TRPA
GOVERNING BOARD
PACKETS

SEPTEMBER
2001
September 2007
Governing Board Packet
TAHOE REGIONAL PLANNING AGENCY (TRPA)
AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, September 26, 2001**, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on **Wednesday, September 26, 2001**, following action by TRPA on the Consent Calendar, the Governing Board of the Tahoe Metropolitan Planning Organization (TMPO) will meet. The meeting will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN that on **Wednesday, September 26, 2001**, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) monthly statement; 3) approval of FY 01/02 Operating Budget First Quarter Revisions; and, 4) member comments. (Committee: Derringer, Heller, Galloway, Solaro, Plank)

NOTICE IS FURTHER GIVEN that on **Wednesday, September 26, 2001**, commencing at 8:30 a.m., at the same location, the TRPA Legal Committee will meet. The agenda will be as follows: 1) public interest comments, 2) Duffield Pier Resolution of Violation; 3) Update on TSPC Supreme Court Litigation and, 4) member comments. (Committee: DeLaney, Waldie, Miner, Derringer)

NOTICE IS FURTHER GIVEN that on **Wednesday, September 26, 2001**, commencing at Noon, at the same location, the Rules Committee will meet. The agenda will be as follows: 1) public interest comments (no action), 2) amendment of Personnel Policy No. 3.2 Regarding Hiring Step Limitations; and, 3) member comments. (Committee: Derringer, Galloway, Perock, Slaven)

September 17, 2001

Juan Patma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD.

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

September 26, 2001
9:30 a.m.

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AGENDA

I. PLEDGE OF ALLEGIANCE (5 minutes)

II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)

III. PUBLIC INTEREST COMMENTS - All comments are to be limited to no more than five minutes per person.

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

IV. APPROVAL OF AGENDA (5 minutes)

V. APPROVAL OF MINUTES (5 minutes)

VI. CONSENT CALENDAR (see agenda pg. 3 for specific items) (5 minutes)

(adjourn the TRPA, convene the TMPO)

VII. MEETING OF THE TAHOE METROPOLITAN PLANNING ORGANIZATION

A. PUBLIC INTEREST COMMENTS - All comments are to be limited to no more than five minutes per person.

B. 2000 Federal Transportation Improvement Program Amendments (20 minutes)

(adjourn the TMPO, convene the TRPA)

VIII. REPORTS

A. Executive Director Monthly Status Report (60 minutes)

1. Tahoe Transportation District/Commission Agenda from September 14, 2001
TAHOE REGIONAL PLANNING AGENCY (TRPA) AND TRPA COMMITTEE MEETINGS

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Pq. 25

(adjourn the TMPO, convene the TRPA)

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A. Executive Director Monthly Status Report (60 minutes)

1. Tahoe Transportation District/Commission Agenda from September 14, 2001

Pg. 37
2. 120-Day Report/Project Application Status  


B. Legal Monthly Division Status Report (5 minutes)  

IX. PROJECT REVIEW  

A. Lakehouse Mall Public Pier Expansion and Shoreline Protection, 120 Grove Street, Tahoe City, Assessor's Parcel Numbers 94-090-10, 11, 13 & 14, TRPA File No. 990769 (15 minutes)  

X. PLANNING MATTERS  

A. Thunderbird Lodge Preservation Society Presentation (30 minutes)  

B. Workshop on Thresholds (3 hours)  

1. Recreation  

2. Fisheries  

3. Vegetation  

4. Air Quality  

5. Water Quality  

6. Soils Conservation  

XI. ADMINISTRATIVE MATTERS  

A. Appointment of California Lay Member to the Advisory Planning Commission (Alan Tothurst's Term Expires at the end of September 2001) (5 minutes)  

B. Creation and Selection of a New Office Committee (15 minutes)  

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION  

A. Finance Committee (5 minutes)  

1. Approval of FY 01/02 Operating Budget First Quarter Revisions  

B. Legal Committee (15 minutes)
C. Rules Committee

1. Amendment of Personnel Policy 3.2 Regarding Hiring Step Limitations

D. Governing Board Members (5 minutes)

XIII. ADJOURNMENT

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**CONSENT CALENDAR**

<table>
<thead>
<tr>
<th>Item</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Duffield Pier Resolution of Violation, 803 Lakeshore Drive, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 122-181-01</td>
<td>Approval</td>
</tr>
<tr>
<td>2. The Station Partnership Commercial Addition/Modification, 188 Highway 50, Douglas County, Nevada, Assessor's Parcel Number 005-350-03, TRPA File No. STD-20010291</td>
<td>Approval</td>
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<tr>
<td>Land Capability Challenges:</td>
<td></td>
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<tr>
<td>3. Sandy &amp; Kay Moekel Land Capability Challenge, 686 Saddlehorn Court, Washoe County, Assessor's Parcel Number 125-51-12</td>
<td>Approval</td>
</tr>
<tr>
<td>4. Scott and Shannon Moss Land Capability Challenge, 764 Mule Deer Circle, El Dorado County, Assessor's Parcel Number 033-283-10</td>
<td>Approval</td>
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</tbody>
</table>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

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

Tahoe Regional Planning Agency Governing Board Members:

Chairman Dean Heller, Nevada Secretary of State
Wayne Perock, Nev. Dept. of Conservation Appointee
Vice-Chairman Dave Solaro, El Dorado County
Drake DeLanoy, Nevada Gov. Appointee
Jon Plank, Carson City
Jerry Waldie, Calif. Senate Rules Com. Appointee
Jim Galloway, Washoe County
Catherine J. Derringer, Calif. Assembly Spkr. Appointee

Hal Cole, South Lake Tahoe
Vacant, Calif. Gov. Appointee
Larry Sevison, Placer County
Ronald Slaven, Calif. Gov. Appointee
Vacant, Nevada At-Large Member
Peter Chase Neumann, Presidential Appointee
Don Miner, Douglas County
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

July 25, 2001

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Vice-Chairperson David Solaro called the July 25, 2001, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:40 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Solaro led the Board in the Pledge of Allegiance to the Flag.

Members Present: Dr. Miner, Mr. Steele, Mr. Solaro, Mr. Heller (arrived at 10:05 a.m.), Mr. Cole, Mr. Plank, Mr. Perock, Ms. Neft, Mr. Galloway (arrived at 10:10 a.m.), Ms. Derringer, Mr. Sevison

Members Absent: Mr. DeLanoy, Mr. Sandoval, Mr. Slaven, Mr. Neumann

Mr. Dwight Steele announced that he has been the General Counsel for the League to Save Lake Tahoe, and was concerned about whether this might create a conflict of interest while sitting on the Governing Board in Jerry Waldie's absence. Mr. Steele spoke with TRPA's Agency Counsel John Marshall a couple of weeks ago, and they agreed that if he abstained from any litigation matter in which the League was actively or potentially involved, that would remove any question about it. Mr. Steele decided that in order to remove any question or appearance of conflict, he would resign as General Counsel, and also as a member of the League's Legal Committee. As of 8:15 this morning, Mr. Steele transmitted a letter to the Board of Directors of the League to Save Lake Tahoe, which he gave a copy of to the Clerk of the Governing Board, and read into the record.

III. PUBLIC INTEREST COMMENTS - None

IV. APPROVAL OF AGENDA

Deputy Director Carl Hasty stated that two Consent Calendar items would be pulled and heard by the full Governing Board members, because the Legal Committee did not have a quorum to act on those items. In addition, Mr. Hasty stated that TRPA has received a letter from the applicant requesting continuance of Agenda Item No. VII.A. The letter has also asked that this project be heard in conjunction with a second applicant, Agenda Item No. VII.C. Mr. Solaro questioned when the applicant wanted the items to be heard, and Executive Director Juan Palma replied in August.
MOTION by Dr. Miner to approve the agenda as modified. The motion carried unanimously.

Mr. Hasty stated that for the sake of the audience in case this exists, there may be some members of the audience who are waiting to hear the project relative to Zephyr Heights and the Plan Area for that, and he wanted to state that this item will not be heard today, and is not part of the agenda. It will be heard either next month or the following month.

V. APPROVAL OF MINUTES

MOTION by Ms. Neft to approve both the May 23, 2001, and the June 27, 2001, Governing Board minutes as presented. The motion carried unanimously.

VI. CONSENT CALENDAR

Dr. Miner stated that the Legal Committee did not have a quorum. The protocol has been in the past, any enforcement action goes through the Legal Committee first, with a recommendation from the Legal Committee to the Governing Board. Since we didn't have a quorum, the Legal Committee is recommending that both items be heard by the full Board. Agency Counsel John Marshall commented that normally, for violation resolutions, it is any eight Governing Board members have to agree. However, with the McCall violation, there are elements of it that affect the project that would require a project vote, requiring five people from Nevada, and we don't have that right now. Mr. Solaro recommended that we go ahead with the agenda and come back to the Consent Calendar when we have a quorum.

VII. PUBLIC HEARINGS

A. Amendment of Certain Sections of the City of South Lake Tahoe’s Substitute Sign Ordinance

Senior Planner John Hitchcock presented the staff summary Amending Certain Sections of the City of South Lake Tahoe’s Substitute Sign Ordinance.

Mr. Solaro commented that on page 32, Section 3.01, of the staff summary, it states the display of sculpture, murals and the like must be approved by the City Arts Commission, and it is his understanding that does not exist any more. Mr. Gary Marchio, Principal Planner with the City of South Lake Tahoe, replied that was correct. We have called together an arts group to review the signage or sculpture to make sure it does not appear to be signage.

Mr. Marshall stated that in talking with the City representative, it believed it was better to have the words "Art Committee" instead of “Arts Commission” in the Ordinance.

Vice-Chairperson Solaro opened the meeting up for a public hearing. Since no one wished to comment, Mr. Solaro closed the public hearing.

Mr. Solaro commented that action would be delayed on Agenda Item VII.A. until there was a quorum of the Governing Board.

VIII. PLANNING MATTERS

(Break taken at 10:00 a.m. to set up for the presentation.)
TRPA REGULAR MEETING MINUTES JULY 25, 2001

(Reconvened at 10:05 a.m.)

A. Workshop on Thresholds

Principal Planner Gabby Barrett presented an overview of the workshop on thresholds; Economics, Noise, and Wildlife.

(Chairperson Dean Heller took over as Chair of the meeting.)

3. Wildlife

Mr. Shane Romsos, Associate Planner, Wildlife Biologist, and Fisheries and Wildlife Program Manager at TRPA, presented the workshop and slides on the wildlife threshold.

Mr. Heller questioned if there were mitigations on the Rim Trail or any of these areas that we are discussing to protect some of these nesting areas; we are not causing a problem building these kinds of recreational facilities. Mr. Romsos replied that there are direct and indirect impacts; direct being compaction of soil; and indirect being the presence of people. From an elevation standpoint, the Rim Trail occurs primarily above 8500 feet, which in terms of suitability for many of our threshold species, there is really low suitability at those elevations. Mr. Heller inquired if TRPA had the authority to restrict recreational activities in some of these nesting areas. Mr. Romsos replied that the intent of the disturbance free area is just that. Mr. Heller questioned what we are attaining, and Mr. Romsos stated that one of things we are doing as part of the EIP, such as with Goshawks for example, we are going through and inventorying roads that perhaps are heavily used and could be re-routed around these critical nesting areas. There are a lot of things that have been grandfathered that are occurring today that represent potential negative impacts. Just like people, everybody has different tolerance levels for human activity. Some people would not mind having a snowmobile running through their backyard everyday, while others would not want it. Similarly, within a population of Goshawks, they respond the same.

Mr. Galloway reminded everyone that the Forest Service Management Plan for this area based on the Sierra Nevada framework, does basically say there will be no new recreational uses in these sensitive areas. The question remains that if we were going to do more, we would have to be impacting existing recreational uses. Considering the serious impact of the Forest Service’s decision on any new uses, he would want a lot of data before he would go further with the existing impact, because you are not going to attain the recreational threshold by starting to close down existing recreation. Mr. Galloway would like to see in cases of these displacements, by any existing use, if it is possible, it’s going to result in diminution of the species or displacement to a site that is protected where there is no existing recreational use. He asked if TRPA could work on that. Mr. Romsos stated that this was a good question. The Forest Service estimates that there are about 700 to 900 miles of dirt road that occur in the Basin throughout the area. That is a lot of fragmentation, and a lot of potential existing recreational impacts; whether it is as minor as flushing out a Stellar Jay or whatever. Recreation could actually result in the failure of a Goshawk to reproduce young as a result of somebody finding it funny to beat on a tree to elicit some kind of a response. People and recreation are unpredictable.

Mr. Perock questioned if managing recreational activities can be done on a seasonal basis, such as when there is a nesting time for Goshawks. Can you close off the recreational area and still be in attainment. Mr. Romsos stated that this was definitely a management option; you
establish what is called “limited operating periods” where you shut down an area throughout the breeding season. For some species, that could be extensive. Mr. Heller believed that deer leaving the area was a trend for both the States of Nevada and California.

Mr. Cole commented that since this standard has never been in attainment, do we ever remove it or other items that have never been in attainment from the thresholds. Mr. Romso stated that this is something that the Wildlife Advisory Group is looking into.

Mr. Steele suggested that since we have a quorum now, we return to the items that were postponed and then act upon them.

Mr. Hasty thanked the Board for their patience in reviewing the threshold items, and stated that Agenda Item No. VII.B. would be continued at the applicant’s request.

**MOTION** by Dr. Miner to recommend approval of Consent Calendar Item No. 1.

Mr. Dennis Zabaglo, with the Compliance Division, stated that on March 29, 2001, a building inspector from Washoe County discovered a grading violation at 755 Judith Court. They were attempting to dig a trench to connect their own conduit from the County junction to the property. The property owner was informed by the County that he was allowed to grade three cubic yards or less in the winter. This is not the case on active construction projects. Mr. Zabaglo contacted the County, and they confirmed that they did tell the property owner this inaccurate information. But he did go over the three cubic yards. He thought he was allowed to grade.

Mr. Galloway questioned if the property owner had gone to TRPA to do this, would an exception been routinely granted. Mr. Zabaglo replied that this was an active new home construction project, so a permit was already in place. Mr. Galloway asked what the property owner needed to legitimize what he did, and Mr. Zabaglo replied that he would not have been able to; the property owner would have had to wait until May 1st.

The motion carried unanimously.

Dr. Miner stated that with regards to Consent Calendar Item No. 2, the George McCall resolution, there is a settlement offering. The McCall’s have agreed to the settlement. There is one addition to Item No. 6 of the settlement offer. On page 11, on the top of the page, the McCall’s have agreed to the following: “The McCall’s pier application would be reviewed on its own merits and will not be negatively or positively impacted by the terms of this settlement agreement.”

**MOTION** by Dr. Miner to recommend approval of Consent Calendar Item No. 2 as amended.

Mr. Richard Kayaian, attorney for Mr. McCall, stated that as we are speaking, his secretary in Los Angeles is making the changes, and will be faxing the revised settlement to TRPA.

The motion carried unanimously.

**MOTION** by Dr. Miner to recommend approval of Agenda Item No. VII.B., with the change on page 32 of the Governing Board packet, No. 16 in Section 3.01, “city arts Commission” would be changed to “city arts committee”. The motion carried unanimously.
TRPA REGULAR MEETING MINUTES JULY 25, 2001

Mr. Galloway was concerned about Agenda Item No. VII.A., where TRPA allowed people to tear down things that might be affordable on the promise that they will mitigate by building affordable or multi-family dwellings elsewhere. The possibility of actually caring out the mitigation depends on subsequent approval by TRPA, which may be opposed by the Board. He would suggest that in the future, we don't allow the tear down until the replacement project is approved. Mr. Palma stated that Agenda Item No VII.A. isn't a tear down; it is an area boundary adjustment.

1. Economics

Mr. Leon Aliski, with Dean Runyan & Associates, presented a slide show on the threshold for economics, and explained in detail each of the pictures. In addition, Mr. Chuck Nozicka with Dean Runyan & Associates presented the perceived influence of TRPA's policies on the Lake Tahoe Region economy.

2. Noise

Mr. Jim Brennan, with Bollard and Brennan, Inc., presented the threshold on noise. Ms. Jennifer Quashnick, with the Long Range Planning Division of the Tahoe Regional Planning Agency, presented a background of the noise threshold, what they specifically are and how they are presently appearing.

Mr. Solaro stated that he is concerned with the noise from boats within 400 to 600 feet of marinas and homes, and commented that there is new monitoring available, which also makes it very difficult. He believed that our needs have changed, and we really need to look at our thresholds on the type of offshore boats that do not choose to use their silencers around marinas and homes. Ms. Quashnick stated TRPA has been looking into that, as well as looking into getting the new Regional Plan going. The working groups have been looking into including that issue in their discussions.

Mr. Sevison stated that sometimes people who don't live near the Lake hear the boats more than those that live right down near the Lake, why is that? Mr. Brennan replied that, particularly when the Lake is a little choppy, there is some absorption along the Lake, which is called excess ground absorption. Where, conversely, when you get above or stick a microphone 30 feet in the air versus 5 feet in the air, you would probably have a 5 to 6 DB difference in what you have measured from that boat. A lot of what is happening to people on the hillsides is they are not only getting reflections off the water that people close to the water are not hearing, they are also being affected, with distance, atmospherics. So probably in the early mornings or evenings particularly is when they are noticing this phenomenon. This is when you have an inversion layer that sets in, and sound that would generally just refract into the air, is now bending off of this air mass that is occurring from an inversion.

Mr. Galloway suggested that the Governing Board might want to consider a finding of unknown in cases where the standard does not appear to be realistic in thresholds that are in non-attainment. Mr. Hasty believed that this was something that should be discussed also.

Mr. Steele complimented staff on a very succinct and rapid report. With reference to Mr. Barrett's good report on the history, in 1982, when the thresholds were adopted, it was the first time in years that there had been a unanimous vote by the Governing Board on anything of significance. It was a very vital point in history. This was due in part to the fact that the then Governor of Nevada who was identified as a pro-growth person, figured out he was not going to get re-elected unless he did something about it.
Mr. Seviston suggested not to get hung up on these lofty goals with the idea that we are going to try to attain them; there has to be adjustments in the future. He believed that the first thresholds caused a lot of people to think that this was going to be an ongoing target. We are going to do what we can to attain them. It's good to set our sights high, but if we miss it, it's time to recognize that we've missed it a little bit and let's adjust the target slightly. Mr. Heller commented that he would not like to be in a position of lowering thresholds; he didn't believe that it was healthy for this body.

Mr. Heller thanked staff and Mr. Barrett for the presentations. They were very informative. Mr. Heller also thanked Ms. Quashnick and Mr. Brennan for their presentations, as well.

(Lunch break taken at 12:00 p.m.)

(Chairperson Heller left the meeting at 12:00 p.m. Ms. Susan Morandi sat in for Chairperson Heller.)

(Reconvened at 1:45 p.m.)

IX. ADMINISTRATIVE MATTERS

C. Program of Work Approval and Budget

Deputy Director Carl Hasty presented the program of work and budget for approval by the Governing Board. He gave an overall review of what is being presented to the Board.

Mr. Galloway said that TRPA has severe problems in processing permits and site assessments. He believed that it should be labeled as such. He feels so strongly about this that he has asked Chairperson Heller to agendize this item for the August meeting. Mr. Galloway fully recognizes and appreciates that current management is trying to work on the problem. But he thinks that it needs to be a high priority operational correction. He has had unverifiable statistics on various things, but he would like to have this put on the August agenda. This is breaking the permit process. In addition, Mr. Galloway wanted to see some comparisons with the other agencies, such as the City of Truckee; he would like staff to gather this verifiable data. He was told that site assessments used to take three weeks; they now take six months. We used to do permit evaluations in – what he is told – 60 to 90 days; now, a lot of times at the end of 120 days or in about 90 days, the applicant receives a letter saying their application is incomplete. The clock doesn't start running because staff feels like they have restarted the clock. He has also been told there are somewhere around 55 to 60 applications that are over 120 days. But if you add the number that have been postponed because of an incomplete application, and started from when the original application was submitted, he believed that it would be much higher. Mr. Galloway requested that the TRPA staff give the Governing Board those numbers. He has given Mr. Palma the names of three people who would be willing to work on a task force to look into solving this problem.

Mr. Galloway commented that if we don't make the other Board members aware of complaints, the only ones they will receive are those complaints from the local government officials. And if we don't make the rest of the Board aware of this situation and have an open discussion, they were not doing their job as Board Members.
Ms. Neft commented that the one thing that she wanted every Board Member to remember is that for over a year, we were down 16 employees. She is not putting the blame there, but when you are down 25% of your staff, and are still expected to do 115% of the work, there is a reason for the backlog. She is not making excuses; she simply does not want the Board to forget that for one full year, we were down 25% of our staff because of salary ramifications. We were below and low on staff because we were not paying on the basis that was comparable with any of the other governmental agencies around the Lake or in the State of California or Nevada. Please don’t forget that. This is all important, but she wanted everyone to know how this all started.

Mr. Jon Plank commented that Mr. Palma and he met with Phil Harrington, of Carson City, and he stated that Carson has a contingency built in which is a fast track that they have developed for permits and project review. Mr. Harrington has consultants on hand, so if he is short on staff, he has those at his fingertips to call in.

Dr. Miner would like to see an issue addressed that would include the use of outside, qualified plan checkers and inspectors to help facilitate not only this backlog but also ongoing permits. Dr. Miner stated that we live daily with complaints about this Agency, and as Mr. Galloway pointed out, it is usually the local officials that get beat up about it. He has been with the Agency for going on seven years, and we have the same complaints and problems; we have a huge staff turnover, for whatever reasons. We can’t just blame it on salaries; you have to look at the administration; you have to look at the rating system; the evaluation of personnel, which is way behind; we are not up to speed on doing evaluations of personnel that should be done annually. It is not being done. We have issues with personnel that are not being followed up on. These things are major problems for an organization, and we have to get on top of them to get those issues corrected.

Mr. Hasty replied that we are aware of these problems, as well as staff problems, and this is part of our process here. There is action being taken to try to solve these issues.

Mr. Steele commented that with respect to updating the Regional Transportation Plan, he believed, that within time, would all coincide with updating of the Federal Plan. He stated that instead of trying to rewrite the entire Transportation Plan and start from scratch, this is really a continuance of the 1997 update. It started in 1995, and in 1995 and 1996, we had hundreds of papers really starting from scratch trying to rewrite the transportation plan. He thinks to redo that again would be a great mistake. If all of us would go back and read the 1992 Transportation Plan, we would find that much of it still makes good sense. The problem is we haven’t been able to implement some of the key parts of it. Some of it has to be revised, but he urged staff to look at just amending the 1992 plan where it has to be amended and maybe making some additions. But not go through the 1995 – 1996 process of getting consultants who have to be educated and trying to reinvent the wheel. The problem is we have too many wheels around here, and we have to find some other solutions.

Mr. Galloway asked that we solve the floodplain definition problem. We did say that we would look at redevelopment of an existing construction in a floodplain; he would like that item added. That’s not building new things where there is nothing already in place; it is looking at “can someone improve that property without making things worse”; how can we allow them to do that.

Mr. Steele believed there was a great need for us to do a better job of educating the public about what TRPA is about. He believed that there is a general feeling in the community that
has been expressed in a number of ways. We have all observed that sure TRPA is very important to all of us, but they are primarily preoccupied with processing the projects; they are not telling us how to find long-range solutions to the problems. He thought that we have to educate and demonstrate that we are taking a leadership role. The fact that we have almost nobody in the audience this afternoon is another indication that the general public is really not very interested in what happens at our meetings. They think that we are here just to process projects, and unless they have a project, they don’t show up at the meetings. That is not our function; our function is to do something very dramatic about saving the future of this Lake and Basin. We’ve got to demonstrate that to the general public.

