take the appropriate steps to gain final Governing Board approval of the entire package.
BRIEFING NOTES:
REGIONAL PLAN FRAMEWORK

A. REGIONAL GOALS AND POLICIES PLAN

1. Land Use Element
   -- adopted April 1984
   -- key aspect of current litigation
   -- requires revision
   -- includes Air Quality Plan and Water Quality Management Plan (208) by reference
   -- staff lead: Gabby Barrett
   -- precedence: drives ordinance revisions, but may take some time to complete; revisions will kick off revisions of 208 plan (and AQP?)

2. Transportation Element
   -- adopted April 1984
   -- also serves as RTP for Caltrans
   -- update required November 1986
   -- involves extensive modeling and analysis
   -- staff lead: transportation team
   -- precedence: closely related to AQP, RFP report, and attainment schedules

3. Conservation Element
   -- adopted April 1984
   -- certain issues subject of litigation (e.g., shorezone, soils)
   -- requires amendments?
   -- staff lead: Gabby Barrett/Terry Armlin
   -- precedence: must precede finalization of Code, but may take some time to complete
4. Recreation Element
   -- adopted April 1984
   -- not a key part of litigation; recreation BMP's require adjustment
   -- minor modifications required
   -- staff lead: Gabby Barrett/Terry Armlin
   -- precedence: follows finalization of PAS's

5. Public Services and Facilities Element
   -- adopted April 1984
   -- precise definition of public services projects a litigation issue
   -- must work with local agencies to develop 10-year project lists; must refine our terminology
   -- staff lead: Gabby Barrett/Dave Ziegler
   -- precedence: decision needed on level of detail and procedures to be followed

6. Implementation Element
   -- adopted April 1984
   -- key subject of litigation (development priorities, allocations, TDR, financing, etc.)
   -- requires major revisions/rethinking?
   -- staff lead: Gabby Barrett/Dave Ziegler
   -- precedence: drives finalization of ordinances, but may take some time to complete; closely-related to attainment schedules and Capital Improvements Program
B. PLAN AREA STATEMENTS

-- adopted as interim policy guidelines in April 1984
-- have undergone major revisions, public hearings
-- additional changes necessary?
-- staff lead: Gabby Barrett
-- precedence: should wait for resolution of growth management and land use issues?

C. CODE OF ORDINANCES


-- under review at APC committee
-- staff lead: Gabby Barrett
-- precedence: largely independent

2. Land Use

-- approved by APC for drafting purposes
-- staff lead: Gabby Barrett/Terry Armlin
-- precedence: follows finalization of Land Use element, Goals and Policies

3. Subdivision

-- under review at APC committee
-- staff lead: Gabby Barrett
-- precedence: largely independent

4. Shorezone

-- under review at APC committee
-- staff lead: Gabby Barrett
-- precedence: follows finalization of issues in Shorezone Element, Goals and Policies
5. Grading
   -- approved by Governing Board for drafting purposes
   -- staff lead: Gabby Barrett/Steve Chilton
   -- precedence: largely independent

6. Resource Management
   -- approved by Governing Board for drafting purposes
   -- staff lead: Gabby Barrett/Steve Chilton
   -- precedence: largely independent

7. Water Quality/Water Resources
   -- approved by APC for drafting purposes, except for continuing study of mitigation fees
   -- staff lead: Dave Ziegler
   -- precedence: mitigation fee related to Capital Improvements Program; related to attainment schedules

8. Air Quality/Transportation
   -- approved by APC for drafting purposes; some remaining issues, however
   -- staff lead: Dave Ziegler/transportation team
   -- precedence: mitigation fees related to Capital Improvements Program; related to attainment schedules

9. Growth Management
   -- under review at APC committee
   -- staff lead: Gabby Barrett
   -- precedence: follows resolution of growth management issues in Goals and Policies
D. OTHER REGULATIONS

A. Design Review Guidelines
   -- staff has assembled rough draft; still some conceptual issues to be resolved
   -- review will start at APC committee level
   -- staff lead: Gabby Barrett/Dave Ziegler
   -- precedence: closely related to BMP Handbook; must be meshed conceptually with Land Use Ordinance

2. Handbook of Best Management Practices
   -- under development at staff level; rough draft under preparation
   -- being expanded and revised
   -- staff lead: Wendy Melgin
   -- precedence: related to DRG's, must follow finalization of Code to some degree

3. Rules and Regs of Practices and Procedures
   -- recently amended, but Project Review and EIS procedures may need some revisions
   -- staff will present draft revisions to APC committees
   -- staff lead: Gabby Barrett/Greg George
   -- precedence: largely independent

4. Administrative Policies and Procedures
   -- under review at staff level
   -- staff lead: Jim Dana
   -- precedence: largely independent
E. IMPLEMENTING PROGRAMS

A. Monitoring and Evaluation

-- under development at staff level; only complete
draft covers water quality

-- key subject of litigation; crucial program for
Plan implementation

-- staff lead: Dave Ziegler

-- precedence: closely related to attainment
schedules and Implementation Element, Goals
and Policies

B. Capital Improvements Program

-- consists, at present, of project lists and
cost estimates for erosion/runoff control and
transportation

-- needs more detail, especially regarding design,
costs, schedules, and financing

-- key subject of litigation

-- requires heavy local-agency involvement

-- staff lead: Dave Ziegler

-- precedence: closely related to attainment
schedules and Implementation Element, Goals
and Policies

3. Memoranda of Understanding

-- require heavy revision, expansion, and
rethinking

-- staff lead: Gabby Barrett/Terry Armlin

-- precedence: one of the final steps

4. Special Programs

-- necessary to implement the Regional Plan;
some program development underway

-- staff lead: Dave Ziegler

-- precedence: one of the final steps