Mr. Palma believed that there were incentive programs in the budget, and if we are to achieve the goals and objectives we are striving for, we have to develop a better incentive program for our employees. If we achieve 80% of the Lee Early Program, what is the incentive? We have little or no incentives in bureaucracies such as the government to really excel and go beyond where we want to be. Mr. Palma plans to bring to the Board a better incentive program for our employees; $2,500 for each employee is not an incentive. He is proposing an incentive program whereby if we achieve the objectives that we bring forward for our employees, there would be an award for achieving it. If we don’t achieve it, then the employees don’t receive the award. Mr. Palma is visiting with several employees to get ideas on what this incentive would look like to motivate all of the employees. At this point in time, there is no incentive to motivate the employees.

Mr. Cole believed that private plan checkers are very important because TRPA’s workload is not uniform 12 months out of the year; you will have periods when there is a lot of work and other times there isn’t a lot of work. The advantage of having somebody on a contract basis, is that you don’t have to worry about termination or anything; once their contract is up, their employment is up. Mr. Cole believed that some of the day-to-day things could be done by contract employees.

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Approval of FY 01-02 Operating Budget

Mr. Hasty presented the staff summary approving the FY 01-02 operating budget. Dr. Miner commented most agencies have a standard operating budget for emergencies. Ms. Neft stated that four years ago, we were really happy that we had $50 in the bank. At that time, we starting talking about reserves, and we did institute a reserve. She reminded the Board that we are a lot better off today then we were four years ago.

MOTION by Ms. Neft recommending approval of FY 01-02 Operating Budget. The motion carried unanimously.

MOTION by Mr. Galloway recommending approval of the work program, with the addition of improved permit processing response to operations, and policy review on redevelopment of existing construction in a floodplain. In addition to Item No. 2, and placing emphasis on Item 5.E., which refers to specific items, as well as the review of the 1992 plan. The motion carried unanimously.
IX. ADMINISTRATIVE MATTERS

D. Committee Appointments for New Governing Board Members

Mr. Palma presented the staff summary recommending committee appointments for new Governing Board Members; Catherine Derringer to be on the Legal, Rules and Shorezone Policies Committees, and Ron Slaven to be on the Finance, Rules and Retirement Committees. In addition, Mr. Palma is suggesting that an official subcommittee of the Board be created, as well as approved by the Board, to be part of the TRPA team as we move forward in locating our new facility.

Mr. Marshall recommended that Mr. Steele be appointed to Mr. Waldie's committees for the two months that he is on the Board.

MOTION by Mr. Galloway recommended approval of the committee appointments for new Governing Board Members, as well as appointing Mr. Steele to Mr. Waldie's committees for the two months that he is on the Board. The motion carried unanimously.

Mr. Steele stated that the Senate Rules Committee took steps to appoint him as an alternate to Jerry Waldie. There was some question about the legality of that, so they revoked that, and they appointed me as a regular member. It is contemplated that Mr. Waldie will return from his vacation and be reappointed in September. So for the interim, Mr. Steele stated that he is not an alternate; he is a regular member.

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee

Dr. Miner commented that the Legal Committee did not have a quorum, and deferred the two Consent Items to the Governing Board, which were approved.

C. Local Government

Mr. Cole stated that we did not meet in June or July, and we not will be meeting the first Friday in August because of TRPA's retreat. He proposed that the Local Government Committee get together again for the affordable housing task on the first Friday of September, which he believed, was September 7th. Mr. Cole also stated that the Local Government Committee would be meeting on August 16th to review Phase II of the regional revenue.

XI. REPORTS

A. Executive Director Monthly Status Report

Mr. Palma talked about the Lee Early Training, which is taking place on August 1st, 2nd, and 3rd. TRPA needs to get in better alignment internally. We need to figure out how to work cross-divisionally and help each other out. This is the purpose of this training. This is not a warm and fuzzy meeting. This is about very specific items and how do we specifically accomplish them; how do we strategically do all the steps needed to achieve our objectives. In addition, how do we make sure we are dealing with the correct issues. We have also been doing Customer Training for several employees being conducted by the Lake Tahoe Community College. Later on in the year, he would be sending some of the TRPA managers to high performance training
sessions. The goal for all of these trainings is to increase our effectiveness and our productivity of the organization.

Mr. Palma also reported that he has been working with a company out of Arizona on CTS, and after working with them for two months, he has decided that they were not working out. We have terminated our contract with them, and have been working with another company called Orbital. They will be coming to Lake Tahoe to bid on a contract for CTS. He feels very good about this new company. We will meet with them to begin to finalize phases of the Coordinated Transit System. This is a high priority for him, as well as the TRPA staff.

With respect to the 120-day report, Mr. Palma reported that we are behind. He has asked the Project Review team that those 46 projects that are over 120 days to be 90% completed when he comes back before the Board in August. He will report to the Board whether or not we have achieved that goal. All of the Project Review employees are in the office today to really get these projects out; you will notice that none of them are here today. He is committing to the Board that in 30 days from now 90% of those 46 projects will be completed.

Mr. Galloway stated that he has advisory people to the extent TRPA may want to use them. He would like Mr. Palma to look into the issue of projects avoiding the 120-day clock by being restarted months after the person originally submits the application. He wants to know how many we would have over 120-days if we counted these restarts. Mr. Palma would check into that, and agreed that the clock should not be started over and over again. Mr. Hasty also commented that lies into the 30-120, and the goal being that within 30 days, people will know whether or not their application is completed or not. Dr. Miner stated that we need to have statistics that say the first submittal was in default of something or something was missing. We should still track that project to see how many times that original application gets bounced because of being incomplete. Right now, TRPA does not do that. Right now, an application is submitted, and 30 days later the applicant is told that it is incomplete, it is resubmitted, and 30 days later they are again told it is incomplete, they resubmit, and it is a new application for all intensive purposes. That starts the clock again. That is where we are missing the boat, and it is being perceived out in the public that it is an intentional delay tactic. Mr. Plank suggested that a periodic report on the projects be included in the packet, and Mr. Hasty stated that we had been doing that until recently when we switched our software. We have a report in the packet now; it is not detailed project-by-project, but we will be working towards that.

B. Legal

Agency Counsel John Marshall stated that the Supreme Court granted the Writ of Certiorari in the TSPC litigation. TRPA is in the process of briefing the case, which should continue through the end of this year; with oral arguments to be heard probably in February, and a decision not expected until June of next year. Ms. Neft asked who would be handling this case, and Mr. Marshall replied that there are three parties in this case on our side: TRPA, the Attorney Generals from the States of Nevada and California, and Shute, Mihaly and Weinberger, who is representing us. Mr. Severson questioned if Mr. Marshall would be personally involved in going back to Washington, and Mr. Marshall replied that he is coordinating the overall effort to some degree. He did not presume to have the expertise necessary to either write the briefs or present oral argument. Ms. Neft asked if it would be someone from Shute, Mihaly who would be presenting the arguments, and Mr. Marshall said that we are still trying to figure out the best person to do this, given the issues. Our task is to give the majority of the justices a way to get to the point of addressing the critical question here. The broader question for them is what to do with the planning moratorium; does the fact that an agency says we need to take a total time out

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before we start approving projects appropriate to an overall plan. Should this give rise to liability or not. It would be best if we can find a way that says in some ways it can, and in some ways it cannot, rather than to come out with basically a yes or no all the time. We are probably in for a general statement from the Supreme Court with a remand back to the Ninth Circuit. This case will more than likely not end any time soon.

IX. ADMINISTRATIVE MATTERS

B. Resolution for Former Governing Board Member Leslie Medina

Mr. Solaro read the resolution for former Governing Board Member Leslie Medina into the record.

MOTION by Dr. Miner to recommend approval of the resolution for former Governing Board Member Leslie Medina. The motion carried unanimously.

A. Resolution for Outgoing Governing Board Member Joanne K. Neft

Mr. Solaro read the resolution for outgoing Governing Board Member Joanne K. Neft into the record.

MOTION by Mr. Steele to recommend approval of the resolution for outgoing Governing Board member Joanne K. Neft. The motion carried unanimously.

Mr. Sevison commented that there is probably no one else in the room that has known Joanne as long as he has. Somehow, her resignation does not come as a surprise. Mr. Sevison said that if you have known her for as many years as he has, she goes through a change about every six to eight years. He believed that we have gotten more than our money's worth out of this because she has stayed on the Board almost longer than she has stayed anywhere else in any job or any activity that he has known of in the 30-some years he has known her.

Ms. Neft replied that Mr. Sevison is absolutely right, because she believes that if you are doing a job, and you don't have it done in seven years, you had better quit. She has always felt that way. We set out with something in mind of what should be done, and seven years is a good time to make a right turn. She said that she has never done anything for nine years in her life. She feels like it is time for her to move on. It has been a total pleasure and total privilege to serve on this Board, and especially with some of you folks. You really are unique people. And the staff is unique. TRPA has a brilliant staff. For many, many years in her life, she was staff. She would try to remember to wear that hat. You get a lot more out of staff when you kiss them and love them a lot then when you beat on them. She always felt in her jobs that she was really lucky when she was working for people who really appreciated me. As she was driving up to the Lake, she was thinking that next week, she and her husband would be going to Seattle because she has tickets to see some classical music. She is a great fan of classical music; she started the musical festival here at Lake Tahoe on the North Shore. She is going to 17 hours of opera, and 16 hours of workshops. As she was coming up here, she was thinking "why am I doing this, and what about this orchestra", and all that, and she thought TRPA is really its own orchestra. It is made up of all kinds of members; each of who contributes something important to the score. The score would not be complete without each one of you in this room; without every member of staff, and with the people who live at Lake Tahoe. The audience is really the world; the audience is the citizens of the world. There are a lot of people watching what happens right here. Ms. Neft continued that she has spent time recently in Guatemala; the
people there are watching you very carefully. They are looking to this Board for ideas to solve their lake pollution problems. TRPA is brought up on the web everyday. So remember how the world is watching you; remember who is listening to the music you are making because it is being heard around the world, and your job is very, very important, and thank you all for doing it.

XI. REPORTS

C. Governing Board Members

Mr. Steele stated over the years he has heard complaints about possible violations from some property on Kingsbury Grade owned by Mr. Manchester. The most recent is an article written in the June 18, 2001, edition of the Reno Gazette, which reported the death of more than 20 trees from leakage of salt from the Manchester property. The article he believed misquoted Brian Judge as saying his right to let this stuff run off his property is grandfathered; he is sure that it was not meant to be interpreted this way. Mr. Steele believed that if this was in fact taking place, it requires the attention of TRPA. He would like a report from staff at the next meeting on this issue. Mr. Marshall stated that there is an ongoing investigation on that site, and without mentioning any names, it may or may not come back as a report in an enforcement context.

Mr. Galloway is investigating the new tree cutting rules and would like some clarification on them by Mr. Barrett. He also asked that Mr. Barrett return the many calls that Washoe County Building Department has made to him on this item.

Mr. Sevison believed that we had some discussion on this issue not too long ago, and he believed that Ms. Shade assured him that it was not intended to deal with the interface between the urban and the forest; we acted on the forest; not the interface. Ms. Shade stated that this is one of those cross-divisional issues, and the Code does talk about preferred or retention within the urban area, but is not a standard but a guideline. So if they can design to retain them, that's great. But if they have already gone through 30 or $60,000 worth of design, we are not going to ask them to redesign. We are working in-house on this as we speak.

XII. ADJOURNMENT – The meeting adjourned at 2:50 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (775) 588-4547. In addition, written materials submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Tahoe Seasons Resort
Saddle Road at Keller
South Lake Tahoe, California

August 22, 2001

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Vice-Chairperson David Solaro called the August 22, 2001, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:30 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Solaro led the Board in the Pledge of Allegiance to the Flag.

Members Present: Dr. Miner, Mr. Steele, Mr. DeLanoy, Mr. Solaro, Ms. Morandi (arrived at 9:38 a.m.), Mr. Cole, Mr. Perock, Mr. Slaven, Mr. Perock, Mr. Galloway, Ms. Derringer (arrived at 10:19 a.m.), Mr. Sevison (arrived at 9:35 a.m.)

Members Absent: Mr. Sandoval, California Governor Appointee Vacant, Mr. Neumann

Mr. Solaro thanked Executive Director Juan Palma and Deputy Director Carl Hasty, as well as the TRPA staff and all the other participants, in putting together the event with the Forest Service and Conservancy. It was a wonderful event, and thanked those involved for their hard work in making the event a success.

III. PUBLIC INTEREST COMMENTS - None

Ms. Sandra Richards, a citizen, read a letter into the record: "We are bringing to you today signatures which we have collected so far on a petition which asks you to waive the impervious coverage requirements for paths along Nevada’s Scenic Highways and Roads in rural areas within the Tahoe Basin. You may wonder why we are bringing such a petition to you.

We are asking you to waive this requirement because we not only believe, but know from sad experiences that bike paths and walk ways are badly needed to protect the innocent tourists and local residents of any age, who walk and bike and hike along these routes from the constant car traffic.

Please, take just a few minutes and consider this petition, because of the very important underlying issues.

TRPA (and I am using this term in a general way) wants to promote alternative methods of travel in the Tahoe Basin, alternative methods to the automobile."
TRPA is aggressively promoting and constructing erosion control methods along the highway and rural roads. This is most important. We all will agree. However, while doing this, TRPA also effectively prevents any installation of walk ways and bike paths. This is done by placement of large rocks, cement curbs, rails, etc., along the roads.

In other words, while in print and verbally encouraging alternative travel on the roads, TRPA literally prevents alternative travel with the methods used for erosion control. This must be reviewed most carefully, before more travelers who are not in cars are killed.

In addition to making it physically impossible for citizens to travel along roadways other than by car, TRPA demands impervious coverage from various entities; i.e., Washoe County, to even consider allowing these paths to be built.

To construct just one small section of sidewalk, or bike path along Tanager Road to Incline Village, TRPA demanded an enormous amount of impervious coverage from Washoe County, which in turn demanded this coverage from the Incline Village Improvement District.

Our only question is WHY. Please take the time to read the letter from a resident of Incline Village to the local newspaper to understand the anger residents are feeling over this safety issues.

How many deaths will it take? There have been many.” In closing, Ms. Richards stated that she wanted to give the petitions to the Board. There is also a copy of Letters to the Editor, and she thanked the Governing Board for their time. Mr. Galloway accepted the petition for the record, and asked that a copy of it be made before being given to the Clerk.

Mr. Steele stated that Ms. Richards’ comments raise a question in his mind. He noticed driving around the Basin that even where there are bike trails, often bicyclists are using the highway. It seems to him to be very dangerous. He was wondering if that was something that TRPA should pay some attention to.

Mr. Galloway asked Ms. Richards if the petition was motivated in part by the Tanager Pathway in which area there had been a death, and she said yes. The petition is not limited to areas in which there is a specific level of public safety requirement; it is broader than that. It is for all bikeways and pathways, is that correct? Ms. Richards replied that if you look at the petition itself, it is saying to waive the impervious requirements in regards to safety. Mr. Galloway read the petition, stating, “The undersigned Incline Village Property Owners support the Waiver by TRPA of the Impervious Coverage Requirements for safety paths along Washoe County Roads and Nevada State Routes located within the Lake Tahoe Basin.” Mr. Galloway asked if the petition itself is limited to public safety issues, and Ms. Richards said that was correct. The third item he questioned, in her letter stated that “Washoe County demanded this coverage from IGVID;” Mr. Galloway questioned if Ms. Richards intended to correct that to say “requested”, and she responded.

Mr. Severson stated that they did some research on Mr. Steele’s comment on bicycles using the highway in the Tahoe City area where we had bike trails and people were using the highway, and we had no means to keep people off of the highway because they had the same rights as the motor vehicles did. All we could do is encourage them to use the bike trails; we could not legally kick them off the highway because they had all of the same rights as a motor vehicle on
TRPA REGULAR MEETING MINUTES AUGUST 22, 2001

a state highway. Although they were required to meet all of the motor vehicle standards as far as going the same direction, etc.

Mr. Steele commented if there was an active bicycle group in Lake Tahoe, he suggested that some communication with them would help reduce this risk.

Mr. Galloway requested that this item be agendized for next month’s meeting to discuss coverage and possible instances of waiver.

IV. APPROVAL OF AGENDA

Deputy Director Carl Hasty stated that Agenda Item No. XII.B.1. would be continued, and the Rules Committee would not be meeting during the lunch hour. In addition, Agenda Item No. VIII.A. had been continued at the request of the applicant.

MOTION by Dr. Miner to approve the agenda as amended. The motion carried unanimously.

V. APPROVAL OF MINUTES

There were no minutes to approve this month.

VI. REPORTS

A. Executive Director Monthly Status Report

2. Lee Early Training Report

Executive Director Juan Palma briefed the Governing Board on the Lee Early Training and the binder that was handed out, which was to help the Agency solve problems and create consensus building. Mr. DeLanoy hoped that we were getting feedback from the scientific side. Mr. Galloway questioned if this training was going to solve the internal problems such as the permit backlog, as well as site assessments. Mr. Palma stated that was our goal and objective, as well as to increase productivity. Mr. Galloway thanked Mr. Palma for his efforts to look at the broader picture because it is not working; there are specific problem areas, and one of those was the permitting logjam, and he did request from Mr. Heller to put it on the next agenda for discussion. Although Mr. Galloway wants to discuss the problems that we have had in the past, that in no way means that he didn’t think that Mr. Palma was trying to do something to correct it. Mr. Steele congratulated Mr. Palma and the staff for doing this training. He believed that it was very important to involve Governing Board members in this process; maybe individually and maybe in the retreat. Mr. Steele questioned Mr. Palma if he planned to involve Governing Board members, and Mr. Palma responded absolutely; as many as would like to be involved. Mr. Steele questioned if there would still be a Governing Board retreat this year, and Mr. Palma replied that he still planned on having one in the next few weeks, now that we have all the documents in place for discussion.

1. 120-Day Project Status Report

Mr. Palma stated that last month, TRPA had over 50 projects that were over the 120-day deadline, and he committed to the Board that we would do 90% of those projects by this month. He reported to the Board that we are 100% complete, except for 1 project that will be done by 5:00 today. He wants all the projects out before the October 15th grading deadline. Mr. Palma
stated that we hired two new people in the Project Review Division. Mr. Jon Paul Harries would be leaving the organization and joining the League to Save Lake Tahoe. Mr. Palma will be moving two people from the Land Capability Section of the organization to the Project Review Division. In addition, he is looking at hiring a Senior Planner for the front desk.

3. Tahoe Transportation District/Commission

Mr. Palma stated that TRPA needs to take on a greater role on transportation issues; in particular: 1) the 64-acre tract, in which a meeting would be held on Monday at 6:00 at Squaw Creek; and, 2) CTS. We are short some money, and we are in negotiations with a company to implement the CTS in the South Shore.

B. Legal Division Monthly Status Report

Agency Counsel John Marshall commented on four items: 1) Glenbrook – we would be bringing those applications to the Governing Board in October, as well as the Plan Area Statement and pier application. The Glenbrook Preservation Association has sued TRPA and issued notice of depositions that we will be contesting and asking that the case be stayed pending the Board’s final decision on the applications. Mr. Sevison asked if everyone was asked for a deposition, or just him. Mr. Marshall commented only you lucky few. Mr. Sevison said it would be nice if the depositions were in town instead of Sacramento; 2) TSPC - TRPA’s brief is due in November, and oral arguments would be at some point in January in Washington, D.C.; 3) Tahoe Keys Marina - we are having discussions with the League to Save Lake Tahoe, that have been mixed. Mr. Marshall believed that the League would be filing suit in Federal Court against TRPA. The California State Attorney General’s office has expressed interest in executing a waiver of statute of limitations. Mr. Galloway questioned if there were any conditions in the permit that would have made the project approval acceptable to the League, and Mr. Marshall stated that the complaint focuses on the adequacy of the environmental document. The League contests that they did not adequately disclose the environmental impacts and the baseline issue that has been discussed; 3) Kearns – we just received a decision late last week granting summary judgment in favor of TRPA, and it was Jordan Kahn’s first case he has argued before a federal court. Mr. DeLanoy stated that he had heard that Mr. Ruvo would be interested in building a new pier, and he believed that Mr. Marshall should hold a meeting of counsel and individuals to possibly come to some conclusion. Mr. Marshall stated that Mr. Palma has spent a lot of time talking with the parties, and they both went to a mediation hearing in San Francisco that produced no results. We have a status conference on the case and he will push if there is any feeling for settlement on the part of the parties.

VII. CONSENT CALENDAR

Vice-Chairperson Solaro stated that the Finance Committee unanimously approved Consent Calendar Item No. 2 and Item No. 3. Mr. Hasty stated that there was a technical correction on Consent Calendar Item No. 6; the actual address is 6665. Mr. Steele requested that Consent Calendar Item No. 1 be pulled. For clarification, Mr. Steele asked on Consent Calendar Item No. 4, whether or not it is land capability 1a or land capability 3. Mr. Tim Hagan, Soils Conservation SEZ Program Manager, replied that it was mapped as 1a, and then verified as 3. So when the LCV was done, we verified the land capability based on the slope that it was not part of 1a.

MOTION to approve Consent Calendar Item Nos. 2, 3, 4, 5, and 6. The motion carried unanimously.
Assistant Planner Julie Thompson presented Consent Calendar Item No. 1

Mr. DeLanoy believed that this item was putting the cart before the horse, and he suggested that we have approval not only by the Nevada Department of Environmental Protection, but also on the soil contents before we go ahead and have people spend money, time and effort approving a project that may be conditioned based on the approval of the Department of Environmental Protection.

Mr. Vince Scott, the applicant, stated that they have a closure letter from the Washoe County Health Department. There was an original spill on the site in 1983. There is an ongoing remediation program right now. The tanks that were part of the gas station from across the street were removed, as well as the contaminated soil surrounding those tanks. We are working in connection with the NDEP to modify the mediation system. The mediation system will continue to operate until such time that NDEP decides to give us a final closure. We have to do post-remediation status, which monitors levels for a year after the system is shut down.

Mr. DeLanoy is concerned about the acceptability of the soil. Mr. Hasty stated that in cases like this, we defer to experts, and we are satisfied with Washoe County's Health Department, and the actions taken, along with NDEP.

Mr. Galloway stated that his only issue is the contamination issue, and he asked that Condition No. 4 of the permit be modified saying that NDEP would submit evidence that it approves development of buildings on site subject to post-remediation measurements that the site qualifies for that procedure.

Vice-Chairperson stated that this item would be tabled until new language is crafted for Consent Calendar Item No. 1.

VIII. PUBLIC HEARINGS

A. Amendment of Chapter 4, Appendix N to Expand the Memorandum Of Understanding (MOU) with Douglas County Exempting Certain Activities

Chief of the Operations Division Rick Angelocci presented the staff summary amending Chapter 4, Appendix N, to Expand the Memorandum of Understanding (MOU) with Douglas County Exempting Certain Activities.

Mr. Steele questioned if the items on page 59, under "B", were deleted, and Mr. Angelocci stated that they were not deleted; they were relocated elsewhere within the document on page 62. Mr. Steele questioned if the same was true for item G on page 61, and Mr. Angelocci responded yes.

MOTION by Dr. Miner to recommend approval of the findings. The motion carried unanimously.

MOTION by Mr. Sevison to recommend approval of Amendment of Chapter 4, Appendix N, to Expand the Memorandum of Understanding (MOU) and Douglas County Exempting Certain Activities. The motion carried unanimously.
B. Amendment of PAS 055 East Shore to Add Cultural Facilities As a Special Use

Senior Planner John Hitchcock presented the staff summary amending PAS 055 East Shore to Add Cultural Facilities as a Special Use.

Mr. Galloway stated that he was looking for the condition in the ordinance that refers to their capacity, and Mr. Hitchcock stated that was not included because during the project review phase, the project planners would refer to Plan Area Statement 055 itself, and the special policies that would apply to the change in use permit. In addition, they have to obtain a Special Use Permit from Washoe County, and Mr. Galloway commented that he would make sure that is put in their permit.

Mr. Perock questioned what kind of infrastructures are they purposing, and Mr. Hitchcock stated that they are not proposing anything new. They would be supposed to upgrading the water system but not the sewer system, which is why we have the limiting capacity.

Mr. DeLanoy believed it was a stretch at this point to support this amendment. He would rather see this site used as a place for scientific research.

Mr. Perock supports this item because being on the property a couple of times, it is part of a historic cultural; a rich person having their own private resort, and people need to see it. This is the last chapter in the history books of Tahoe's history. He spent about an hour touring the property, and that wasn't enough. From a Parks and Recreation point of view, it needs to be there. Mr. Hitchcock stated that is what this amendment does; it is a separate use and a separate issue.

Mr. Phil Caterino, Executive Director of the Thunderbird Lodge Preservation Society, commented that the Society was set up to own and operate the six-acre site. When the original land transfer went through, we did transfer all of the land to the Forest Service; the 140 acres. We then entered into a reservation to operate the six-acre site which included all of the structures, which the Forest Service did not want the burden of managing. What is before the Board today gives the Society the opportunity to open the site to the public, which they have not been able to do up to this point. Mr. DeLanoy questioned if there were functions taking place now, and Mr. Caterino replied that under the residential activities use, we could function as a residence as any other house around the Lake. Mr. DeLanoy questioned the scientific use of the property, and Mr. Caterino said that when they first entered into this, the Society had different ideas of what they were going to do with the site. The site was purchased in 1999, which gave us time to decide what to do. One thing that came out is that a threshold-related research facility was not going to work on that site. We had a one-acre reservation that came with the original purchase, and when we looked at the infrastructure of putting a 20,000 square feet research lab on that site, it was not going to work. At the same time, we were working on funding studies throughout the Lake and interviews with the people, and what really rose to the top on the site was the community's concern that the preservation of the actual lodge itself was much more important than any research facility on the site. That is why we are at this point now. The only thing going on at the site is remote sensing. That is something we would continue on an ongoing basis. We do not want to build more parking lots or more facilities on that site; as a matter of fact, we want to reduce the impact on the site. We have the capacity to put 450 people on the site, but as we started to do the surveys, especially the impact of bringing that many people onto a historic site, we decided that we didn't want to degrade it by trying to run hundreds of people through everyday on the site.
Mr. Galloway stated that since they would have to get a Special Use Permit from Washoe County, what other subsequent project might be coming forth on the site, and would it require another plan area amendment in order to allow it, and also be required to show the County an overall picture for the public access. Mr. Caterino commented that the County had told him that they did not require permits because the property is on Forest Service land. We don’t own the land; just not the structure. Mr. Galloway questioned what other projects might be coming forward, and Mr. Caterino replied that this is the only project that is a change in use from residential to public use. Mr. Galloway requested that a plan be made for the general public access, and he would like to see this as a package. Mr. Caterino stated that this was part of the purchase agreement with the Secretary of the Interior.

Mr. Palma summarized that the Board had concerns that what we see here is only a small slice of the picture; that there is a bigger picture here to see that we are not seeing. This is the picture right here that the Board is seeing; there are no plans for a master plan or an EIS that would build new buildings or facilities. This is the only change in this facility; that it would be a change in use from residential to public use. This facility would be opened to the special few of the public that gets invited to go there. We can put language in here if the Board feels more comfortable that this facility would be opened to the public, but we just need to make it clear.

Mr. Hitchcock stated that the application is for a regional plan amendment. The idea was brought forward to change the use permit when it was in the Project Review Division. The specifics and terms of public access, particularly the capacity, would be spelled out in the conditions of approval at that stage.

Mr. Severson commented that it sounded to him that we are trying to approve a plan area statement modification, but we want to know what’s going to happen down the road. That’s not unusual. He encouraged the Board to go ahead, and if we are comfortable with what the applicant intends to do, make it clear to them what we want the permit to come back as when it is written. He believed that we were overreacting to the sample fact that they want to put in public access there, and in the process of doing that, we want to know how many people, how many buses, and when they are going to do it. That is not part of this process; that is part of another process. Let’s invite them back on another day to have that discussion in length and understand how many people, what duration, and all of the issues that are going to be part of this Special Use Permit.

Dr. Miner responded that his curiosity was peaked because of the history of the acquisition, and he believed that there were some legitimate questions that needed to be directed to the applicants. Mr. Severson also believed that they need to be addressed in the use permit process, but if this is one step towards letting the public in there and improving access, why not.

Mr. Galloway stated that what could be a condition of the approval of this would be that a change in use permit must come before the Governing Board for approval, as well as any subsequent changes to it. Mr. Hitchcock stated that the application would have to come before the Governing Board for approval because it is a Special Use Permit.

Mr. Steele commented that opening up the Thunderbird Lodge to the public is a great idea. He questioned if they were going to advertise that they would be open to the public, and Mr. Caterino replied yes, but they can’t until they receive all of the required approvals. Mr. Steele also questioned if the Lodge would be operating the shuttles, and Mr. Caterino replied they were looking at using all of the available operating shuttles.
Mr. Steele’s concern is adopting this plan area statement without reference to the capacity problems is misleading. He believed that a new statement be added to the findings in the Ordinance on page 75, and would suggest that a 1.15 that says that the Governing Board finds that there is public benefit in permitting the public to visit the Thunderbird Lodge. Also, he suggested adding 1.25 saying that the holding capacity of the site is 100 persons per event, and that public parking will be prohibited, with access to the site provided by shuttle buses.

Mr. Hitchcock suggested adding the following Special Policy No. 10: “Any change in use for the Thunderbird Lodge shall be approved by the Governing Board”.

**MOTION** by Mr. Sevison to approval of the findings. The motion carried unanimously.

Vice-Chairperson Solaro questioned if this was a public hearing item, and Mr. Marshall replied yes.

Vice-Chairperson Solaro opened the meeting up for a public hearing. Since no one wished to comment, Vice-Chairperson Solaro closed the public hearing.

Mr. Steele stated that he requested that 1.25 be added to the findings stating “there are holding capacity limits to this site and that this kind of visitation will not involve any public parking on site”.

Mr. Sevison believed that we should deal with the above-mentioned issue as part of the use permit when it comes in rather than making it part of the findings as to why we have taken the action.

Mr. Hasty suggested that we schedule an information workshop by Mr. Caterino to discuss the Governing Board’s concerns and these site-specific issues.

Mr. Steele withdrew his motion.

Mr. Sevison stated that this motion included the following finding: "These amendments have been determined to be in the public interests for the purpose of increasing public access to a historical site”.

**MOTION** by Mr. Sevison to recommend approval of the Amendment of PAS 055 East Shore to Add Cultural Facilities as a Special Use, with the addition of Special Policy #10, which requires that any future application on this project be brought back to the full Governing Board for approval. The motion carried unanimously.

Mr. Lyn Barnett, Chief of Project Review, stated that he drafted language to be included in Condition No. 4 of the permit for Consent Calendar Item No. 1 stating: "prior to permit acknowledgement, the permittee shall submit written evidence from NDEP to confirm that an acceptable remediation plan is in place and that NDEP does not object to construction of this project".

Mr. DeLanoy questioned if there was any involvement by a Federal agency, and Mr. Marshall did not believe so.
MOTION by Mr. Galloway to approval of the findings. The motion carried with Mr. DeLancy voting no.

MOTION by Mr. Galloway to recommend approval of Consent Calendar Item No. 1, along with the new language included in Condition No. 4 of the permit. The motion carried with Mr. DeLanoy voting no.

(Lunch break taken at 11:45 a.m.)

(Dr. Miner and Mr. Cole left the meeting at 11:45 a.m.)

(Reconvened at 1:10 p.m.)

IX. PLANNING MATTERS

B. Office Relocation Discussion

Chief of the Operations Division Rick Angelocci presented a discussion on the new office relocation. He has had several meetings with the Lake Tahoe Community College, as well as the California Tahoe Conservancy. Mr. Angelocci obtained a full set of plans and specifications on CD for the Forest Service's building, which is very similar and almost identical to ours, and will be located adjacent to the building we are proposing. So we have a head start on all the specifications, including the lighting and carpeting. In the interim, he is proposing to form a committee of Governing Board members to assist him in the process. He will agendize this item for September's Governing Board meeting. Mr. Angelocci stated that Mr. Sevison and Mr. Slaven have expressed an interest in being part of the committee.

Mr. Solaro stated that since his office is right in the middle of South Lake Tahoe between all of those locations, if he can help through his office, he would be happy to. Mr. Angelocci thanked him for the offer.

Mr. Palma commented that TRPA probably has a year leeway on our current building, and he is trying to meet with the principals right now to see if he can work something out to extend the lease. If he can't, our timeline is really going to be cut short.

X. PUBLIC HEARINGS

C. Amendment of PAS 030 Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to Incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030

Senior Planner John Hitchcock presented the staff summary amending PAS 030 Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to Incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030.

Ms. Ann Setty-Rosewear, representing a property owner opposed to the project, commented that she would not be opposed to a continuance of this item.
Mr. Galloway questioned what the nature of the variance would require, and Mr. Hitchcock stated that they would have to amend the subdivision map.

Mr. Paul Kalet, with Basin Strategies representing the applicant, stated that when we received approval on one of the parcels, the Governing Board said not to do the other project unless they can try to relocate the building on a better site, and we tried to do that, and it was rejected by the property owners that are here today and in favor of this project. They can build two homes today, but they will have these environmental impacts building the second home. There are extensive cuts; lots of coverage and scenic impacts. We are presenting a proposal that has potential for meeting two thresholds: scenic and water quality. He believed this would be a win-win situation, and it would be helpful for the applicant by eliminating excessive cut and excess coverage, and a shared driveway. The site that we would like to move the house to has an IPES score in the 600's, and the site that we are leaving has an IPES score in the 400's, and is steeper.

Vice-Chairperson Solaro opened the meeting up for a public hearing.

Ms. Ann Setty-Rosevar, representing Mr. Robert Griffith, stated that her client's contention as far as his immediate property interests are, is that this is not just moving 100 feet closer to his property, but it is also moving directly into a northwestern direction from where the previous envelope was located. When Mr. Griffith purchased the property, it was bordered on almost the entire southern edge of the property by conservation boundary area, and now it will be predominately bordered by two building envelopes that were not previously there. That was the main issue that first brought this to her attention. She asked that the Board consider, prior to a vote being made, that there be consideration for a continuance because we believe that more studies should be done. This matter came before them in June. In her consultations and becoming educated in the process of this, she and her client believe that there is a good reason to have further geological studies done, as well as the scenic impacts. They are not convinced that the scenic impacts that Mr. Hitchcock has presented in that the new building envelope would have less impact than the old envelope is correct. We would like to recommend to the Governing Board further studies be done that that would be available at the next meeting. In considering whether to continue to vote on this matter, based clearly on who is available here today to vote, she also asked that the Board consider that they be permitted to submit additional information prior to a vote being taken.

In addition, Ms. Setty-Rosevar also believed that the modification of this boundary is not consistent with what the regional goals should be. In looking at this, we understand that there is not going to be a land change; it is a 1.88 acre exact land swap. However, as the staff report has stated, this is a major change to the conservation boundary amendment. From the perspective of a landowner, we look at TRPA's decisions in amending these boundaries, such as in situations where you have much more urbanized areas like Zephyr Cove or the Round Hill; issues that TRPA is now struggling with. In those particularly urbanized areas and areas where you have greater public concern, everyone is scratching their heads and wondering really what to do in those situations. This is a preserved wilderness and the proposal is not consistent with the surroundings. This is not the type of amendment that should be made when you are looking at the public's interest. This is serving one particular developer.

She cautioned the Board to be careful in making this type of amendment. There is an issue of fairness when you look to the fact that the developer purchased a particular piece of property that had certain attributes. The developer is now coming to the Board saying, "let's not just accept restrictions on the existing building envelope, but move the envelope." Now, one
particular private property owner, the applicant, is going to receive a significant increase if, in fact, it is easier to construct one building envelope than the other. In doing this, the trade-off for permitting that, even if there is a slight environmental benefit for the conservation area, is essentially trading off the interests of not only the other property owners in that area but all of the other residents in Ida Court. Those people purchased their property with notice; they understood where the building envelope could specifically be; they knew where the conservation boundary would be in relation to their properties. Mr. Griffith believed that he had a value in his property being bordered by conservation area. It would be traded-off for the interests of the developer who purchased one property and is now asking you to increase the value with the luck he had in doing so. In addition, it also meets TRPA's regional plans.

Ms. Setty-Rosevear asked that the Board look at staff's decision and understand that in our opinion, the increase in environmental benefits are not at the magnitude to warrant approval of the project.

Mr. Gary Midkiff, also representing Mr. Griffith, stated that three wrongs don't make a right. He believed that there are a number of problems policy wise in what's being proposed. In addition, there are very significant environmental impacts. The Board is asked to make very big decisions without much information. Mr. Midkiff urged the Board to reconsider the project.

Mr. Sevison asked Mr. Midkiff what the bottom line reason was why his client didn't want the building. Mr. Midkiff stated that his client bought a house a number of years ago on a 10-acre parcel that backed to a conservation plan area, on the understanding that there would be no homes built blocking his view. Now we are looking at allowing homes by the modification of a boundary that allows the building sites to move up the hill close to his residence and those would encroach into his view. Mr. Griffith understood that these were conservation areas that would not be violated.

Mr. Steele questioned what SR1 and SR2 scenic thresholds indicators referred to, and Mr. Hitchcock replied that they are scenic ratings that will be discussed during the Scenic Workshop.

Mr. Brian Gunning, a residence of Ida Court and representing all of the people living on Ida Court, with the exception of one resident who is under contract with the applicant, stated he would be supporting the actions of Mr. Griffith. He has lived on Ida Court for ten years, and when they purchased the home there were seven residents and 15 lots. There are three areas he would like to address. The increase in traffic on their street is of great concern to the people who live on Ida Court, as well as the decrease in value of the property and the snow that will be backed up onto their street. In addition, from a public interest standpoint, he thinks that a fairness argument needs to be made. In the interest of one applicant; one developer against several property owners, does not seem to be fair. The second building pad is what Mr. Gunning has objections over.

Mr. Steve Casara, representing the applicant, as well as works for the applicant, stressed that there is a building envelope for Ida Court, and we have an agreement to put a driveway along side on of the residents, Mr. Pearson, and this snow will be removed no matter how many homes are on that street. He didn't think there were any significant scenic impacts from this project. Mr. Casara believed that the view impact is almost identical to the view impact you will see with the existing envelope, although it is 200 feet closer to a house, and 550 feet from the Griffith residence. The building envelope as proposed is sheltered by a lot of vegetation, and the existing envelope does not have any vegetation. As far as the impact of the driveway, the
slope on the driveway that would be required to get us to the existing envelope is far, far greater than this slope to get the driveway to the proposed envelope. The driveway to the proposed envelope is all on a 7200 foot contour line; does not go up and down in elevation very much at all; the driveway to get to the existing envelope would require a few switchbacks to get us to the envelope. The driveway is an extension of the driveway, which is already going to be there. When you speak of a couple of hundred feet as compared to 500 feet or getting us to the existing envelope, he believed that we were gaining a lot of pluses there. When we speak about erosion and the impacts of pushing the snow off into the soil, you are talking about an additional 3 or 400 square feet of driveway to now remove snow. He felt this was an advantage as well. Mr. Casara does not agree that the views will be impacted.

Mr. Kaleta stated that there is a process for this Board to look at things that are improvements to the environment. There is a Code that indicates that we can come in and do that. There were two corrections made previously. There were building envelopes that had the right to build homes. Now we are coming in and trying to do something that has been characterized as trying to make millions of dollars by doing this. The staff summary indicates more accurately that we are proposing less land coverage because we are able to eliminate an entire driveway. In addition, we are putting this driveway in the best spot. The two other locations that were available to us were both more sensitive locations. We have identified with the TRPA staff the best possible location to access the building site with causing the least amount of disturbance. If we stick with what we currently have, we will have three to four times more soil disturbance, as well as three to four times more excavation.

In light of the fact that we have a limited number of Board members present, Mr. Kaleta requested a straw vote be conducted.

Vice-Chairperson Solaro questioned the Board if they wanted to take a straw vote. Mr. Galloway expressed his desire for this. Mr. Solaro asked how many Governing Board members would be inclined to approve the staff's recommendation. He took a straw vote by a show of hands, and the amendment did not pass. The applicant requested a continuance.

MOTION by Mr. Galloway to recommend a continuance of Amendment of PAS 030 Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to Incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030. The motion carried unanimously.

Ms. Setty-Rosevear requested if there is a continuance of the item, that she and her client be permitted to provide additional assessments as to the scenic impacts. Vice-Chairperson Solaro commented that we would allow additional public information and input; we would just ask that the same information not be repeated a second time.

Mr. Palma commented that it is unfortunate, but we have two positions, one from California and one from Nevada, that are vacant at the moment. They probably will continue to be vacant at the rate that they are being filled. Next time, there is the likelihood that there will only be one more Governing Board member from each state, which is not that many more people than we have now.

Mr. DeLancy stated that one of the things that may clarify this item is if we review the minutes from the last meeting we had where we agreed not to change the boundary line. Mr. Slaven agreed and commented that some of us don't have all the history, and it would be a big help to have that information when we make those kinds of decisions. Mr. Hitchcock stated that this
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was a very complicated item. Mr. Steele complimented Mr. Hitchcock on what a good presentation he made.

Vice-Chairperson Solaro suggested that Agenda Item Nos. XI.A. and XI.B. be heard before Agenda Item X.A.2., the Scenic Workshop.

XI. ADMINISTRATIVE MATTERS

A. Appointment of Nevada Lay Member to the Advisory Planning Commission
   (Randy Lane’s Two-year Term Expires the end of August 2001)

B. Appointment of Bi-State Lay Member to the Advisory Planning Commission
   (the TTD Chairman’s Two-year Term for Ron McIntyre Expired at the end of July 2001)

MOTION by Mr. Sevison to recommend approval of the appointment of Nevada Lay Member to the Advisory Planning Commission (Randy Lane’s Two-year Term Expires the end of August 2001) and Appointment of Bi-State Lay Member to the Advisory Planning Commission (the TTD Chairman’s Two-year Term for Ron McIntyre Expired at the end of July 2001). The motion carried unanimously.

XII. PLANNING MATTERS

A. Workshop on Thresholds

   1. Scenic

Senior Planner and Scenic Program Manager John Hitchcock presented the workshop on the scenic threshold. The threshold study recognizes the importance of the natural landscape of the Tahoe Basin, and these were rare visual resources. TRPA adopted the following value statements for the scenic resource thresholds: 1) is a very important one “to maintain and enhance the dominant natural-appearing landscape from the vast majority of view and lands in the Basin”; 2) maintain and improve the aesthetic characteristics of the man-made environment in our developed areas; and 2) restore, whenever possible, damaged natural landscapes. The thresholds are designed to protect the veiwsheds as scene from the state and federal highways, as well as Pioneer Trail, the Lake; looking back towards the land in the backdrop, as well as the public recreation areas; beaches, ski areas, campgrounds and the day use areas. There are four components to the Scenic Threshold: 1) SR-1, which are threshold travel routes, including 45 roadway units and 33 shoreline units that are broken down into units based on landscape character types; 2) SR-2, the scenic quality threshold, which protects individual natural scenic resources; 3) Recreation Bicycle Trails, SR-3, which protect the views as seen from public gathering areas; and, 4) Community Design Threshold, SR-4, which is designed to ensure that build environments are compatible with the recreation and scenic values of the Basin.

Mr. Hitchcock stated that our adopted threshold standards are to maintain the 1982 ratings for all our roadway and shoreline units; restore scenic quality and roadway units rated 15 and for shoreline units rated 7 or below. In each of these units, there are subcomponents with rating criteria, which he will be showing; and other threshold standards, which is a value statement to ensure that the built environment is compatible with the natural, scenic, and recreational values of the Region.
SR-1, the view from the road: These are the criteria that we use to rate the scenic units. We look at man-made features along the roadway and shoreline; physical distractions to driving along the roadways; the roadway characteristics; the views of the Lake from the roadways; general landscape views from the roadways, and a variety of scenery from the roadways. These are scored 1 through 5, and we have composite scoring that determines whether a unit is or is not in attainment.

Mr. Galloway questioned if those items seen from the roadways included piers, and Mr. Hitchcock responded.

Mr. Hitchcock stated that we had a scenic team out here last Fall doing our evaluation. We originally had 45 units, but we have increased these to 53 and some of these roadway units are very long and didn't really represent a viewshe. In the 2001 conditions, we have 27 units in attainment, and 26 units out of attainment. There were 4 units that improved and came back into threshold attainment, and 4 units dropped into non-attainment. Of the 27 non-attainment units, 9 of those actually realized rating increases of 11.5, which is a big increase, and we only had 2 that actually had a rating decrease; the rating attainment dropped an additional score.

In 1991, a couple of additional roadway units dropped out of attainment, and in 1996, we actually had improvements; 2 units came back into attainment, and in 2001, we had additional improvements. A number of units came back into attainment, and certain non-attainment units have rating increases, but not enough to bring them back into threshold attainment.

Some of the positive trends that are occurring in the roadway are dramatic improvements in the commercial districts. There is substantial private and public investment, and the community has contributed to improvements in the quality of the built environment; in fact, some of these are EIP projects. A few of the examples are South Lake Tahoe Redevelopment; U.S. 50/Kahle Park sidewalks; Tahoe City urban improvements, as well as Carnelian Bay; all have resulted in bringing three roadway units back into attainment. This confirms a fundamental principle of community redevelopment and provides encouragement for continued public-private leadership in planning and funding improvement projects. Also, another positive trend has been shown in SQIP, meaning “Scenic Quality Improvement Program”, which spells out recommendations for bringing non-attainment roadway units back into threshold attainment, and redevelopment in community plan areas, and projects that are targeted in our Environmental Improvement Program (“EIP”)

Some of the negative trends in the roadway are an increase in visibility of residential structures along the roadway corridors, and particularly ones that have views of the Lake that are being impacted and views of the Lake are being blocked due to residential rebuilds that increase in size and new garage additions; also, transportation-related impacts associated with installation of appurtenances in the natural roadway corridors; as well as increased traffic congestion in our resort areas; all leading to visual clutter.

Mr. Hitchcock stated that the next threshold is the Shoreline Travel Route Rating, which is the view from the Lake, that has three criteria: 1) man-made features along the shoreline; 2) general landscape views from the shoreline; and 3) variety of scenery from the shoreline. There are 33 shoreline units that did not change. In the 2001, we had 19 units in attainment and 14 units out of attainment; 4 additional units dropped into non-attainment and none were raised into attainment. A degradation is occurring in the shoreline. In addition, the 14 that were in non-attainment, only 1 realized a rating increase; in the 3, there was no change or there was a decrease.
holes and no teeth in the design standard when it comes to critical issues for buildings, such as cover materials, color ranges, and massing. Most jurisdictions have massing regulations; TRPA doesn't. Things like floor area ratio standards should be looked at to address the overall design cumulative affects of these houses. It is not that they should or should not be developed and that all development should be hidden or screened by trees; it is a design issue; not a yes or no development issue. It is important to recognize that what the current standards call for is being compatible with its natural environment. We can do a lot more with appropriate setbacks and sitting standards. We don't know what we are losing in terms of some of the historic character that people recognize Tahoe for that is rapidly disappearing. These are urgent things because five to ten years from now, it will be too late, if it is important to protect the Lake.

Ms. Brady stated that one of the things that has to be done pretty soon is to update the scenic thresholds by the year 2004 to meet the Regional Plan. The updated is needed to streamline and rationalize the overall scenic program. The program is 20 years old. We know a lot more now than we did then. We know ways to make it much easier to use and more efficient. It needs to be scientifically and legally defensible; there needs to be an apparent connection between the standards and the scenic values that are being protected. We need to reduce the perceived inequities between units with different intrinsic visual characters; i.e., different standards should be within urban as opposed to rural areas.

Mr. Sevion stated that one of the issues he gets confronted with most often when dealing with the scenic impacts and the shoreline is not so much the piers, but the homes behind the piers that are being replaced. That gets to the issue of mass. There has been a great deal of comment lately to him about the mass of the buildings we are allowing to be constructed; not that they need to be a certain limitation so much on square footage and floor area, but the mass of the buildings that are being created. Mr. Sevion questioned Mr. Brady if she would be bringing to the Board a recommendation on how to deal with that or a system that could be used practically on a day-to-day basis to help staff deal with that issue because they get constantly beat up over this issue.

Ms. Brady replied that it is a difficult issue. There are jurisdictions that have ordinances to address that issue so there is a lot of precedent for setting standards for massing; either in floor area ratio standards or relationship of building to lot area. Mr. Sevion questioned if there was a set tool for staff to use for what the appropriate mass would be, and she replied yes. Mr. Sheppard commented that they would be proposing a specific measure to address that issue.

Mr. Steele thanked staff and Brady & Associates for their presentation, and stated that from the presentation, it is obvious that we are not only not making progress in attainment, but we are losing ground. He wondered if that was because we don't have adequate guidelines and regulations or because they are not followed by the staff. Mr. Hitchcock would say that we don't have a mechanism right now to really quantify additional impacts. When you set down with an applicant, you are trading off saying you need this to make a finding; we need additional screenings to reduce overall mass and structure. That is how the system currently works. We don't have anything in place where we can go out and measure existing conditions and proposed conditions and make a determination that it is even an impact or it has been mitigated. Mr. Steele can't understand how one gets an approval for a house that is obviously going to block views both from the Lake and from the roadway. How does that happen? Mr. Hitchcock stated that this is a concern, seeing massive structures on the shore. TRPA has never denied a project based just on scenic alone. We do have loopholes, and we need to strengthen up our standards.
Ms. Brady stated that one of the problems staff has in addition to having limited staff resources to implement the scenic threshold is they are dealing with design guidelines. That is what they negotiate with the property owners. What they really need is some standards that will set a limit on the masses built. They need better tools.

Mr. Sheppard also stated that TRPA has a very hard job, and they don’t have enough people to do all of the things they are being asked to do. They need better standards, tools, and more quantified tools. This all goes along with the need for training in those tools; none of these things are simple. They do get complicated sometimes. This requires training and the commitment of man-hours and time and money from the top down to implement these things.

Ms. Sevison stated that 20 years ago, when this scenic issue was part of the threshold studies, he and Mr. Steele were not on the same side of the table. He confessed that he has come to Mr. Steele’s way of thinking somewhat on this issue, and he apologized. He never dreamed that scenic would become the issue that it has, and it is coming from an area that none of us ever envisioned would be the issue; that is, tearing old homes and building new homes. That was never discussed as the source of the problem. This certainly has become an issue, and he is sure it will intensify. Mr. Sevison believed that the time has come to look at giving staff the tools to do a far better job of giving everyone a reasonable shot at building these homes.

Mr. Steele questioned if there had been a previous report circulated prior to the 2001 threshold evaluation, Mr. Hitchcock responded no.

Mr. Steele had questions about Chapters 30 and 32, which requires target dates and schedules. Do we have target dates for all of the recreation thresholds, and Mr. Hitchcock responded that as part of the 2001 threshold evaluation, we would reestablish new target dates and interim target dates to meet the threshold attainment. Are there schedules for attainment of Chapter 32.5, and Mr. Hitchcock stated that it would be included in the threshold evaluation.

Mr. Steele asked that Mr. Hitchcock make a note that Chapter 32.5 requires schedules for attainments, and we should have them. Also, Chapter 32.7.B requires an account of the cumulative impacts on the target dates every year. Mr. Hitchcock stated that we don’t do it annually; we do it every five years as part of the threshold evaluation. In Chapter 32.8.A(2), it requires a current report on cumulative impacts on projects approved by TRPA; Mr. Steele questioned if we had a list of those. Mr. Hitchcock responded no. In addition, Chapter 30.3 requires a report on projects approved and conditioned that it complies with the SQUIP provisions; do we get those periodic reports? Mr. Hitchcock responded no. Mr. Steele requested Ms. Hitchcock make a note of these issues to see if he is correct.

Mr. Steele commented that one of things he keeps seeing in the Code is new projects will not decrease scenic ratings. It seems to him that has been violated, and he hoped that staff could give the Board some recommendations. In Chapter 30.13.A, it says that all state and federal highways are scenic highways, plus Pioneer Trail, and that development in those corridors must blend into the natural environment; does that give staff a tool to take on some of these things? Mr. Hitchcock stated that it is a guideline. We had SR-28 that dealt with issues of the parking lot; we had concern over the impacts of putting parking lots in a scenic highway corridor. Scenic highway corridors are broken down into urban, transition and roadways and natural, and they have different standards for each one of them in terms of development. Obviously, in urban development you can create an allowable visibility of the structure, while you go to the natural corridors, the requirement is the development should blend in with the landscape. However, the
problems are occurring in the transition areas from urban to the natural areas where we talk about things needing to be compatible, but it doesn’t say how much visibility is allowed in terms of visible magnitude. Those are the kinds of tools we don’t have.

Lastly, Chapter 30.13.B says that TRPA shall prepare a comprehensive scenic viewpoint corridor plan; has that been done? Mr. Hitchcock stated that we have done a scenic corridor management plan for SR28, but we have not done one for the study Mr. Steele is referring to. Mr. Hitchcock commented that we are now working on identifying scenic vistas so that CalTrans can create these turnouts for the driving public.

Vice-Chairperson Solaro opened the meeting up for a public hearing.

Ms. Rochelle Nason, with the League to Save Lake Tahoe, believed that this is a very critical threshold question in and of itself. It is also systematic of a wider problem that she hoped the Agency would take up and address in this threshold. In the nearly 10 years that she has been coming to these meetings, she has seen projects approved and approved and nobody comes back and says “what did we get out of that and was that a good call from a scenic perspective”. There are a lot of things, small and large, that never come back. Scenic has the good fortune that they are very obvious. But many of the decisions we make; water quality and traffic impacts, etc.; you can’t just drive by and see whether a project is protecting water quality, whether their mitigations are working, and so forth. We would suggest that in this threshold review, taking up this particular scenic issue, that the Agency gets an analysis of, for example, those shorezone units that have degraded and find out why they have degraded. Let’s get an analysis of the cumulative impacts of what you have already done so you know what your successes and failures have been. In the next five years, the Agency can try to avoid that. She hoped that we would see that in this threshold review with regard to scenic qualities, water quality, and with regard to each threshold. Let’s look at what’s worked and what has not worked, and then look at how we correct that.

Mr. Hitchcock stated that we are starting up a photographic monitoring program, which is an attempt to monitor change in the landscape on an annual basis as opposed to waiting every five years, when it is a little too late. In a lot of these projects, we are starting to require a monitoring program that go on for five, six, and seven years that requires an analysis to be submitted to us showing that the mitigation measures that we required as part of their permit process is in place and has survived in terms of vegetation, and making sure they are using the proper materials that they said they would do. The Agency just started this recently, and will give us an opportunity to go out after a two, three, four or five-year period to ensure that the mitigation measures that we have established are in place.

Ms. Elizabeth Hale, from Tahoe City, has been concerned about the Truckee River, and found out that not only did the Tahoe Resource Conservation District not know that the Truckee River from River Ranch up to Fanny Bridge was part of their jurisdiction, but also the APC didn’t know that part of the Truckee River was included in our jurisdiction. We need to make sure the area is reviewed for all the thresholds. In Tahoe City, we have views from the road versus views from the Lake. The views from the road are supposed to be open so the public can see the Lake better. The views from the Lake are degraded when views from the road are opened. Also, the public prefers to have seclusion for their common beach. In addition, she believed that it was time to look at the situation of allowing people to buy property, receive permits and then raise the price of the homes.

Vice-Chairperson Solaro closed the public hearing.
Since we were running out of time, Mr. Palma suggesting hearing the other three thresholds at a later date. He stated that we might have to find another venue to hear these items; whether it is a special meeting or some other venue; possibly having dinner together and then continuing the Board meeting. Mr. Sevson suggested that we adjourn the meeting in the afternoon, have dinner and then continue the meeting in the evening.

Mr. Sevson suggested that we change the meeting date, and Mr. Marshall stated that we can only set emergency meetings, and cannot change the regular meeting date more than once, according to the Rules.

Mr. Palma stated that it might cause more problems changing the meeting date, so he decided to keep the Governing Board meeting date to September 26, 2001.

XIII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Monthly Statement

Vice-Chairperson Solaro stated that the Finance Committee met this morning and unanimously approved the monthly statement.

MOTION by Mr. Sevson to recommend approval of the monthly statement. The motion carried unanimously.

2. Quarterly Investment Report

Vice-Chairperson Solaro also stated that the quarterly investment report was reviewed. There was no action taken on that item.

B. Rules Committee

2. Update on Personnel Policy Manual

Mr. Hasty commented that we have been under contract with a firm to update our personnel policy manual. We have received a draft from the firm, and it has been forwarded to the in-house Personnel Policy Committee for review. We are looking for a final draft to be completed in mid-September. Mr. Hasty stated that are looking at bringing a draft with any policy and procedure changes to the TRPA Leadership Team in November and providing recommendations to the Board in January.

XIII. REPORTS

A. Governing Board Members

Mr. Steele stated that this was the end of his third term on the Governing Board. He commended staff on their report on the EIP program. It is written in very understandable language, and people can understand what the EIP does. He has not been on this Board long enough to warrant him making a swan song, but he thought that maybe he could make a little signet for us. He believed that there are some things that are worthy of thought that he has
been concerned about. After yesterday’s euphoric, back-slapping and optimism and promises, it is kind of unpatriotic to remind ourselves that TRPA has not so far been able to accomplish it’s major goals. After 30 years, we haven’t really made a dent in reversing the water quality, water clarity problem or reducing automobile use. As we just heard, we are not really making progress on scenic issues. TRPA really should be in a leadership role, in his opinion. All the partners that we heard from yesterday and others that we did not hear from yesterday, are very active, and also are trying to implement what TRPA says should be done. Both in the Compact of the States and the Feds and everybody else has said that this is the agency; this is the body that ought to be the leaders. Instead of that, much of the time, it seems to him, is reacting to things and reports. Sometimes it appears that there is a hurry to get these meetings over rather than spending some time on talking about important problems. The Governing Board is mandated to make plans and to provide how to get implemented and then call on all these partners. He would hope that the Board could become more proactive and take on more of a leadership role.

The EIP program is a great program, and he is one of many people who devoted a lot of time to it over the past year. He has a feeling that some of the decisions that are made here are decisions that are not made, based on the idea that the EIP is going to solve our problems, or the mitigation fees are going to solve our problems. We need to take a hard look at not causing any more damage while we try and restore the harm that has been done in the past.

One of the things that some agencies have done is to have their Board members take tours of areas that are under consideration. He believed that it would be wise maybe once or twice a year to have a tour by Governing Board members of areas of upcoming projects or other areas where decisions are going to have to be made. He has found that there is no substitute for looking at what’s on the ground and taking a look at what’s there. In addition, the other suggestion he made is that at each meeting, a minimum of an hour be set aside for some proactive decision on predetermined items. We all know many of these items that need more discussion by the Governing Board; staff needs more help. He believed that the Lee Early Training looked like a wonderful session. The Governing Board members should be more active in that sense. Also, at every meeting, he believed that it would accomplish some good, and it would improve our image with the public and maybe get more public participation.

As Mr. Severson can attest, 20 years ago when he and Mr. Steele were both on the Board, we had two-day meetings regularly, and sometimes three-day meetings. We had up to 100 people from the public participating. This is because we had some problems, and it took a year and a half of these kinds of meetings to finally agree on the thresholds. But we finally got unanimous agreement on all of the thresholds, which was rare. That means spending a lot of time. It means that you don’t come to these meetings and race through the agenda and go home.

Mr. Steele stated that one of the kinds of things that warrant that kind of discussion is the monster home problem. Another subject that is worth at least an hour’s discussion by the Governing Board is this implementing the parts of the Regional Transportation Plan, the 1992 Plan which is still in effect, and has not been implemented. It has been on the books for 10 years, and we should have some discussion on it.

In terms of getting a decision on where the local one third share of the EIP should be. Because consensus has worked well in the Basin and he has been a part of that, Jim Baetge and others thought that some of those decisions, especially parking management and parking fees, should be referred to the Coalition and others for development of consensus. With respect to local funding of the EIP, if you wait for consensus, a number of us will be gone. It is not going to
happen in the future. He believed a decision should be made. He was of the opinion that TRPA has to make a decision on this in the next six months. It is their responsibility to do this.

In conclusion, Mr. Steele stated that there are other issues that he is sure others can think of that warrant a discussion of that kind. One of them is whether the mitigation program policies are working well. He will be on the sidelines, at least, applauding whatever pro-action and leadership develops in the coming months. He wished the Board well, and he will not be far away.

Vice-Chairperson Solaro agreed with several of Mr. Steele's comments, including the one about Governing Board members viewing projects. He was of the opinion a tour would be very helpful for Board members. He asked Mr. Palma about the Local Government match meetings.

Mr. Palma stated that we have a meeting on a regular basis with the Local Government Committee with regards to the regional revenue. We have hired John Upton to do three Phases; Phase 1 is to identify what is our need, which he has done. Mr. Upton has the numbers, which is one hundred million dollars for operations maintenance, and roughly one hundred million dollars for capital investments. Mr. Upton has identified those dollars, and we are all comfortable and agree in concept that that is about the right amount of money. Phase II, which has begun, is identifying what sources of revenue do we have. They may not all end up on the table when the analysis is completed, but a thorough analysis will be done as to what is doable for regional revenue. In this step, someone is assigned to go forth and make those recommendations happen. He believed that we are as close as we have been in a long time to resolving this issue. Last week, Senator Leslie said that if you come up with the right proposal, he would support this. This is a tremendous change from the past. Mr. Palma believed it would happen in the next few months.

Mr. Galloway stated that he had understood that the tree removal did not change anything in the urban boundary. He has requested clarification on the ordinance, and has raised this issue with Mr. Barrett.

Mr. Sevion stated that there was disagreement amongst staff about the tree removal, and he thought that it was intended to be outside the urban boundaries. He suggested that the item be addressed again.

Vice-Chairperson Solaro thanked Ms. Morandi for sitting in for Mr. Heller today.

XIV. ADJOURNMENT – The meeting adjourned at 4:05 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Governing Board
This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (775) 588-4547. In addition, written materials submitted at the meeting may be reviewed at the TRPA office, 308 Doria Court, Zephyr Cove, Nevada.
MEMORANDUM

Date: September 18, 2001
To: TRPA Governing Board
From: TRPA Staff

Alleged Violation Type: Unauthorized/unapproved expansion of new pier in violation of the Code of Ordinances and permit conditions.

Property Owner: Nevada Pacific Development Corporation ("NPDC")

Location: 803 Lakeshore Blvd., Washoe County, Nevada, APN 122-181-01

Staff Recommendation:

TRPA staff recommends that the Governing Board accept the proposed Settlement Agreement, attached as Exhibit A. NPDC agrees to bring its pier into substantial conformance with the design approved by the Governing Board in 1996. NPDC also agrees to secure the rights of up to 3,500 square feet of coverage for the Tanager Pedestrian Path project (a cost estimated to be between $35,000 and $70,000). If coverage cannot be secured within a year, NPDC will pay TRPA $70,000 less cost associated with its unsuccessful search. NPDC also agrees to compensate TRPA for the costs associated with the Agency's third party scenic analysis of the pier as constructed. TRPA agrees to release NPDC of any claims of TRPA arising out of any and all alleged violations resulting from the activities described in this staff summary.

Violation Summary:

The NPDC residential complex is located in Incline Village, Nevada. On October 23, 1996, the Governing Board approved a permit to the NPDC Investment Group, Inc. for a rebuild of an existing pier at 797, 803, and 809 Lakeshore Boulevard, Assessor's Parcel Numbers, 122-181-01, 122-181-02, 122-181-41, and 122-181-42. The approved pier, detailed on Exhibit A to the proposed Settlement Agreement, contained deviations from development standards based upon recognition as a multiple-use structure. The pier as approved contained deviations for multiple boat lifts (3), a catwalk, and pier head modifications.

NPDC constructed the pier in late 1996. The pier as constructed, detailed on Exhibit B to the proposed Settlement Agreement, differed substantially from that approved by the Governing Board. TRPA learned that the constructed pier was out of compliance with
the 1996 permit when NPDC applied for a permit for modifications to retroactively authorize the as-built condition. The key differences of the as-built pier from the 1996 permit approved structure are as follows:

1. Increase in pier head and catwalk length from 60 to 90 feet.
2. Increase in boatlift capacity, including a double lift and a substantial platform for personal watercraft.
3. Change in alignment of the boatlifts from single file to lifts on both sides.
4. Addition of a 4-foot high electrical locker.
5. An apparent increase from 15 to 21 pilings.
6. Addition of a railing on the catwalk.
7. Increase of pier head and pier walk width by 1 foot.

At its February 2001, meeting the Governing Board authorized expenditure of fines and forfeiture monies to hire a third scenic consultant to determine the impact of the pier as constructed and opine whether the structure could be approved. The consultant, supported by peer review, concluded that the as-built condition had an unmitigatable negative impact to scenic values in the Crystal Bay scenic unit (which is in non-attainment) and could not, therefore, be approved. NPDC’s consultants contest this conclusion.

**TRPA Code of Ordinances Violated:**

The above activities resulted in violations of both procedural and substantive TRPA rules:

1. Construction of a project out of conformance with a permit and without prior TRPA approval violates numerous provisions of the Compact (e.g. Article VI(b)), Code of Ordinances (e.g. Chapters 4, 5, 6) and Rules of Procedure (Articles V and VI). NPDC admits that construction of the as built pier without prior approval violated TRPA rules.

2. The as-built pier also violates TRPA substantive project review standards. Both the Compact (Article VI(b)) and the Code of Ordinances (Section 6.3.A) require that projects are consistent with, and not adversely affect, attainment of thresholds. Based upon the peer-reviewed, third party analysis, TRPA staff believes that the Governing Board could not approve the as-built pier because it would result in an adverse affect on Shoreline Travel Route #23 (Crystal Bay) that could not be mitigated. Based upon reports by its consultants, NPDC disagrees with staff’s position.

**Nature of Violations:**

The actions described above represent significant procedural and substantive violations. The procedural violations were at first grossly negligent and then willful. Staff investigation of the principals involved reveals that no one on site during the project (which consisted of a major backshore rebuild residential project as well as the pier project) claimed responsibility. The pier contractor suggested a pier redesign and was subsequently directed by a prior general contractor to revise the plans. NPDC replaced
its general contractor and project manager during the initial stages of the pier project. The new general contractor focused almost exclusively on the residence. The pier contractor and the new general contractor claim that they never saw the pier permit. Thus, it appears that no one on the project at the time of construction of the pier believed they had responsibility for permit compliance. NPDC asserts that it was not informed of the intent to construct a pier out of compliance with the 1996 permit. The absence of any one person with responsibility for permit compliance represents at least gross negligence.

The scope of the divergence of the project became known to NPDC approximately at mid-construction when NPDC’s landscaping/pier consultant observed the increase in boatlift capacity and a different configuration than the original, TRPA-approved design. At that point, NPDC determined that rather than contact TRPA, the pier should be completed and an after-the-fact application be filed to bring the project into compliance. This decision to continue represents a willful, knowing violation of TRPA’s procedural rules.

Assessment of the nature of the substantive violations is more problematic. No evidence was uncovered that NPDC or its consultants believed that the as-built pier would result in a threshold violation. Indeed, NPDC and its representatives have consistently argued that the as-built pier is fully consistent with all TRPA substantive rules. It would be difficult to prove that good-faith reliance on a qualified consultant’s professional opinion of threshold conformance -- that ultimately turns out to be incorrect -- could be deemed as either grossly negligent or willful. However, the reliance on consultants re-enforces the need for strict compliance with procedural requirements to resolve conflicts prior to construction.

In sum, NPDC’s admitted procedural violations were both grossly negligent and willful. Its violations of TRPA’s substantive standards are likely without premeditated intent.

**Proposed Violation Resolution:**

After numerous negotiating sessions, staff and NPDC reached a resolution proposed in the attached Settlement Agreement. The proposed settlement has two major elements. First, NPDC shall reconstruct the pier in substantial compliance with the 1996 permit. As detailed in Exhibit C to the Settlement Agreement, the pier shall have the original boatlift capacity (3 single lifts). The pier head shall be reduced to an average length of 60 feet and the catwalk to 53 feet. The catwalk railing shall be integrated with the pier deck and substructure. The electrical box will be reduced from 4 feet to 15 inches high. The proposed pier reconstruction does not reduce the number of pilings or the width of the pier head and pier walk. The proposed redesign also maintains the as-built alignment of boatlifts on both sides of the pier.

Staff has analyzed the proposed pier design and concludes that the proposed structure represents no additional adverse scenic effects above and beyond the pier approved by the Governing Board in 1996. The proposed design does not substantially change any other findings associated with the 1996 permit.

The second element of the proposed settlement is NPDC’s commitment, in lieu of a fine, to provide Washoe County with up to 3,500 square feet of coverage for the Tanager
Pedestrian Path. The Tanager Pedestrian Path project decreases accidents by providing the students of a nearby school safer passage. The coverage will likely cost NPDC between $35,000 ($10/square foot) and $70,000 ($20/square foot). NPDC's liability is capped at $70,000 inclusive of costs associated with the transfer. If NPDC does not provide the rights to the coverage within one year, it shall pay TRPA $70,000 less cost of the unsuccessful search. NPDC shall also reimburse TRPA the costs of the third-party scenic review of the as-built pier.

Required Actions:

Agency staff recommends that the Governing Board resolve the alleged violations by making a motion to ratify the proposed Settlement Agreement based on this staff summary and the evidence contained in the record. To pass, the motion must receive 5 affirmative votes from Nevada and 9 affirmative votes overall.

Exhibits:

A. Settlement Agreement with Exhibits A, B and C.

If you have any questions about this agenda item, please contact John L. Marshall at (775) 588-4547 (ext. 226).
SETTLEMENT AGREEMENT

This agreement is made by and between Nevada Pacific Development Corporation, formerly known as Duffield Investment Group, Inc., (hereinafter “NPDC”) and the Tahoe Regional Planning Agency (hereinafter “TRPA”).

On October 23, 1996, TRPA issued the Duffield Investment Group a permit for a multiple-use pier located at 803 Lakeshore Boulevard. The TRPA approved pier design is depicted in Exhibit A. The as-built condition of the pier is depicted in Exhibit B. The most significant items of departure from the approved pier design include a 30-foot increase in pier head and catwalk length, an increase in boat lift capacity, and the overall design of the pier head and boat lifts. In 1999, NPDC applied to TRPA (File No. 990326) for modifications of the 1996 permit. This settlement shall represent full and complete compromise and settlement of all matters alleged by TRPA relating to the as-built pier and NPDC’s modification application as described below:

This settlement is conditioned upon approval of this Agreement by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter with NPDC, the parties hereby agree as follows:

1. NPDC agrees to reconfigure the pier from the as-built condition depicted on Exhibit B to the condition depicted on Exhibit C. NPDC agrees to complete the pier reconfiguration by within one year from the date of approval by the Governing Board of this Agreement.

2. Within one year from the date of approval by the Governing Board of this Agreement, NPDC will provide to Washoe County the rights to 3,500 square feet of coverage suitable for transfer to the Tanager Pedestrian Path project (TRPA File No. 210039). The coverage acquired by NPDC may be class 6 potential land coverage. The cost of providing this coverage to Washoe County shall not exceed $70,000, which includes the cost of acquisition and all transfer costs. If the rights to the coverage are not provided within the one year time period, NPDC shall pay to TRPA $70,000 (less the verified costs associated with the unsuccessful attempts to find coverage that shall not exceed $10,000) within 30 days thereafter.

3. NPDC shall pay for the cost of the third-party scenic analysis and peer review performed during negotiations.

4. This Agreement is a compromise of disputed claims that shall not be treated as an admission of liability by any party for any purpose.

JLM/ 9/18/01
5. This Agreement shall inure to the benefit of and bind all parties, their affiliated business entities, insurers, employees, agents, attorneys, officers, directors, shareholders, assigns, successors-in-interest, predecessors-in-interest, and anyone or any entity related thereto.

Each party has read this Settlement Agreement and understands all of its terms. Each party has executed this Settlement Agreement voluntarily and with full knowledge of its significance. Each party has been offered the opportunity to review the terms of this Settlement Agreement with an attorney prior to executing the same.

Signed:

__________________________  __________________________
Nevada Pacific Development Corporation  Date

__________________________  __________________________
Juan Palma, Executive Director  Date
Tahoe Regional Planning Agency
MEMORANDUM

September 17, 2001

To: Governing Board

From: Lyn Barnett, AICP
Project Review Division Chief

Subject: Consent Calendar Item 2, The Station Partnership Commercial Addition/Modification, Douglas County APN 005-350-03, TRPA File No. STD-2001-0291

During the final review of this application is was discovered that proposed "new" commercial floor area needed for the subject project is 2,308 square feet and not 2,560 square feet as originally calculated by the applicant. This discovery was made after notices were mailed to affected properties in the neighborhood.

The TRPA Hearings Officer and not the Governing Board review projects that require less than 2,500 square feet of new commercial floor area. Accordingly, this project will be re-scheduled for a Hearings Officer meeting and re-noticed appropriately. Please call me at (775) 588-4547 if you have any questions.

Thank you.

/LB

9/17/01

/ LB

CONSENT CALENDAR ITEM 2
MEMORANDUM

September 18, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Sandy & Kay Moekel Land Capability Challenge, 686 Saddlehorn Court, Washoe County, Assessor’s Parcel Number 125-551-12

Proposed Action: The applicants, Sandy and Kay Moekel, request that the Governing Board review the proposed Land Capability Challenge on a portion of their parcel and approve it.

Staff Recommendation: The staff recommends that the Governing Board approve the land capability challenge on a portion of the parcel changing the land capability class from 2 to 4 (see Attachment B, Location Map).

Background: The subject parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmF (Umpa very stony sandy loam, 30 to 50 percent slopes) soil map unit. The UmF soil map unit is consistent with the D-2 (Headlands, moderate hazard lands) geomorphic unit classification. The Umpa soil formed in residuum derived from andesitic bedrock.

A land capability verification was completed on this parcel in July 1999, and the parcel was verified as land capability class 1a. A land capability challenge was filed in August 1999 to confirm the soil series and land capability for the parcel. As a consequence, the Moekel parcel was reclassified as land capability 2 and 4. The portion of the property being challenged currently is the portion that is class 2.

Findings: This parcel is 13,955 square feet in size and is located at 686 Saddlehorn Court in Incline Village, Washoe County. The parcel is mapped within geomorphic unit D-2 (Headlands, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. A TRPA staff Soil Scientist completed the soils investigation and prepared this report. Given the size of the portion of the parcel in question, one representative soil profile was described (see Attachment A). After visits to the parcel on September 6, 2001 the soils on APN 125-551-12 were determined to be consistent with the JwE (Jorge-Tahoma very stony sandy loams, 15 to 30 percent slopes) soil map unit, which is associated with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at (775) 588-4547 ext. 275.

Attachments  A. Soil Investigation and Profile
               B. Location Map

TH/dmc 15 CONSENT CALENDAR ITEM 3
SOIL INVESTIGATION FOR
PLACER COUNTY APN 125-551-12, 686 SADDLEHORN COURT

INTRODUCTION
A soil investigation was conducted on APN 125-551-12, Washoe County, on September 6, 2001. This parcel is 13,955 square feet in size and is located on Saddlehorn Court in Washoe County. TRPA staff completed a land capability verification, in July 1999 at the request of the property owner. Staff verified that the parcel is land capability class 1a.

A land capability challenge was filed with TRPA in August 1999 to determine the appropriate land capability class for this parcel based on a soil investigation. As a result, the parcel was reclassified as classes 2 and 4. The part of the parcel being challenged currently is the portion of the property that is classified as class 2.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 1a on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the UmF (Umpa very stony sandy loam, 30 to 50 percent slopes) soil map unit. The UmF soil map unit is consistent with the D-2 (Headlines, moderate hazard lands) geomorphic unit classification. The Umpa soil formed in residuum derived from andesitic bedrock. This parcel is on a south-facing slope. The natural slope is 26 to 29 percent. The natural vegetation is Jeffrey pine, white fir, manzanita, antelope bitterbrush and chinquapin.

PROCEDURES
One soil pit was dug on this parcel, using hand excavation. After examination of the pit, the soil was described in detail as representative of the soils on that portion of the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One soil series and one soil map unit was identified on the portion of the parcel in question. The soils on this part of the property are deep and well drained. The soil is characterized as having a brown stony sandy loam and gravelly sandy loam surface layer over a brown, light yellowish brown gravelly sandy clay loam upper subsoil. The lower subsoil is a pale brown gravelly sandy clay loam. This soil is similar to the Tahoma soil series listed in the Soil Survey for the Lake Tahoe Basin, and would fit the JwF (Jorge-Tahoma very stony sandy loams, 2 to 15 percent slopes). The JwF soil map unit is in land capability class 4, under the Bailey Land Capability Classification system.

CONCLUSION
Based on the results of the site visits, the soil on APN 125-551-12 was determined to be consistent with the JwF (Jorge-Tahoma very stony sandy loams, 15 to 30 percent slopes) soil map unit, associated with land capability class 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and is assigned 20 percent allowable coverage.

Tim Hagan
Senior Planner / Soil Scientist
Representative Soil Profile:

Soil Classification: fine loamy, mixed, frigid, Ultic Haploxeralf

Soil Series: Tahoma

Oi  Jeffrey pine and white fir litter.

A1  0 to 6 inches; brown (10YR 5/3) stony sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; 15 percent gravel, 5 percent cobble and 10 percent stones; clear smooth boundary.

A2  6 to 12 inches; gravelly sandy loam, brown (10YR 5/3) dark brown (10YR 3/3) moist; weak fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine, common roots; common very fine and fine interstitial pores; 15 percent gravel; gradual smooth boundary.

Bt1 12 to 22 inches; gravelly sandy loam, brown (10YR 5/3), dark yellowish brown (10YR 3/4) moist; moderate medium subangular blocky structure; slightly hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; common fine and medium tubular pores; common moderately thick clay films on ped faces and pores; 15 percent gravel; gradual wavy boundary.

Bt2 22 to 31 inches; light brownish gray (10YR 6/2) gravelly sandy clay loam, yellowish brown (10YR 5/4) moist; moderate medium subangular blocky structure; hard, friable, slightly sticky and slightly plastic; common fine and medium and few coarse roots; common fine and medium tubular pores; common moderately thick clay films on ped faces and pores; 20 percent gravel, medium acid; gradual wavy boundary.

Bt3 31 to 60 inches; pale brown (10YR 6/3) gravelly sandy clay loam, light yellowish brown (10YR 6/4) moist; moderate medium subangular blocky structure; very hard, firm, sticky and plastic; common fine and medium roots; common fine and medium tubular pores; 20 percent gravel; medium acid; clear smooth boundary.
MEMORANDUM

September 18, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Scott and Shannon Moss Land Capability Challenge, 764 Mule Deer Circle, El Dorado County, Assessor’s Parcel Number 033-283-10

Proposed Action: The applicants, Scott and Shannon Moss, request that the Governing Board review the proposed Land Capability Challenge on their parcel and approve it.

Staff Recommendation: The staff recommends that the Governing Board approve the land capability challenge for the parcel changing the land capability class from 1b and 3 to class 6 (see Attachment B, Location Map).

Background: The subject parcel is shown as land capability class 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the Ca-D (Cagwin-Rock Outcrop, 5-15 percent slopes) soil map unit. The Ca-D soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin soil formed in glacial deposits derived from mostly granitic sources (granodiorite).

A land capability verification was completed on this parcel on April 4, 2001 and the parcel was verified as land capability class 4. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: This parcel is located at 764 Mule Deer Circle, El Dorado County. The parcel is mapped within geomorphic unit C-1 (Granitic foothills, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. A TRPA staff soil scientist conducted the soils investigation, and this report was prepared. Based on two soil pits, a representative soil profile was described (see Attachment A). After visits to the parcel on Sept. 6, 2001 the soils on APN 033-283-10 were determined to be consistent with land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547 (ext. 275).

Attachments  A. Soil Investigation and Profile
              B. Location Map
INTRODUCTION
A soil investigation was conducted on APN 033-283-10 in El Dorado County, on September 5, 2001. This parcel is located on 764 Mule Deer Circle in El Dorado County. A land capability verification was conducted on April 4, 2001 by TRPA staff on this parcel.

A land capability challenge was filed with TRPA on June 18, 2001 to determine the appropriate land capability class for this parcel based on a soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 4 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the CaD (Cagwin-Rock Outcrop, 5-15 percent slopes) soil map unit. The CaD soil map unit is consistent with the C-1 (Granitic foothills, moderate hazard lands) geomorphic unit classification. The Cagwin-Rock outcrop soil formed from glaciofluvial deposits that are derived mostly from intrusive igneous (granodiorite) sources. This parcel is on a North-Northwest facing slope. The natural grade is 5 to 7 percent. The vegetation is comprised of an overstory of Jeffery pine with an understory of landscape ornamental species.

PROCEDURES
Two soil pits were dug on this parcel, using hand excavation. After examination of the pits, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One unnamed soil series was identified on this parcel. The soils on this parcel are deep and well drained. The soil is characterized as having a thin (<2") surface mantle of organic matter over a dark brown coarse sandy loam surface layer. A dark yellowish brown to reddish yellow, very gravelly loamy coarse sand subsoil is present to a depth of 60 inches. This soil is not similar to any series listed in the Soil Survey for the Lake Tahoe Basin. Under Table 4 of the Bailey Land Capability Classification system the most appropriate Land Capability class would be 6, given the profile depth, hydrologic group and slope range.

CONCLUSION
Based on the results of the site visit, the soil on APN 033-283-10 was determined to be an unnamed soil with features that are associated with land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974) and therefore is assigned 30% allowable coverage.

Tim Hagan, Senior Planner/Soil Scientist
Representative Soil Profile 1:

Soil Classification (1998) Coarse-loamy, mixed, frigid, Humic Dystroxerupt
Soil Series: unnamed
Hydrologic Group: B
Drainage: Well Drained, mixed glaciofluvial deposits

Oi  2 to 0 inches; pine litter.

A1  0 to 7 inches; brown (10YR 4/3) sandy loam; dark brown (10YR 3/3) moist; weak fine granular structure; soft, friable, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel; clear wavy boundary.

A2  7 to 15 inches; dark yellowish brown (10YR 4/3) gravelly sandy loam; dark brown (10YR 3/3) moist; moderate fine granular structure trending to moderate medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 10 percent gravel; clear wavy boundary.

Bw1 15 to 44 inches; dark yellowish brown (10YR 4/6) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; single grain; slightly hard, very friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel; gradual wavy boundary.

Bw2 44 to 50 inches; dark yellowish brown (10YR 4/6) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; single grain; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 20 percent gravel.

C  50 to 60 inches, reddish yellow (7.5 YR 6/6) gravelly loamy sand, strong brown (7.5 YR 4/6) moist; single grain; loose, very friable, nonsticky and nonplastic; common fine and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel.
Representative Soil Profile 2:

Soil Classification (1998) Coarse-loamy, mixed, frigid, Humic Dystroxerupt
Soil Series: unnamed
Hydrologic Group: B
Drainage: Well Drained, mixed glaciofluvial deposits

Oi 2 to 0 inches; pine litter.

A1 0 to 9 inches; brown (10YR 4/3) sandy loam; dark brown (10YR 3/3) moist; weak fine granular structure; soft, friable, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel; clear wavy boundary.

A2 9 to 17 inches; dark yellowish brown (10YR 4/3) gravelly sandy loam; dark brown (10YR 3/3) moist; moderate fine granular structure trending to moderate medium subangular blocky structure; soft, very friable, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 10 percent gravel; clear wavy boundary.

Bw1 17 to 41 inches; dark yellowish brown (10YR 4/6) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; single grain; slightly hard, very friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel; gradual wavy boundary.

Bw2 41 to 52 inches; dark yellowish brown (10YR 4/6) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; single grain; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 20 percent gravel.

C 52 to 60 inches, reddish yellow (7.5 YR 6/6) gravelly loamy sand, strong brown (7.5 YR 4/6) moist; single grain; loose, very friable, nonsticky and nonplastic; common fine and few coarse roots; many very fine and fine interstitial pores; 20 percent gravel.
MEMORANDUM

August 30, 2001

To: Tahoe Metropolitan Planning Organization
   Governing Board

From: TRPA Transportation Staff

Subject: 2000 Federal Transportation Improvement Program Amendments

Action Requested: No action is requested at this time. This item will be brought back for further discussion and recommendation at the October 2001 TMPO meeting.

Staff Recommendation: Staff has prepared the following proposed amendments to the 2000 Federal Transportation Improvement Program (FTIP).

Background: In July 2000 the Tahoe Metropolitan Planning Organization (TMPO) adopted the first FTIP under federal regulations. The FTIP is a formal programming document for all federal transportation funds, and includes both Nevada and California state transportation funds also.

This item today represents a proposed amendment to that document. According to the TMPO’s public participation procedures, any amendments to the FTIP are to be discussed and reviewed by the Advisory Planning Commission and Tahoe Transportation Commission prior to action by the TMPO Governing Board, and these reviews are currently underway.

Discussion: Attached are copies of the current Nevada and California Sub-elements (project listings) of the FTIP showing existing projects, including funding amounts and sources, phases and fiscal years for each project. The left hand column shows the ID number for each project and should be referred to when reviewing the changes discussed below.

RW:jrwb
Also attached are formal requests from Caltrans and the Nevada Department of Transportation regarding their proposed changes to the project listings. In California, these changes affect only two projects, as follows:

- CA01 – Reduce total cost from $4.206 mil to $3.942 mil and complete in 2005
- CA02 – Increase total cost from $2.756 mil to $3.662 mil

In Nevada, twenty-one changes are proposed. These changes are summarized as follows:

- NV01 – Move to after FY 05
- NV02 – Move to FY 02, reduce Tahoe Bond funds from $3.7 to $1.5 mil., and include $9 mil. from NHS funds in FY 02
- NV03 – Move to FY 02
- NV04 – Move to FY 02
- NV05 – No changes
- NV06 – Move Tahoe Bond funds to FY 03, and change State funds to $700K for PE in FY 03
- NV07 – Move to FY 03
- NV08 – Move AB 285 funds to FY 04 and reduce to $1.1 mil, and move State funds to FY 01
- NV12 – Move to FY 05
- NV13 – No changes
- NV14 – Change Tahoe Bond funds to $300K for PE only in FY 02 and change AB 285 funds to FY 04
- NV15 – New Project. Split NV08 to show $1.1 mil in FY 02
- NV16 – New Project. SR 28 drainage and riprap
- NV17 – New Project. $464K in State funds for FY 02 on US 50
- NV18 – New Project. $500K in State funds for FY 02 on US 50
- NV19 – New Project. $500K in State funds for FY 02 for US 50
- NV20 – New Project. $500 in State funds for FY 03 and 04 for ITS

In addition to the changes proposed by the two state transportation departments, staff of the TMPO propose changes to reflect our intent to secure additional federal funding for specific project improvements. These anticipated project funds include:

- TMC15 – New Project. This request is for the Kings Beach Commercial Core Improvements and would provide $5 million in Public Lands Highway funding for FFY 2003;
- TMC16 – New Project. This request is for the US 50 Phase II project and would provide for $5 million in Public Lands Highway funding for FFY 2003;
- TMC03 – Change in funding. This request increases CMAQ funding by approximately $400,000 to support CTS project for FFY 2002.
- TMC17 – New Project. This request is for transit projects proposed in the 2002 RTIP (vehicles $200,000 and shelters $300,000). These projects will be federalized in the FTA 5311 program once the 2002 RTIP is adopted.
The Transportation Technical Advisory Committee, the Advisory Planning Commission and the Tahoe Transportation Commission have had one opportunity to review these items. Each of these entities will be provided a second opportunity for review in October.

If you have any questions regarding this matter, please contact Mr. Richard Wiggins at (775) 588-4547.
August 3, 2001

Mr. Richard Wiggins
Transportation Division Chief
Tahoe Metropolitan Planning Organization
P.O. Box 1038
Zephyr Cove, NV 89448

Dear Mr. Wiggins:

This is to request revisions to the following projects in the 2000/01 Federal Transportation Improvement Program (FTIP) for the Lake Tahoe Region:

- E.A. 0A390: El Dorado County, State Route 89, Revise funding amounts and completion date.
- E.A. 0A400: El Dorado County, State Route 50, Revise funding amounts.

Funding for these projects has been committed through the State Highway Operation and Protection Program by the California Transportation Commission. Both projects are exempt from air quality conformity analysis requirements. Please see the attached chart for detailed information on each of these projects.

Thank you for your assistance with this matter. Please contact Susan Wilson, District 3 FTIP Coordinator, at (916) 445-3045 if you have any questions.

[Signature]

Kome Ajise, AICP
Acting Chief, North Region
Environmental & District 3 Planning

Enclosure

c: Dick Melim, Deputy District Director
   Tim Sobelman, Project Manager
   Scott Forsythe, Regional Planning
   Jeff Pulverman, Regional Planning
   Susan Wilson, Regional Planning
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Lake Tahoe
Changes

Tahoe Bond

DO199708  US 50 from Borne to Skyland / Erosion Cntrl  Move to FY 02 reduce from $3.0 to $1.5
DO200101  SR 760 Nevada Beach Rd / Erosion Control  Move to FY 02
DO200201  US 50 Skyland to Cave Rock / Erosion Control  Move to FY 03
WA200201  SR 28 from Ponderosa to SR 431 / Erosion Cntrl  Reduce $5.3 to $300k for PE in FY 02/
DO200305  US 50 from Kahle to SR 760 / Drain and Erosion  Split out of DO199817 move to 02 $1.1
WA200213  SR 28 Memorial to Lake Shore / Drain & rip rap  Add New Project

Assembly Bill 285

DO199817  US 50 Kahle to Borne / Erosion Control  Move to FY 04 / Reduce $2.2 to $1.1
WA200201  SR 28 from Ponderosa to SR 431 / Erosion Cntrl  Move to FY 04

State Gas Tax

CC200150  Carson City De-watering sites  Move outside TIP years
DO199708  US 50 from Borne to Skyland / Erosion Cntrl  Move to NHS at $9.0 in FY 02
DO200101  SR 760 Nevada Beach Rd / Erosion Control  Move to FY 02
### NEVADA SUBELEMENT OF THE FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM FOR THE LAKE TAHOE REGION

<table>
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<th>TMPo No.</th>
<th>County</th>
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Total Funding for Nevada Subelement: $38,657,000
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<td>Various Lump Sum - Transportation Improvement Activities</td>
<td></td>
<td>2003 $345,350</td>
<td>Various</td>
<td>Other</td>
<td>2003 Enhancement</td>
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<td>Various Acquisition of CNG/Propane support vehicles</td>
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<td>2001 $150,000</td>
<td>El Dor County DOT</td>
<td>Mass Transit</td>
<td>2001 Acqus</td>
<td>CMAC</td>
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<td>TM03 ED</td>
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<td>TM04 ED</td>
<td>CSLT - US 50/89 Intersection</td>
<td>Reconfigure signal phasing and widen s</td>
<td>2001 $1,008,750</td>
<td>CSLT</td>
<td>Conformity Finding</td>
<td>2001 PE, Environ</td>
<td>RSTP</td>
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<td></td>
<td>2001 PE, Environ</td>
<td>RIP</td>
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**Total Amounts**

- State Hwy Act: $264,000
- PE, Environ: $226,000
- Various: $57,000
- SHOPP: $150,000
- Acqus: $150,000
- Enhancement: $345,350
- CMAC: $150,000
- RSTP: $210,000
- RIP: $500,000
September 14, 2001

TO: Tahoe Metropolitan Planning Organization
   Governing Board

FROM: TRPA Staff

SUBJECT: Executive Director Report on the Tahoe Transportation District/Tahoe
         Transportation Commission September 14, 2001 Meeting

Proposed Action: Review of the attached TTD/TTC Agenda and for the
September 14, 2001 regular Meeting of the Board.

Staff Recommendation: Seek clarification as necessary.

If there are any questions regarding this agenda item, please contact Richard Wiggins at
(775) 588-4547, x 271.
City of So. Lake Tahoe Council Chambers
1900 Lake Tahoe Blvd.
So. Lake Tahoe, CA
(530) 542-6005

September 14, 2001
9:00 a.m.

All items on this agenda are action items unless otherwise noted. Agency talking the action is indicated in parenthesis.

I. TAHOE TRANSPORTATION DISTRICT AND TAHOE TRANSPORTATION COMMISSION CALL TO ORDER AND GENERAL MATTERS

A. Roll Call and Determination of Quorum

B. Approval of Agenda for September 14, 2001

C. Approval of Minutes from August 10, 2001

II. PUBLIC INTEREST COMMENTS (No Action)

III. CONSENT CALENDAR

IV. TAHOE TRANSPORTATION DISTRICT (TTD) MATTERS

A. Discussion and Possible Action Regarding TTD Options for Lead Role and Development of the 64 Acre Intermodal Transit Center.

B. Discussion and Possible Action Regarding CNG Station Project and Construction Contract with Pinnacle CNG.

C. Discussion and Possible Action Regarding NV Roadmarker Program.

D. Discussion and Possible Action Regarding Amendment of 2000 Federal Transportation Improvement Program.

V. TAHOE TRANSPORTATION COMMISSION (TTC) MATTERS

A. Discussion and Possible Action on Review of Draft Lake Tahoe Regional Bicycle and Pedestrian Master Plan.

VI. MATTERS OF MUTUAL CONCERN

VII. REPORTS AND INFORMATIONAL ITEMS

A. Transportation Technical Advisory Committee

Jrwb

AGENDA ITEM VIII.A.1.
B. Board and Commission Members

C. Tahoe Regional Planning Agency and Staff
   1. Staff Activity Report
   2. Status Report on the Coordinated Transit System (CTS)
   3. Review of Agenda items for October 12, 2001 Meeting of the TTD/C
      (To be held at TRPA Offices)

VIII. ADJOURNMENT OF THE TAHOE TRANSPORTATION DISTRICT AND THE
      TAHOE TRANSPORTATION COMMISSION

The next Meeting of the Tahoe Transportation District and the Tahoe Transportation
Commission will be held Friday, October 12, 2001 beginning at 9:00 a.m., at the Offices
of the TRPA. (Regular TTD and TTC Board meetings are held on the second Friday of
each month).
<table>
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<th>ITEM</th>
<th>ACTION</th>
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<tr>
<td><strong>Tahoe Transportation (TTD) Matters</strong>&lt;br&gt;A. Discussion and Possible Action Regarding TTD Options for Lead Role and Development of the 64 Acre Intermodal Transit Center</td>
<td>Approved w/review of Legal Issues</td>
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<tr>
<td>B. Discussion and Possible Action Regarding CNG Station Project and Construction Contract with Pinnacle</td>
<td>Received w/continued Review of Contract</td>
</tr>
<tr>
<td>C. Discussion and Possible Action Regarding NV Roadmarker Program</td>
<td>Received w/continued Updates</td>
</tr>
<tr>
<td>D. Discussion and Possible Action Regarding Amendment of 2000 FTIP</td>
<td>Received w/continued Review</td>
</tr>
<tr>
<td><strong>Tahoe Transportation Commission (TTC) Matters</strong>&lt;br&gt;A. Discussion and Possible Action on Review of Draft Lake Tahoe Regional Bicycle Pedestrian Master Plan</td>
<td>Received w/continued Updates</td>
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MEMORANDUM

September 18, 2001

To:        Governing Board

From:      TRPA Staff

Subject:   Report on Project Applications

As of the date of this report there were 31 applications under review Agency-wide which exceed 120-days of review time. The Agency's total active project workload is 441 applications.

Commercial, Public Service and Tourist Accommodation Applications:        73
Transfers, Verifications, and Banking Applications:                         92
Shorezone Applications:                                                    51
Resource Management and Recreation Applications:                           31
Site Assessment Applications:                                              45
Residential and Subdivision Applications:                                  144
Appeals, Administrative Determinations, and Other Applications (Est.):       5
Total Applications:                                                        441

In accordance with the Governing Board's request in August 2001, staff will present a full report on the Agency's project review workload and workload strategy at the September hearing. Please call Lyn Barnett in the Project Review Division at (775) 588-4547 if you have any questions.

Thank you.

/lb

9/18/01

/lb
TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Lakehouse Mall Public Pier Expansion and Shoreline Protection

Application Type: Shorezone/Recognition of Multiple-Use Facility/Modification and Reconstruction of an Existing Pier/Shoreline Protective Structure

Applicants: Lakehouse Mall Property Management Inc.

Agency Planner: Jon-Paul Harries and Kathy Canfield

Location: 120 Grove Street, Tahoe City, Placer County, CA

Assessor's Parcel Numbers (APNs) / File Number: 94-090-10, 11, 13, and 14/990769

Staff Recommendation: Staff recommends approval of the subject project as conditioned. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicants are proposing to significantly expand and modify an existing pier. The existing double-piling pier is currently located at the end of Grove Street in Tahoe City and is approximately 4½ feet wide and 60 feet in length as measured from the high-water line. The existing pier currently extends to lake bottom elevation 6225.5 feet, Lake Tahoe Datum, which only allows use of the pier under the lake's highest water levels.

The applicant proposes to replace the existing pier with a pier that will more adequately serve the public be handicap accessible, complement the adjacent marina directly to the east, provide a link to the proposed Lakeside Bike Trail, potentially serve water-borne transit, and provide improved recreational access to Tahoe City and the North Shore.

This proposal is consistent with the Tahoe City Community Plan, which identifies the potential to upgrade and expand lower Grove Street developments. Land-Use Policy 4.a of the Tahoe City Community Plan states, "[t]he Vision Map suggests that the lower portion of Grove Street be redeveloped to promote retail/restaurant commercial. A key feature is to provide pedestrian access to Lake Tahoe and water borne transit via a pier at the end of Grove Street.”

The proposed pier is to extend from approximately five feet behind the high water line to lake bottom elevation 6,218 feet for a total of 400± feet in length from the high water line. The proposed expansion is approximately 340 feet. The pier will be open piled with double 10-3/4" piles for the entire length of the pier. Also, the applicant is proposing two catwalks that are each 200 feet long and three feet wide. The width of the pier, excluding the proposed catwalks, will be 9'-8". Railings are also proposed to be located along the entire length of the pier. The proposed pier will also contain ten benches and low-level lighting. An adjustable platform lift is also proposed for the lakeward terminus of the pier.

Site Description: The project area, as defined through past TRPA approvals, contains the lower Grove Street commercial area located in downtown Tahoe City between Highway 28 and Lake Tahoe. The project area consists of: Parcel B (Placer County APNs 94-090-10, Lake House Pizza; and 94-090-11, retail shops), Lower Grove Street, and a portion of Parcel A (Placer

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/JP
Lakehouse Mall Public Pier and Shoreline Protection
Page 2 of 17

County APNs 94-090-13 and 14, Christy Hill Restaurant and The Village Store). These five buildings contain retail shops, restaurants, professional office space and landlord offices. Approximately 56 parking spaces are contained within the project area. Grove Street bifurcates the project area. The backshore area at the end of Grove Street contains a sewer pump-house operated by the Tahoe City Public Utility District (TCPUD). The project area averages a slope of 12%, although portions of the project area are steeper. Landscaping mainly consists of native vegetation and decorative planters. The project area is located within the Tahoe City Community Plan and within the Placer County Redevelopment Area.

The project site is in an area mapped and verified as Prime Fish Habitat (Feed and Escape/Cover). As noted above, the project area currently has an existing pier. In addition, TRPA recognizes an existing grandfathered concession consisting of sixteen (16) personal watercraft (jet skis). Adjacent shorezone uses include Commons Beach and the Tahoe City Marina.

Issues: This project involves the expansion of an existing nonconforming pier with proposed deviations from design standards and recognition of the pier as a multiple-use facility. Therefore, the project requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances. The primary issues associated with this project are:

1. **Recognition of the Pier as a Multiple-Use Facility & Deviation from Design Standards:**
   The applicants are proposing a pier that will be available to the general public, therefore, the Governing Board can recognize the pier as a multiple-use facility pursuant to the definition of a multiple-use facility set forth in Chapter 2 of the TRPA Code of Ordinances, as follows:

   "Multiple-Use Facility: A shorezone facility, usually but not always a pier, which is used by the public, homeowners association or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to Subsection 54.8.D."

Typically, applicants request the Governing Board recognize a shorezone facility as multiple-use to receive approval for a project that deviates from certain shorezone development standards. The Code allows deviations from certain location and design standards, by reducing the standards to guidelines, if the structure is recognized as multiple-use pursuant to Subsection 54.8.D of the Code. Subsection 54.8.D states,

"Recognition Of Facilities As Multiple-Use: Facilities recognized by TRPA as multiple-use are subject to the following provisions:

(1) **Deviation From Standards:** Deviation from those standards identified in Subsections 54.8.B and 54.8.C as guidelines for multiple-use facilities, shall be allowed only if TRPA recognizes such facilities as multiple-use. The extent of deviation from the standards shall be approved by TRPA and shall be dependent on:
(a) The reduction in development potential of shorezone facilities associated with the application such that the facility will be shared by other littoral property owners; and

(b) The number of people utilizing the facility or the extent to which the facility is available for general public use.

(2) Reductions in Development Potential: Reductions in development potential shall be established through the recordation by the owner of permanent deed restrictions or other covenants running with the land, reflecting use agreements and development limitations approved by TRPA on the affected properties."

The specific deviations from standards the applicants are requesting include placement of the reconstructed pier in Prime Fish Habitat, additional pier length beyond the pierhead line and below lake bottom elevation 6,219 feet, and two catwalks both of which exceed 45 feet in length and together cause the pier to exceed 13 feet in width. Below is a staff discussion and recommendation for each standard the applicants are requesting a deviation.

A. Subsection 54.4.A(3), TRPA Code of Ordinances: The placement of piers shall be prohibited in areas identified as "Feeding And/Or Escape Cover Habitat," "Spawning Habitat" or "Areas Targeted For Habitat Restoration" on TRPA's Prime Fish Habitat map, adopted on April 26, 1984.

Response: The proposed pier will be located in Prime Fish Habitat (Feed and Escape/Cover). Recognition of a structure as a multiple-use facility does not permit deviation from the prohibition of new piers in Prime Fish Habitat. However, a pier does exist on the subject property that can be verified as legally existing pursuant to Subsection 52.1 of the Code. TRPA has typically allowed demolition, relocations, and expansions of piers in Prime Fish Habitat provided it would not have a significant adverse impact on the fish habitat. TRPA staff conducted a site visit to evaluate the impacts to the fish habitat and found the project and construction activity, as conditioned, would not adversely impact the fish habitat. Construction disturbance will be brief and limited, and the loss of physical habitat as a result of the pilings will be mitigated by a fish habitat restoration project within the project area.

B. Subsection 54.4.A(4), TRPA Code of Ordinances: Piers shall not extend beyond lake bottom elevation 6219.0 feet, Lake Tahoe Datum, or beyond the pierhead line, whichever is more limiting. The pierhead line is established as depicted on the TRPA Shorezone Tolerance/Pierhead Line Maps.

Response: The applicants are proposing to extend the pier 340 additional feet (to lake bottom depth 6,218 feet). The proposed length exceeds the depth standard, and will also extend approximately 20 feet beyond the pierhead line. Multiple use piers may deviate from this standard. The proposed length is driven
by the shallow shelf that exists off-shore of Tahoe City. In order to accommodate larger boats (i.e. those associated with water borne transit) and sailboats with keels, the applicants proposed the end of the pier to terminate at lake bottom elevation 6,218 feet. This will allow five feet of depth at the pier’s end when the lake is at its legal minimum depth. Despite the additional length, the proposed pier will not extend past the Tahoe City Marina bulkhead to the east. Given the pier will serve the general public, not extend beyond adjacent structures, and the additional length will not result in an unmitigated scenic impact, TRPA staff supports the additional length.

C. Subsection 54.4.A(4), TRPA Code of Ordinances: The width of piers shall be a maximum of 10 feet, which shall include all appurtenant structures except for a single low-level boat lift and a single catwalk. A catwalk below the level of the main deck, and not exceeding three feet in width by 45 feet in length, may be permitted. Additional width for a single catwalk may be permitted where TRPA finds it is necessary to facilitate barrier free access but at no time shall the entire width of the pier and catwalk exceed 13 feet. A low-level boatlift with forks not exceeding 10 feet in width may be permitted.

Response: The applicants are requesting the Governing Board approve two 200-foot long catwalks located on opposite sides of the pier. The proposed width of the pier, including the catwalks will be 16 feet. The catwalks will allow boat docking along both sides of the pier. The primary impact associated with approving a second catwalk and the extra width is the potential impact to scenic quality. The applicants have prepared a visual simulation and scenic analysis for review. TRPA staff reviewed the simulation and analysis and determined that the project, as conditioned, would not result in adverse scenic impacts. The potential impact to scenic quality is further discussed below. Given that the intent of the proposed pier is to serve the general public by allowing pick-up, drop-off and short-term docking, and the scenic impacts can be mitigated, TRPA staff recommends approval of the catwalks.

2. Scenic Quality: The project site is located within Shoreline Scenic Unit #15 – Tahoe City, and within Subcomponent #15.4. As of the 1996 evaluations, this scenic unit does not meet threshold attainment with an adopted Shoreline Travel Route Rating of 5 and a Scenic Quality Rating of 6, and is considered to be at risk. Recent improvements at the Tahoe City Marina have resulted in a one-point increase in the Scenic Quality Rating, which will be reflected in the 2001 threshold evaluation. The Scenic Quality Improvement Program (SQIP) identifies roadway and shoreline units that are not in attainment and provides recommendations for improving such areas. According to SQIP, the main concern along the shoreline is the central portion between the Truckee River outlet and the Tahoe State Recreation Area. SQIP recommends improving the scenic quality with the addition of landscaping to visually integrate development with the natural backdrop; reside, paint and/or re-roof backshore structures to minimize contrast with the natural backdrop; reside the Tahoe City Marina warehouse; and restrict piers and buoys to the commercial core.
The applicants completed a visual assessment of the project, which identifies and evaluates project impacts and mitigation and provides recommendations for improving the scenic quality of the area. The assessment concludes, with additional recommended mitigation elements, that the project will result in an increase in the scenic quality of the project area. The proposed project includes: new cohesive façade improvements with natural wood siding and stone accents on the upland buildings; landscape screening improvements including the addition of five to seven 15-foot tall pines; the application of dark, matte colors and materials on existing buildings and proposed pier; the removal of fencing and nonconforming signage visible from the lake; and replacement of the existing bulky pier railing with a streamlined railing. In addition, staff recommends, as a condition of approval, that the applicant provide landscape screening of the existing parking area at Commons Beach.

Staff Analysis:

A. **Environmental Documentation:** The applicants have completed an initial Environmental Checklist (IEC), a visual simulation and analysis, a traffic and trip-generation study, and a noise analysis in order to assess the potential environmental impacts of the project. No significant, unmitigated environmental impacts were identified and staff has concluded that the project, as conditioned, will not have a significant effect on the environment. A copy of the completed IEC and supplemental reports will be made available at the Governing Board hearing and at TRPA.

B. **Plan Area Statement:** The project is located within the Tahoe City Community Plan. The Land Use Classification is Commercial/Public Service, and the Management Strategy is Redirection. Piers and shoreline protective structures are listed as allowable accessory structures. TRPA staff has reviewed the Tahoe City Community Plan and has determined that the project, as conditioned, is consistent with the applicable planning statement, planning considerations and special policies. As noted above, the pier is anticipated by the Tahoe City Community Plan by "provid[ing] pedestrian access to Lake Tahoe and water borne transit via a pier at the end of Grove Street."

C. **Land Coverage:**

1. **Land Capability District:** The parcel is comprised of land capability classes 5, 3, 2, and Backshore. The total project area (not including Grove Street) is 41,547 square feet in size (Portion of Parcel A = 18,030 sq. ft.; Parcel B = 23,517 sq. ft.).

2. **Total Allowable Land Coverage:** 7,542 square feet

3. **Total Existing Land Coverage:** 33,923 square feet

4. **Proposed Land Coverage:** 33,923 square feet

5. **Excess Land Coverage:** 26,533 square feet
6. **Excess Land Coverage Mitigation:** The applicant will be required to mitigate the excess land coverage within the project area in accordance with Chapter 20 of the TRPA Code of Ordinances.

D. **Shorezone Tolerance District:** The subject parcels are located within Shorezone Tolerance District 4. Projects within Shorezone Tolerance District 4 must ensure stabilization and the least environmental impact to the backshore. Vehicle access to the shoreline is not permitted and pedestrian access to the shoreline is limited to stabilized access ways. The project, as conditioned, complies with the shorezone tolerance district standards.

E. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 50, 51, 52, and 54 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 Findings:**
   
   a. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

   (1) **Land Use:** The commercial establishments on the subject parcels are an allowed use within the Tahoe City Community Plan. The proposed project involves the relocation and expansion of an allowed accessory structure (pier) and an allowed shoreline protective structure. Surrounding land uses are recreation and commercial.

   (2) **Transportation:** The applicants have completed a traffic and trip-generation analysis. The analysis concluded that the project would generate 20 daily vehicle trip ends (dtve) which is defined as an insignificant increase by the TRPA Code of Ordinances. Therefore, the applicants shall be required to mitigate the increase in dtve by payment of an air-quality mitigation fee pursuant to Chapter 93 of the TRPA Code of Ordinances.

   (3) **Conservation:** The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The proposed colors and design are consistent with the TRPA Design Review Guidelines, and the project includes scenic mitigating elements. This project will not result in the obstruction or degradation of any scenic vista or view open to the public provided the recommended mitigation measures are implemented. The applicants will install the required Best Management Practices (BMPs) within the project area, in accordance with Chapter 25 of the TRPA Code. The

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/JPH

AGENDA ITEM NO. IX.A

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applicants have completed an Environmental Noise Analysis, which concluded the project will result in an imperceptible increase of 0.6 decibels to the Community Noise Equivalent Level (CNEL). There are no known special interest plants, animal species or cultural resources within the project area.

(4) **Recreation:** The pier is designed to improve public recreational opportunities and lake access in the downtown Tahoe City area. As previously noted, Land-Use Policy 4a. of the Tahoe City Community Plan envisions development of this pier.

(5) **Public Service Facilities:** This project does not require any additions to public services or facilities.

(6) **Implementation:** The proposed project does not require any allocations of development.

b. **The project will not cause the environmental threshold carrying capacities to be exceeded.**

The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at the TRPA.

c. **Wherever federal, state or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.**

(Refer to paragraph 1.b, above.)

2. **Chapter 50 – Required Shorezone Findings:**

a. **The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildlife nesting areas.**

The proposed project will not have an impact on littoral processes because the project does not involve a structure that is less than 90 percent open. The site has not been identified as spawning habitat, and the project, as conditioned, will minimize impact to the lakebed substrate and contain a fish habitat improvement plan. The proposed pier expansion will not alter the existing backshore. The area around the
existing pier is experiencing a significant amount of erosion. Although shoreline erosion is a natural process, and is required for effective natural beach replenishment, the area surrounding the existing pier on this parcel is experiencing significantly more erosion than adjacent areas. The shoreline protective structure and the installation of vegetation along the shoreline proposed as a part of this project will stabilize the area. In addition, the pier is designed to accommodate the existing personal watercraft concession by providing a stable stair access to the lake. The proposed project is not located within an area that is mapped as on-shore wildlife habitat nor has the site been shown to be a waterfowl nesting area.

b. There are sufficient accessory facilities to accommodate the project.

This project involves the relocation and expansion of an existing pier. The project is located in the shorezone of properties occupied by commercial establishments. Restroom facilities are available at Lake House Pizza and will be provided in a new commercial development being constructed by the applicants on an adjacent parcel. As a condition of approval, the applicant will be required to provide aesthetically pleasing garbage cans near the pier and signage indicating the location and availability of public restrooms. There is sufficient parking in the project area and the Tahoe City area to accommodate the project.

c. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.

The project, as conditioned, is compatible with existing lake and shorezone uses and structures in the vicinity. The surrounding uses consist of Commons Beach and the Tahoe City Marina and will not be adversely affected by this project.

d. The use proposed in the foreshore or nearshore is water-dependent.

The pier and shoreline protective structure are located in the shorezone of Lake Tahoe and are, by their nature, water-dependent.

e. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). Also, conditions of approval prohibit the discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin. All surplus construction waste materials shall be removed from the project and
deposited only at approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

f. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials in the backshore. Permanent disturbance to ground and vegetation is prohibited. Access to the shoreline to construct the shoreline protective structure shall be from upland along the disturbed area between Grove Street and Lake House Pizza and Lake Tahoe. Access and staging areas shall be revegetated upon project completion.

g. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The proposed pier will not extend beyond the adjacent marina bulkhead. The U.S. Army Corps of Engineers must also review this project for navigational safety. The U.S. Army Corps of Engineers have completed a preliminary review of the project and commented that no safety or navigation impacts have been identified.

h. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the California State Lands Commission and the U.S. Army Corps of Engineers. Comments from these agencies, as well as the California Department of Fish & Game, were solicited as part of the review of this project. The identified concerns were with the potential impact to scenic quality, and operation of the concession. These concerns have been addressed through changes in the project proposal, and through recommended special conditions of approval.

3. Chapter 52 – Required Findings for Expansions of Non-Conforming Structures:

a. The structure is not an obstacle to navigation, is not causing significant shoreline erosion or interference with sediment transport, and is not contributing to noncompliance with a scenic threshold.

The proposed pier project did not receive any adverse comments from the Army Corps of Engineers or other agency with jurisdiction over navigable waterways, and the proposed length is similar in length to adjacent marina bulkhead. The open piling pier will allow for unimpeded
sediment transport. The proposed project involves upland building and landscaping improvements that are proposed to eliminate or improve noted visual detracting elements contributing to the non-attainment of the scenic threshold rating.

b. The structure has not been unserviceable for more than three years.

The existing pier has been continuously serviceable, except under low water conditions.

c. The expansion decreases the extent to which the structure does not comply with the development standards and/or improves the ability to attain or maintain the environmental thresholds.

The project, as conditioned, will not create a degradation of any of the environmental thresholds. The proposed project is visible from Scenic Shoreline Unit #15 (Tahoe City), which is not in attainment with TRPA scenic thresholds. Staff has determined that this pier expansion, as conditioned, is consistent with the scenic quality standards, and as conditioned, will result in an increase in the scenic quality of the shoreline travel route. Additionally, the proposed pier will meet TRPA shorezone setback requirements, which the existing pier currently does not. This project is presently located in an area mapped and verified as Prime Fish Habitat. TRPA staff has inspected the subject parcel and determined that the proposed project will not adversely impact fisheries. The proposed pier does not comply with several development standards, however, provided the pier is recognized as a multiple-use facility pursuant to Subsection 54.8.D of the Code, the proposed project would comply with all development standards except for its location in Prime Fish Habitat.

d. The project complies with the requirements to install Best Management Practices (BMPs) as set forth in Chapter 25.

All of the required BMPs will be installed as a condition of approval.

e. The project complies with the design standards in Section 53.10.

The proposed project complies with all design and color standards identified in 53.10 of the TRPA Code of Ordinances.

4. Chapter 54 – Shoreline Protective Structure Findings:

a. Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures.
This portion of the shoreline is experiencing a significant amount of erosion, which is causing excess sediment to enter to lake and threaten water clarity. Continued erosion will also threaten the proposed Lakeside Bike Trail. The shoreline protective structure is designed to halt and prevent the continued sediment deposition and threat to private property.

b. The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures.

See 4.a, above

c. Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under Subparagraph 54.13.B(1).

As shown on the construction plans attached to the end of this staff summary, the shoreline protective structure is designed to be sloping and permeable.

d. Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.

Both adjacent properties contain shoreline protective structures. The marina is enclosed by sheet pile bulkheads and the Commons Beach area near the project area has a rock shoreline protective structure and will not be adversely impacted by this project.

F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and evidence contained in the record:

I. A motion, based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect for the project.

II. A motion to approve the project based on this staff summary subject to the conditions contained in the attached draft permit.
DRAFT PERMIT

PROJECT DESCRIPTION: Public Pier Expansion and Shoreline Protective Structure

PERMITTEES: Lakehouse Mall Property Management Inc.

APNs: 94-090-10, 11, 13, and 14

COUNTY/LOCATION: 120 Grove Street, Tahoe City, Placer County, CA

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on September 26, 2001, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on September 26, 2004, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of driving the pier pilings and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action, which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEES HAVE ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT.

______________________________
TRPA Executive Director/Designee

______________________________
Date

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

____________________________________
Signature of Permittee: ____________________________

____________________________________
Date ____________________________

PERMIT CONTINUED ON NEXT PAGE

9/3/01
/JPH

AGENDA ITEM NO. IX.A

54
Air Quality Mitigation Fee\(^{(1)}\): Amount $500.00 Paid _______ Receipt No. _______

Excess Coverage Mitigation Fee\(^{(2)}\): Amount $_______ Paid _______ Receipt No. _______

Shorezone Mitigation Fee\(^{(3)}\): Amount $10,700.00 Paid _______ Receipt No. _______

Security Posted\(^{(4)}\): Amount $_______ Posted _______ Receipt No. _______ Type _______

Security Administrative Fee\(^{(5)}\): Amount $_______ Paid _______ Receipt No. _______

Notes:
(1) See Special Condition 3.F, below.
(2) Amount to be determined. See Special Condition 3.G, below.
(3) See Special Condition 3.H, below.
(4) See Special Condition 3.I, below.
(5) $130 if a cash security is posted, or $65 if a non-cash security posted.

Required plans determined to be in conformance with approval: Date: _________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit allows the installation of a shoreline protective structure and the development of a public pier. The pier shall not extend beyond lake bottom elevation 6,218. The pier shall be 9'-8" wide and contain two catwalks each measuring 200 feet length and three feet wide. This permit also authorizes the construction of a lake access stairway, a railing, 10 benches, and an adjustable platform boatlift. No other structures above the pier deck are authorized by this permit. This permit does not verify or authorize the relocation and/or placement of any buoys.

2. The Standard Conditions of Approval in Attachment S.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

A. The site plan and/or construction plans shall be revised to include:

(1) Existing land coverage calculations for the entire project area as verified by TRPA on April 20, 1999.
(2) A landscape plan for review and approval that includes all recommended mitigation measures identified in the visual analysis completed for this project.

(3) A BMP plan for review and approval, completed in consultation with TRPA staff, for the entire project area.

(4) Elimination of the proposed planter boxes located on the pier.

(5) A revised streamlined railing design for review and approval.

(6) A revised pier lighting plan for review and approval that uses low-level lighting that will not broadcast light from the proposed pier.

(7) Modification of the pier pilings such that no pilings extend above the pier deck.

(8) Notations that indicate proposed colors for all pier elements including, railings, pilings, fender-piles, decking, and other visible structural components. All proposed colors shall be within the 0 – 5 Munsell value range, and approved by TRPA.

(9) Revised land coverage calculations based on the dedication of a public access easement for the Lakeside Trail. The area of the easement shall be excluded from the project area.

(10) The location of the construction staging area and material storage for TRPA review and approval. No material storage shall occur in the backshore or previously undisturbed areas.

B. The applicants shall submit to TRPA for review and approval color and material samples for all proposed façade improvements. All proposed colors shall be within the 0 – 5 Munsell value range.

C. Pursuant to Subsection 54.8.D(2) of the TRPA Code, the applicants shall record a TRPA approved-to-form deed restriction or public access easement reflecting pier use agreements and shorezone development limitations on the affected properties. TRPA shall draft the document. A copy will be provided to the applicant with the conditional permit. At the Executive Director’s discretion, the applicant may draft the appropriate document for review and approval by TRPA legal staff and the Executive Director prior to recording.

D. The applicant shall submit for review and approval a fish habitat restoration plan, prepared by a qualified professional, which mitigates the loss of habitat associated with past activities in the project area and the placement of pilings.
E. The applicants shall submit for review and approval, a concession operations plan, which includes operation procedures for launching, fueling, informing the public of safety precautions near Commons Beach, and TRPA rules concerning the no-wake zone. In addition, the plan shall limit the concessionaire’s use of the pier so that at least 75% of the available boat docking space is left open for public use not associated with the concession. TRPA currently recognizes a grandfathered operation of 16 personal watercraft (jet skis). This permit does not authorize an increase in the recognized use. Any increases or changes in the operation will require TRPA review and approval.

F. An air quality mitigation fee of $500 shall be paid to TRPA. This fee is based on the generation of 20 daily vehicle trip ends (dvte), assessed at $25/dvte.

G. The affected project area has 26,533 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 8, Tahoe City (see attached map) or by submitting an excess coverage mitigation fee.

1. To calculate the amount of excess coverage to be removed use the following formula:

Estimated project construction cost multiplied by 0.0325, divided by the mitigation factor of 8. Please provide a construction cost estimate by your licensed contractor, architect or engineer. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

2. An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula (1) above) multiplied by the coverage mitigation cost fee ($6.50 per square foot in California). In no case shall the mitigation fee be less than $200.00.

H. The permittee shall submit a shorezone mitigation fee of $10,700 for the construction of 340 feet of new pier (assessed at $30/foot) and a low-level boatlift (assessed at $500/application).

I. The security required under Standard Condition A.3 of Attachment S shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.

J. The permittee shall provide evidence of the granting of a public access easement, to the appropriate entity, for the Lakeside Trail. Said easement shall

9/3/01
/JPH

AGENDA ITEM NO. IX.A

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be held in perpetuity in the event of a future property transfer and will assure continued public access.

K. The permittee shall submit 3 sets of final construction drawings and site plans to TRPA.

4. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin are prohibited.

5. Disturbance of the lakebed materials shall be kept to the minimum necessary for project construction.

6. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. Caissons shall be utilized if lake bottom sediment is resuspended during pile driving or at the TRPA compliance inspector's discretion.

7. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

8. No containers of fuel, paint, or other hazardous materials may be stored on the pier.

9. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction, except as authorized through approval of the fish habitat restoration plan.

10. Prior to return of the posted security, the permittee shall submit post-construction photos demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.

11. The trees on these parcels shall be considered as scenic mitigation and shall not be removed or trimmed without prior written TRPA approval. Any such removal or trimming shall constitute a violation of project approval.

12. All pier construction staging shall take place from a barge (off-shore).

13. Prior to the TRPA pre-grade inspection, the permittee shall submit a construction schedule for TRPA review and approval.

14. by acceptance of this permit, the permittee acknowledges that any modifications to this proposal, including the addition of watercraft rentals (beyond the "grandfathered" 16 personal watercraft) shall require TRPA review and approval.

END OF PERMIT AND SPECIAL CONDITIONS
PIERHEAD SECTION
1/4" = 1'-0"

2X6 TREQ DECKING
REDWOOD COLOR

LOW LEVEL LIGHTS
ON TOP OF EACH PILING

4X4 REDWOOD POSTS

1/2" DIAMETER M.B.'S
AT 8" O.C. WITH 1"
DIAMETER WASHERS

6X15 H BEAM

4X12 DF#2 JOISTS AT 24" O.C

4" PVC BOAT BUMPERS

3/16" WELD

10 3/4" .188 WALL
STEEL PILE PAINTED BLACK

WATER ELEV. = 6227.25  6-17-87

HIGH WATER LINE 6229.1

EL = 6232.0

63

Leah Kaufman
PLANNING & CONSULTING SERVICES

APPLICATION FOR
LAKEHOUSE MALL
PROPOSED PIER
HANDICAP ACCESS

PLACER COUNTY
A.P.N. 094-090-10,11,13,14

FOR: LAKEHOUSE MALL
120 GROVE STREET
TAHOE CITY, CA

OCTOBER 1999  SHEET 2 OF 2
MEMORANDUM

September 18, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Thunderbird Lodge Preservation Society Presentation

Proposed Action: No action is requested from the Governing Board on this item today. The Executive Director of the Thunderbird Lodge Preservation Society, Phil Caterino, will provide the GB with a presentation that outlines the short-term and long-term plans for the Thunderbird Lodge. At the conclusion of Mr. Caterino's presentation, staff requests that the Governing Board members discuss the merits of what has been presented as staff will be reviewing the change-in-use application for the lodge site.

Background: At the June Governing Board meeting, the TRPA Governing Board unanimously approved an amendment to PAS 055, East Shore, to add Cultural Facilities as a special use for the Thunderbird Lodge property. The purpose of the amendment was to make public access to this historic site permissible.

During the Governing Board discussion of this item there was some confusion as to the level of use, the types of uses that could be approved with the plan area amendment and the actual capacity of the site. It was a suggestion of board member Larry Sevison to invite Mr. Caterino back to the September Governing Board meeting to discuss, in length, the capacity analysis, duration of public visits, and any other issues that will need to be addressed in the special use permit when it comes forward. Attached for your review and preparation is the capacity report for the site.

If you have questions regarding this agenda item, please contact Coleen Shade at (775) 588-4547 ext. 228.

Attachment
Thunderbird Lodge Conference Capacity

Water Usage for Thunderbird Main Lodge Based on Conference Usage

<table>
<thead>
<tr>
<th>Fixture</th>
<th>Unit</th>
<th>Qty.</th>
<th>Usage (8 hrs)</th>
<th>Gal/d/Person Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Flow Toilet</td>
<td>Gal</td>
<td>1.6</td>
<td>4 flushes</td>
<td>6.4</td>
</tr>
<tr>
<td>Lavatory</td>
<td>gpm</td>
<td>4.5</td>
<td>5 min.</td>
<td>22.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>28.9</strong></td>
</tr>
</tbody>
</table>

Existing Sewer Holding Capacity = 12,000 gallons

12,000 gal/28.9 gal/person = 415 people conference capacity
# WATER USAGE FOR THUNDERBIRD LODGE BASED ON RESIDENTIAL USE DESIGNATION

## Lighthouse Kitchen & Entertainment Room
(Based on 3 persons Kitchen Help, 25 people Entertainment)

<table>
<thead>
<tr>
<th>ROOM</th>
<th># of Fixtures</th>
<th>Fixture Units</th>
<th>Per Unit</th>
<th>GPM</th>
<th>Usage x # Persons Per Day = (Calculation)</th>
<th>Gallons Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td>1</td>
<td>5</td>
<td>1 flush</td>
<td>3.5</td>
<td>4 flushes x 25 persons</td>
<td>4 x 25 x 3.5 = 382</td>
</tr>
<tr>
<td>Kitchen Help/Shower</td>
<td>1</td>
<td>4</td>
<td>5 min</td>
<td>15</td>
<td>1 shower x 3 persons</td>
<td>1 x 3 x 15 = 45</td>
</tr>
<tr>
<td>Lavatories</td>
<td>1</td>
<td>2</td>
<td>3 min</td>
<td>4.5</td>
<td>4 usage x 28 persons</td>
<td>4 x 28 x 4.5 = 504</td>
</tr>
<tr>
<td>2 Kitchen Sinks</td>
<td>2</td>
<td>4</td>
<td>4x per day</td>
<td>30</td>
<td>4 usage x 2 sinks per day</td>
<td>4 x 2 x 30 = 240</td>
</tr>
<tr>
<td>2 Dishwashers</td>
<td>2</td>
<td>4</td>
<td>4x per day</td>
<td>30</td>
<td>4 usage x 2 machines per day</td>
<td>4 x 2 x 30 = 240</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>19</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>MAX. TOTAL per DAY:</strong> 1,421 gallons/day</td>
<td></td>
</tr>
</tbody>
</table>

75 Psi w/1" water service

## Main Lodge & Lower Living Quarters
(Based on 2 persons per bedroom (16 total), 24 hours per day)

<table>
<thead>
<tr>
<th>ROOM</th>
<th># of Fixtures</th>
<th>Fixture Units</th>
<th>Per Unit</th>
<th>GPM</th>
<th>Usage x # Persons Per Day = (Calculation)</th>
<th>Gallons Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td>8</td>
<td>40</td>
<td>1 flush</td>
<td>3.5</td>
<td>4 flushes x 16 persons</td>
<td>4 x 16 x 3.5 = 224</td>
</tr>
<tr>
<td>Lavatories</td>
<td>8</td>
<td>16</td>
<td>3 min</td>
<td>4.5</td>
<td>4 usage x 16 persons</td>
<td>4 x 16 x 4.5 = 288</td>
</tr>
<tr>
<td>Showers</td>
<td>8</td>
<td>32</td>
<td>5 min</td>
<td>15</td>
<td>1 shower x 16 persons</td>
<td>1 x 16 x 15 = 240</td>
</tr>
<tr>
<td>Kitchen Sinks</td>
<td>2</td>
<td>8</td>
<td>15 min</td>
<td>30</td>
<td>3 usage x 2 households</td>
<td>3 x 30 x 2 = 180</td>
</tr>
<tr>
<td>Tubs</td>
<td>2</td>
<td>8</td>
<td>1 use</td>
<td>15</td>
<td>1 usage x 2 bedrooms</td>
<td>2 x 15 x 2 = 60</td>
</tr>
<tr>
<td>Laundry Tray</td>
<td>1</td>
<td>4</td>
<td>2 times</td>
<td>15</td>
<td>2 usage x 1 household</td>
<td>1 x 15 x 2 = 30</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>108</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>MAX. TOTAL per DAY:</strong> 1,022 gallons/day</td>
<td></td>
</tr>
</tbody>
</table>

75 Psi w/1" water service

## Cook Butler House
(Based on 2 persons, 24 hours per day)

<table>
<thead>
<tr>
<th>ROOM</th>
<th># of Fixtures</th>
<th>Fixture Units</th>
<th>Per Unit</th>
<th>GPM</th>
<th>Usage x # Persons Per Day = (Calculation)</th>
<th>Gallons Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td>1</td>
<td>5</td>
<td>4 flushes</td>
<td>3.5</td>
<td>4 flushes x 2 persons</td>
<td>4 x 2 x 3.5 = 28</td>
</tr>
<tr>
<td>Shower</td>
<td>1</td>
<td>4</td>
<td>5 min</td>
<td>15</td>
<td>1 shower x 2 persons</td>
<td>1 x 2 x 15 = 30</td>
</tr>
<tr>
<td>Lavatories</td>
<td>1</td>
<td>2</td>
<td>3 min</td>
<td>4.5</td>
<td>4 usage x 2 persons</td>
<td>4 x 2 x 4.5 = 36</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>11</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>MAX. TOTAL per DAY:</strong> 94 gallons/day</td>
<td></td>
</tr>
</tbody>
</table>

75 Psi w/1" water service

## Residential Water Usage-TLPS

5/17/01
Caretaker House
(Based on 3 persons, 24 hours per day)

<table>
<thead>
<tr>
<th>ROOM</th>
<th># of Fixtures</th>
<th>Fixture Units</th>
<th>Per Unit</th>
<th>GPM</th>
<th>Usage x # Persons Per Day =</th>
<th>(Calculation)</th>
<th>Gallons Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td>2</td>
<td>10</td>
<td>4 flushes</td>
<td>3.5</td>
<td>4 flushes x 3 persons</td>
<td>4 x 3 x 3.5</td>
<td>42</td>
</tr>
<tr>
<td>Shower</td>
<td>2</td>
<td>8</td>
<td>5 min</td>
<td>15</td>
<td>1 shower x 3 persons</td>
<td>1 x 3 x 15</td>
<td>45</td>
</tr>
<tr>
<td>Lavatories</td>
<td>2</td>
<td>4</td>
<td>3 min</td>
<td>4.5</td>
<td>4 flushes x 3 persons</td>
<td>4 x 3 x 4.5</td>
<td>54</td>
</tr>
<tr>
<td>Kitchen Sink</td>
<td>1</td>
<td>4</td>
<td>10 min</td>
<td>4.5</td>
<td>2 usage</td>
<td>2 x 30</td>
<td>60</td>
</tr>
<tr>
<td>Washer</td>
<td>1</td>
<td>4</td>
<td>per wash</td>
<td>30 gal</td>
<td>.50 washer per day</td>
<td>.50 x 30</td>
<td>15</td>
</tr>
<tr>
<td>TOTAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30</td>
</tr>
</tbody>
</table>

MAX. TOTAL per DAY 263 gallons/day
MAX. TOTAL per YEAR 95,995 gallons/yr
Demand G.P.M. 30 x .75=22.5

Admiral's House
(Based on 4 persons, 24 hours per day)

<table>
<thead>
<tr>
<th>ROOM</th>
<th># of Fixtures</th>
<th>Fixture Units</th>
<th>Per Unit</th>
<th>GPM</th>
<th>Usage x # Persons Per Day =</th>
<th>(Calculation)</th>
<th>Gallons Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td>1</td>
<td>5</td>
<td>4 flushes</td>
<td>3.5</td>
<td>4 flushes x 4 persons</td>
<td>4 x 4 x 3.5</td>
<td>56</td>
</tr>
<tr>
<td>Shower</td>
<td>1</td>
<td>4</td>
<td>5 min</td>
<td>15</td>
<td>1 shower x 4 persons</td>
<td>1 x 4 x 15</td>
<td>60</td>
</tr>
<tr>
<td>Lavatory</td>
<td>1</td>
<td>2</td>
<td>3 min</td>
<td>4.5</td>
<td>4 usage x 4 persons</td>
<td>4 x 4 x 4.5</td>
<td>72</td>
</tr>
<tr>
<td>Kitchen Sink</td>
<td>1</td>
<td>4</td>
<td>10 min</td>
<td>30</td>
<td>2 usage</td>
<td>2 x 30</td>
<td>60</td>
</tr>
<tr>
<td>TOTAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15</td>
</tr>
</tbody>
</table>

MAX. TOTAL per DAY 201 gallons/day
MAX. TOTAL per YEAR 73,365 gallons/yr
Demand G.P.M. 15 x .75=11.25

Card House
(Based on 2 persons, 24 hours per day)

<table>
<thead>
<tr>
<th>ROOM</th>
<th># of Fixtures</th>
<th>Fixture Units</th>
<th>Per Unit</th>
<th>GPM</th>
<th>Usage x # Persons Per Day =</th>
<th>(Calculation)</th>
<th>Gallons Per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Closet</td>
<td>1</td>
<td>5</td>
<td>4 flushes</td>
<td>3.5</td>
<td>4 flushes x 2 persons</td>
<td>4 x 2 x 3.5</td>
<td>28</td>
</tr>
<tr>
<td>Shower</td>
<td>1</td>
<td>4</td>
<td>5 min</td>
<td>15</td>
<td>1 shower x 2 persons</td>
<td>1 x 2 x 15</td>
<td>30</td>
</tr>
<tr>
<td>Lavatories</td>
<td>1</td>
<td>2</td>
<td>3 min</td>
<td>4.5</td>
<td>4 usage x 2 persons</td>
<td>4 x 2 x 4.5</td>
<td>36</td>
</tr>
<tr>
<td>TOTAL:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11</td>
</tr>
</tbody>
</table>

MAX. TOTAL per DAY 94 gallons/day
MAX. TOTAL per YEAR 34,310 gallons/yr
Demand G.P.M. 11 x .75=8.25

75 Psi w/1" water service
MAXIMUM TOTAL FOR ALL RESIDENTIAL per DAY
3,095 gallons/day
MAXIMUM TOTAL FOR ALL RESIDENTIAL per YEAR
1,129,675 gallons/year
TOTAL DEMAND G.P.M. FOR RESIDENTIAL
146 g.p.m.
AVERAGE TOTAL DEMAND G.P.M. FOR RESIDENTIAL
ave. 24 g.p.m.
# Proposed Water Usage Table for Thunderbird Lodge Preservation Society

<table>
<thead>
<tr>
<th>Planned Use Category</th>
<th>Assumptions</th>
<th>Total Annual Visitors</th>
<th>Unit Flows (gal/person/day)</th>
<th>Ave. Annual Demand (gal)</th>
<th>Period of Demand</th>
<th>Ave. Daily Demand (gpm)</th>
<th>Peaking Factor</th>
<th>Max. Daily Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Tours</td>
<td>15/persons/tour 3 tours/day 2 days/week 52 weeks/year</td>
<td>4,680</td>
<td>15</td>
<td>70,200</td>
<td>5</td>
<td>2.3</td>
<td>1.5</td>
<td>3.5</td>
</tr>
<tr>
<td>Conference</td>
<td>Kitchen service 50 persons/day 6 days/week 52 weeks/year</td>
<td>15,600</td>
<td>23</td>
<td>358,800</td>
<td>8</td>
<td>2.4</td>
<td>1.5</td>
<td>3.6</td>
</tr>
<tr>
<td>Educational Courses</td>
<td>25 persons/day 2 support staff 1 course/day 32 weeks/year</td>
<td>864</td>
<td>15</td>
<td>12,960</td>
<td>8</td>
<td>0.78</td>
<td>1.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Administrative Staff</td>
<td>5 persons/day 5 days/week 52 weeks/year</td>
<td>1,300</td>
<td>15</td>
<td>19,500</td>
<td>8</td>
<td>0.16</td>
<td>1.5</td>
<td>0.24</td>
</tr>
<tr>
<td>Facilities Manager</td>
<td>2 persons/day 7 days/week 52 weeks/year</td>
<td>728</td>
<td>250</td>
<td>182,000</td>
<td>16</td>
<td>0.52</td>
<td>1.5</td>
<td>0.78</td>
</tr>
<tr>
<td><strong>TOTAL DOMESTIC</strong></td>
<td></td>
<td><strong>23,175</strong></td>
<td><strong>2 ac-ft/yr</strong></td>
<td><strong>643,460</strong></td>
<td><strong>6.2</strong></td>
<td><strong>7.54</strong></td>
<td></td>
<td></td>
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<tr>
<td>Irrigation</td>
<td>¼ acre, 6 mo yr</td>
<td></td>
<td>2 ac-ft/yr</td>
<td>488,776</td>
<td>½</td>
<td>7.54</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1Typical rates of water use for commercial facilities from Wastewater Engineering, Metcalf & Eddy, Inc, Third Edition.

Table prepared by JWA Consulting for Thunderbird Lodge.
MEMORANDUM

September 18, 2001

To: TRPA Governing Board
From: TRPA Staff
Subject: Workshop on Thresholds – Recreation

Proposed Action: There is no action requested for this agenda item.

Staff Recommendation: Staff recommends that the Governing Board contemplate all the attributes that contribute to a high-quality recreation experience in anticipation of reviewing the 2001 Environmental Threshold report.

Discussion: The following bulleted items overview the status of the Recreation thresholds. While not all of the points made in this report are necessarily summarized here, certainly the main points of interest are represented. This list is intended to give the reader a quick reference to the issues facing recreation in Tahoe today.

- Expectations of visitors and residents are generally being met.
- Many public agencies have successful land acquisition programs.
- Few project requiring PAOT allocations are being constructed; however, many projects that do not require PAOT allocations are being constructed.
- The demographic mix of visitors to the Tahoe Region may change in the future, reflecting the shifts seen in California, Tahoe’s main visitor market.
- Lack of operation and maintenance funds is precluding capital investments.
- TRPA’s role in the recreation community is undefined and limited resources have prevented the agency from assuming a leadership role.
- The health of the local economy is inextricably tied to the success of recreation providers.
- It is anticipated that the EIP will spur recreation facility development and rehabilitation.
- Facility maintenance has continued to be an issue affecting the quality of the recreation experience.
- Habitat restoration goals continue to conflict with recreation access.
- Recreation advocacy groups continue to be formed.
- The desired future condition of recreation at Tahoe needs to be defined.
- The quality of recreational experiences is wholly subjective and is influenced by a variety of factors.

Staff will make a brief presentation on the status of the Recreation Thresholds in Tahoe. If you have further questions regarding this agenda item, contact Peter Eichar at (775) 588 – 4547 or, recreation@trpa.org.

Attachment: Slide Presentation Handout

AGENDA ITEM X.B.1
POOR
QUALITY
ORIGINAL (S)
TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV 89502
(775) 359-6980
TAHOE REGIONAL PLANNING COMPACT

In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.

TRPA Compact, Article 1, p. 1019

What Is Recreation?

• Recreation Experience: The psychological and physiological response from participating in a particular recreation activity in a specific setting.

• Recreation Opportunity: The possibility afforded by managers for the visitor to have a particular kind of recreation experience.

TRPA Defined Recreation Types

• Dispersed Recreation
  - Involves such activities as hiking, jogging, primitive camping, nature study, fishing, cross-country skiing, rafting, boating, and swimming.

• Developed Recreation
  - Involves outdoor activities which are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

• Urban Recreation
  - Involves indoor and outdoor activities primarily designed for use by the residents of the Region, including, but not limited to, athletic fields and neighborhood parks.
### Recreation Threshold Evaluation

- Recreation Advisory Group
  - Private/Public Providers and Industry Reps
- 1999 and 2000 Summer Recreation Preference Surveys
- 2000 Focus Group Research
- 2001 Recreation Facility Inventory (American Corp)
  - Updated 1996 TCORP Inventory
- Staff Research and Analysis
- Environmental Improvement Program
  - Completed and Anticipated Projects

### High-quality Recreation Experience

- Condition of Facilities Meet/Exceed Expectations
- Facility Amenities Meet/Exceed Expectations
- Good Climate (warm summer days, snowy winter nights)
- Tolerable Traffic (highly dependent upon visitor origin)
- Easy Site Accessibility and Consistent Signage
- Value (cost for equipment/activities/parking/transportation)
- Variety of Opportunities Available (passive and active)

### Experiences Are Unique for Everyone

- Some Prefer Powder

### Provisions for Additional Access

- 1971 = 13.5 miles of Lake Shoreline Publicly Owned (18%)
- 2001 = 34.76 miles of Lake Shoreline Publicly Owned (46%)
- 2001 = 75.5 Miles Paved Bike Trails
- 2001 = Approx. 425 Unpaved Trails
- EIP Land Acquisition Programs
- Recreation Facility Improvements

### R1 Threshold Status

<table>
<thead>
<tr>
<th>Quality &amp; Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Expectations Are Generally Being Met</td>
</tr>
<tr>
<td>• Facility Improvements Are Addressing Accessibility, Maintenance and Cost</td>
</tr>
<tr>
<td>• Sierra Nevada Climate Is Favorable</td>
</tr>
<tr>
<td>• Good Variety of Passive and Active Activities</td>
</tr>
<tr>
<td>• Traffic Congestion Continues to Compromise Experience</td>
</tr>
<tr>
<td>• Not all 1996 Intern C-Level Targets Have Been Met</td>
</tr>
<tr>
<td>- Miles of Bike/Skate trail, Total Miles Not Met</td>
</tr>
<tr>
<td>- Regional Recreation Plan, All Elements Not Complete</td>
</tr>
<tr>
<td>- regional Plan Amendments for Public Access, Not Complete</td>
</tr>
</tbody>
</table>

**STATUS:** UNKNOWN
Capacity for Outdoor Recreation

- Human Resources
  - Programs, Services, Concessions
- Consumptive Resources
  - Sewer, Water, VMT
- ‘Available’ Land
- Travel Routes/Mass Transit
- Operations and Maintenance
- PAOT Allocations

PAOTs – People At One Time

Works Well
- Aids In Design Of Facility To Ensure Adequate Supporting Amenities
- Indicates Desired Level of Use
- Free Allocation
- Works Well for ‘Closed Systems’
  - Ski Resorts
  - Developed Campgrounds

Inherent Limitations
- Snapshot Picture of Facility Use
- Does Not Quantify Total Visitation to Site
- Limited Definition Ignores Capacity Issues of Non-USFS/State Parks Projects
- PAOT Allocation Targets Not Being Realized

R2 Threshold Status

Capacity
- Available Sewer and Water Capacities Have Not Hampered Facility Development
- Numerous Non-PAOT Allocation Required Projects Are Being/Have Been Developed
- Land Acquisition Programs Have Proven Successful
- T & E Species Pose Greatest Challenge To Facility Development and Program Expansion

STATUS : ATTAINMENT

Recreation Trends

- Demographic Shifts of the Western US are Seen in the Mixture of Recreation Participants
- Baby Boomers Seeking Passive Activities
  - Cultural Tourism
- Technology and Equipment Advancements are Changing Participant Behavior and Use Patterns

Recreation ‘Lifestyle’ Marketed to Sell Products

Beyond Personal Enjoyment, Recreation at Tahoe Means:

Jobs and Money

Employment and Earnings Generated by Lake Tahoe Region Travel Expenditures, 2008

<table>
<thead>
<tr>
<th>Influence</th>
<th>Employment (jobs)</th>
<th>Earnings (millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td>32,160</td>
<td>433</td>
</tr>
<tr>
<td>Indirect</td>
<td>5,700</td>
<td>517</td>
</tr>
<tr>
<td>Induced</td>
<td>10,305</td>
<td>335</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>38,165</strong></td>
<td><strong>987</strong></td>
</tr>
</tbody>
</table>
### Future of Recreation Thresholds

<table>
<thead>
<tr>
<th>Basic Elements Remain</th>
<th>Future Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>High-quality Recreation Experience</td>
<td>Develop Actionable Policies and Programs to Ensure Quality “Value” Recreation Experience</td>
</tr>
<tr>
<td>Public Access to High-quality Lands</td>
<td>Develop Strategies to Procure Funding for Additional Land Acquisition for Recreation</td>
</tr>
<tr>
<td>Reserved Resource Capacity Specifically for Outdoor Recreation</td>
<td>Develop New or Modify Existing Capacity Systems to Ensure Visitors and Residents are Able to Enjoy Outdoor Recreation</td>
</tr>
</tbody>
</table>

### RECREATION

**Recreation Threshold R1**
It shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high-quality recreational experience including protection of high-quality undeveloped shorelines and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorelines and high-quality undeveloped areas for low density recreational use.

**Status:** Unknown

**Recreation Threshold R2**
It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total basin capacity for outdoor recreation is available to the general public.

**Status:** Attainment
MEMORANDUM

September 18, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds – Fisheries

Proposed Action: No action is requested

Staff Recommendation: Staff recommends that the TRPA Governing Board view the presentation on the Fisheries thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Fisheries thresholds. This is intended to provide a quick overview of the relevant findings in the Fisheries chapter. Additional information will be included in the full threshold report.

- There are four threshold standards for the Fisheries Threshold: 1) Lake Habitat, 2) Stream Habitat, 3) Stream Flow, and 4) Reintroduction of Lahontan cutthroat trout.
- According to fisheries professionals in the region, no significant change has occurred to Lake Habitat (in Lake Tahoe) since 1996. Therefore, TRPA is in non-attainment with the threshold standard identified for lake habitat due to manipulation of rocky substrate by property owners/managers. According to angler’s catch data, there is no evidence of a declining fishing experience in Lake Tahoe.
- Introduced non-native fish and aquatic vegetation may threaten localized native fish populations and degrade habitat conditions for native fish.
- Although some progress towards stream restoration has occurred, no significant change has occurred to stream habitat since 1996 according to regional fisheries professionals. Therefore, TRPA is in non-attainment with stream habitat threshold standard.
- Constructions of restoration projects identified in the EIP are anticipated to greatly benefit stream fish habitat.
- According to TRPA permit tracking records, no projects or activities have been approved that would unnaturally diminish stream flows in the region. The threshold standard for stream flow is being achieved.
- A population of Lahontan cutthroat trout has been established in the region. The threshold standard is being achieved.

Staff will make a brief presentation on the status of Fisheries Thresholds at the September GB meeting. If you have further questions please contact Shane Romsos at (775) 588-4547 of sromsos@trpa.org.

Attachment: Slide Presentation Handout

SR/dmc 77
2001 Threshold Evaluation

Presentation Overview
- Introduction to Fisheries Threshold Standards and Indicators.
- Summary of Evaluation Results and Trends.
- Next Steps
- Questions

Fisheries Threshold Standards
- Lake Habitat – F1
- Stream Habitat – F2
- In-stream Flow – F3
- Lahontan Cutthroat Trout – F4

Fisheries Threshold Standards and Indicators, Lake Habitat (F-1)
- TRPA (1996) "A non-degradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat."
- TRPA (1996), Physical disturbance of rocky substrate (acres).

Lake Habitat Status
- No all-inclusive survey of physical habitat has occurred since 1988 (Byron et al. 1988).
- Subsequent surveys (1993/94/97) identified locations where substrate was manipulated (C-Shade).
- TRPA (1996) estimated 3,495 acres of 'excellent' habitat...3,440 was manipulated.
- FTAG (2001), physical habitat conditions are essentially unchanged since 1996; Non-attainment.
Lake Tahoe Habitat, Trends

- Still providing excellent fishing experience.
- USFS (2000), documented a substantial shift in the organization of Lake Tahoe's aquatic community.
- Non-native species, like largemouth bass, likely have reduced localized populations of native fish.
- Aquatic weeds have likely impacted localized lake habitats important for nursery fish.
- Effects of PAH on aquatic spp. are a concern.

Fisheries Threshold Standards and Indicators, Stream Habitat (F-2)

- TRPA (1996) "Maintain 75 miles of excellent, 105 mile of good, and 38 miles of marginal stream habitat as indicated by the map on page 76 of the EIS for the Establishment of Environmental Thresholds (TRPA 1982)."
- TRPA (1996) "Miles of stream habitat in the various categories based on field inspections of habitat."

Stream Habitat Status

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent</td>
<td>24</td>
<td>43</td>
<td>75</td>
</tr>
<tr>
<td>Good</td>
<td>65</td>
<td>41</td>
<td>105</td>
</tr>
<tr>
<td>Marginal</td>
<td>129</td>
<td>132</td>
<td>38</td>
</tr>
<tr>
<td>Total</td>
<td>218</td>
<td>216</td>
<td>218</td>
</tr>
</tbody>
</table>

Stream Habitat, Status

- Limited monitoring of stream habitat condition since 1996.
- FTAG (2001) professional opinion that no substantial changes have occurred to regional streams since 1996.
- Status is similar to that reported in TRPA (1996) (FTAG 2001), Non-attainment.

Stream Habitat, Trends

- Making progress on stream habitat restoration (e.g., Trout Creek).
- Need to accept that streams change over time, naturally (process interrupted by man).
- Stream-habitat restoration is likely to be the single most important contribution to improving conditions for stream-associated fish (e.g., remove movement barriers).
Fisheries Threshold Standards and Indicators, Stream Flow (F-3)

- TRPA (1996) "Until instream flow standards are established in the Regional Plan to protect fishery values, a non-degradation standard shall apply to instream flows."
- TRPA (1996) "Instream flows evaluated by use of an instream beneficial use assessment, such as the type established by Title 23, Section 670.6 of the California Administrative Code."

Stream Flow Status

- TRPA has not adopted in-stream flow standards since the adoption of the Regional Plan.
- Since 1996, TRPA has not approved any projects that would diminish stream flows.
- Is in attainment with standard as articulated in TRPA (1982).
- Status unknown if indicators identified in TRPA (1996) are used.

In-stream Flow Trends

- On-going research to identify in-stream flow characteristic of basin streams and their relative suitability for salmon species.
- Many EIP projects aimed at reclaiming flow to streams with diversions.

Fisheries Threshold Standards and Indicators, Lahontan Cutthroat Trout (F-4)

- TRPA (1991), "It shall be the policy of the TRPA Governing Board to support, in response to justifiable evidence, state and federal efforts to reintroduce Lahontan cutthroat trout."
- TRPA (1996), "...has not adopted documentation pursuant to Chapter 32 (Code)..." (i.e., indicators).
- TRPA (1982), "...threshold would be achieved with the successful establishment of a Lahontan cutthroat trout population."

Lahontan Cutthroat Trout, Status

- A population of Lahontan cutthroat trout has been established in the region.
- Standard for LCT is in attainment with standard as identified in TRPA (1982).

Lahontan Cutthroat Trout, Trends

- Preliminary evidence that previously unknown population of LCT occurs in the basin.
- 1995 USFWS Recovery Plan is being revised.
Next Steps

- Implement EIP fish projects
- Need to identify desired future condition of aquatic community to direct management
- Update existing threshold standards and indicators (consistent with DFC).
- Potentially expand threshold language to include sensitive amphibians

---

2001 Status Summary

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Habitat (F-1)</td>
<td>Non-Attainment</td>
</tr>
<tr>
<td>Stream Habitat (F-2)</td>
<td>Non-Attainment</td>
</tr>
<tr>
<td>Stream Flow (F-3)</td>
<td>Attainment</td>
</tr>
<tr>
<td>Lahontan Cutthroat Trout (F-4)</td>
<td>Attainment</td>
</tr>
</tbody>
</table>

---

Thank You

- Stafford Lehr, CDFG
- Jeff Reiner, USFS
- Brant Allen, TRG
- Matt Kiese, Fisheries Biologist
- Shawn Espinosa, NDOE
- Ken Anderson, Cal. State Parks
- Craig Oehlfi, USFS
- Josh Murphy, CTC
MEMORANDUM

September 18, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds – Vegetation

Proposed Action: No action is requested

Staff Recommendation: Staff recommends that the Governing Board view the presentation on the Vegetation thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Vegetation thresholds. This is intended to provide a quick overview of the relevant findings in the Vegetation chapter. Additional information will be included in the full threshold report.

- There are four threshold standards for the Vegetation Threshold: 1) Common Vegetation, 2) Uncommon Plant Communities, 3) Sensitive Plants, and 4) Late Seral/Old Growth.

- According to US Forest Service data, the forests of Tahoe are not diverse enough in age structure to attain the first threshold.

- There is not sufficient information to assess the deep water plant community of Lake Tahoe. Grass Lake and Osgood Swamp are in attainment. A final study of Freel Peak as not been completed.

- Three of the four sensitive plant species are in attainment, with Tahoe yellow cress not in attainment. There are only 14 population sites of Tahoe yellow cress, however the threshold is 26 sites.

- The threshold value for Late Seral/Old Growth forests is 55% of the forest. The US Forest Service estimates that 5% of the forest is in Late Seral/Old Growth condition.

Staff will make a brief presentation on the status of Vegetation Thresholds at the August Governing Board meeting. If you have further questions please contact Gerald Dion at (775) 588-4547 or jdion@trpa.org.

Attachment: Slide Presentation Handout
Vegetation Threshold Evaluation

Vegetation Thresholds

- V-1 Common Vegetation
- V-2 Uncommon Plant Communities
- V-3 Sensitive Plants
- V-4 Late Seral/Old Growth

V-1 Common Vegetation

- Focuses on the most dominant landscape features: Forest, Meadows, Shrub, SEZ
- Three indices:
  - Species Richness
  - Relative Abundance
  - Pattern
- Non-degradation of deciduous trees, meadow, wetlands

V-2 Uncommon Plant Communities

- Non-degradation of any plant community with exceptional scientific, ecological, or scenic value:
  - the deep-water plants of Lake Tahoe,
  - Grass Lake (sphagnum bog),
  - Osgood Swamp,
  - Freel Peak Cushion Plant Community.

V-1 Summary

- Species Richness: There has been no wholesale loss of plant communities
- Relative Abundance: There is not enough diversity of age classes within Tahoe's forests
- Pattern: There are few newly created openings
- Non-degradation: There are impacts

Map of vegetation thresholds and locations.
V-2 Summary

- Deep-water plants of Lake Tahoe, *Unknown*
- Grass Lake (sphagnum bog), *Attainment*
- Osgood Swamp, *Attainment*
- Freel Peak Cushion Plant Community, *Unknown*

V-2 Additional Communities

Additional Communities Recommended:
- Hell Hole
- Upper Truckee Marsh
- Aspen Stands
- Taylor Creek Marsh
- Pope Marsh
- Meeks Meadow and Page Meadows
- Slaughterhouse Canyon

V-3 Sensitive Plants

Maintain a minimum number of population sites for each of five sensitive plant species:

<table>
<thead>
<tr>
<th>Species</th>
<th>Req. Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carex paucifluctus</td>
<td>1</td>
</tr>
<tr>
<td>Long-petaled Lewisia</td>
<td>2</td>
</tr>
<tr>
<td>Cup Lake Draba</td>
<td>2</td>
</tr>
<tr>
<td>Tahoe Draba</td>
<td>5</td>
</tr>
<tr>
<td>Tahoe Yellow Cress</td>
<td>26</td>
</tr>
</tbody>
</table>

V-3 Summary

<table>
<thead>
<tr>
<th>Species</th>
<th>Req. Sites</th>
<th>Current Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carex pauciferctus</td>
<td>1</td>
<td>Removed</td>
</tr>
<tr>
<td>Long-petaled Lewisia</td>
<td>2</td>
<td>4*</td>
</tr>
<tr>
<td>Cup Lake Draba</td>
<td>2</td>
<td>2*</td>
</tr>
<tr>
<td>Tahoe Draba</td>
<td>5</td>
<td>8*</td>
</tr>
<tr>
<td>Tahoe Yellow Cress</td>
<td>26</td>
<td>14</td>
</tr>
</tbody>
</table>

*Attainment
V-3 Additional Species

Additional Species Recommended:
- Galena Creek rockcress
- Subalpine fireweed
- Short-petaled campion

V-4 Late Seral/Old Growth

- Adopted in May 2001
- 55% of the forest
- Currently at 5%

Threshold Attainment Targets

<table>
<thead>
<tr>
<th>Type</th>
<th>Target Year</th>
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</thead>
<tbody>
<tr>
<td>Common Vegetation</td>
<td>2020</td>
</tr>
<tr>
<td>Uncommon Plant Communities</td>
<td>2005</td>
</tr>
<tr>
<td>Sensitive Plants</td>
<td>2006</td>
</tr>
<tr>
<td>Late Seral/Old Growth</td>
<td>2060</td>
</tr>
</tbody>
</table>

Vegetation Thresholds

- V-1 Common Vegetation
  Non-Attainment

- V-2 Uncommon Plant Communities
  Non-Attainment/Unknown

- V-3 Sensitive Plants

- V-4 Late Seral/Old Growth

Vegetation Thresholds

- V-1 Common Vegetation
  Non-Attainment

- V-2 Uncommon Plant Communities
  Non-Attainment/Unknown

- V-3 Sensitive Plants
  Non-Attainment

- V-4 Late Seral/Old Growth
Vegetation Thresholds

- V-1 Common Vegetation
  *Non-Attainment*
- V-2 Uncommon Plant Communities
  *Non-Attainment/Unknown*
- V-3 Sensitive Plants
  *Non-Attainment*
- V-4 Late Seral/Old Growth
  *Non-Attainment*

Next Steps

- Focus on new Thresholds.
- Focus on adding new projects to the EIP list to achieve the Vegetation Thresholds
MEMORANDUM

September 13, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds – Air Quality

Proposed Action: There is no action requested for this agenda item.

Staff Recommendation: Staff recommends that the Governing Board view the presentation on the Air Quality thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Air Quality thresholds. This is intended to provide a quick overview of the relevant findings in the Air Quality Chapter. Additional information will be included in the full threshold report.

- Carbon monoxide levels in the Basin are well below current standards.
- Ozone concentrations continue to exceed TRPA’s vegetation-based standard and data indicates that transport from out-of-Basin sources plays a significant role in summertime ozone concentrations.
- Particulate matter standards have been in attainment since 1999.
- Visibility in the Lake Tahoe Basin has generally improved over the last five years except that the haziest days are becoming hazier.
- Traffic volume on highway 50 (near Stateline) appears to have been reduced from 1981 levels; however, vehicle miles traveled continue to increase.
- Wood smoke levels appear to be decreasing in the winter months.
- The atmospheric concentrations of nitrogen (NO_{3} and NO_{2}) have been decreasing, although the original 1973-1981 base values remain unknown.

Staff will make a brief presentation on the status of Air Quality thresholds at the September GB meeting. If you have further questions, please contact Jennifer Quashnick at (775) 588-4547 x278 or jquashnick@trpa.org.

Attachment: Slide presentation handout
POOR QUALITY ORIGINAL (S) TO FOLLOW

HIGH DESERT MICROIMAGING, INC.
1225 FINANCIAL BLVD
RENO, NV  89502
(775) 359-6980
Overview

Introduce TRPA's Air Quality Thresholds

Status of Individual Thresholds

Expansion of Air Quality Monitoring Network

Acknowledgements

Background

- Protection of Human Health, Forest Health and Lake Clarity

Introduction

TRPA's Air Quality Thresholds include standards for:

- Carbon Monoxide
- Ozone
- Particulate Matter
- Visibility
- Traffic Volume
- Wood Smoke
- Vehicle Miles Traveled
- Atmospheric Deposition

Lake Tahoe Air Quality Monitoring Sites

1. Hwy 50, South Lake Tahoe - TRPA
2. Sandy Way, South Lake Tahoe - CARB
3. D.L. Bliss State Park - EPA (IMPROVE/USFS)
4. Echo Summit - CARB
5. Incline Village - Washoe County/CARB
6. Cave Rock - NDEPCARB

AQ-1: Carbon Monoxide (CO)

- **Human Health:**
  - Reduces supply of oxygen to tissues.

- **Primary Sources:**
  - Motor vehicle emissions (over 98%)
  - Chimney Smoke
AQ-1: Carbon Monoxide (CO)

- Standards:
  8 Hour (average):
  - States and TRPA: 6 ppm
  - Federal: 9 ppm
  1 Hour (average):
  - CA: 20 ppm
  - Federal & NV: 35 ppm

- Attainment Status:
  All Standards: Attainment
  (Last exceedance in 1995)

AQ-2: Ozone (O₃)

- Human Health:
  - Respiratory effects

- Forest Health:
  - Damage to vegetation, especially Jeffrey Pine

- Primary Sources:
  - Sunlight stimulated atmospheric reactions
  - Transport from Sacramento & San Francisco in summer

AQ-3: Particulate Matter (PM)

- Human Health:
  - Respiratory and lung damage

- Lake Clarity:
  - Suspended particulates
  - Surfaces for algal growth
  - Attachment by nutrients

- Primary Sources: Fugitive dust, vehicle emissions, wood smoke, roadway sand/salt and construction dust, and transport from Sacramento & San Francisco in summer

AQ-2: Ozone (O₃)

- Attainment Status:
  TRPA's Standard: Non-Attainment
  All Other Standards: Attainment
AQ-3: Particulate Matter (PM)

- **Standards (PM$_{10}$):**
  - 24 Hour (average) -
    - Federal & NV: 150 µg/m$^3$ (3 years running)
    - CA: 50 µg/m$^3$
  - Annual Geometric Mean -
    - Federal & NV: 50 µg/m$^3$ (3 years running)
    - CA: 30 µg/m$^3$

- **Attainment Status:**
  - All Standards: Attainment
    - (Last exceedance in 1998)

AQ-4: Visibility

- **Human Perception/Health:**
  - Aesthetic Value
  - Respiratory effects of PM$_{2.5}$

- **Lake Clarity:**
  - Particles decrease clarity

- **Primary Sources:** Fine sulfur aerosols, fine soils (some from roadway dust), ammonium nitrate, smoke and transport from Sacramento & San Francisco in summer

- **Standards:**
  - TRPA-Regional (Basin-wide):
    - 25 Mm-1 (97 miles), 50% of year
    - 34 Mm-1 (71 miles), 90% of year.
  - TRPA-Subregional (Local Urban Areas):
    - 50 Mm-1 (48 miles), 50% of year
    - 125 Mm-1 (19 miles), 90% of year.
  - CA & NV:
    - 30 miles when Relative Humidity < 70%

- **Attainment Status:**
  - Regional: ~100 miles - 50%
  - Regional: ~70 miles - 90%
  - Regional - 50% Attainment
  - 90% Non-Attainment
  - Subregional - 50% Attainment
  - 90% Attainment
AQ-5: Traffic Volume

- **Human Health:**
  - Standard designed for reduction of carbon monoxide

- **Standard:** Reduce traffic volumes on US 50 by 7% during winter from 1981 base year (between 4pm - 12 am).

- **Summary of Traffic Volumes (President's Day Weekend):**
  - 1981-1987: (+) 13.6%
  - 1987-1997: (-) 13.0%
  - 1997-2000: Not Available

- **Attainment Status:** Unknown

AQ-6: Wood Smoke

- **Human Health/Perception:**
  - Particulate inhalation
  - Visibility

- **Lake Clarity:**
  - Particulate loading to lake

- **Primary Sources:**
  - Forest fires
  - Residential wood combustion

- **Standard:**
  - Reduce wood smoke emissions by 15% of 1981 base values through technology, management practices and educational programs.

- **Attainment Status:** Unknown

AQ-7: Vehicle Miles Traveled (VMT)

- **Human Health:**
  - Emissions of carbon monoxide and ozone precursors

- **Lake Clarity:**
  - Resuspend dust into atmosphere
  - Runoff

**Standard:** Reduce VMT by 10% of 1981 base values. In 1988, TRPA adopted interim performance targets for VMT threshold standard:

**Indicator:** VMT calculated for peak summer day using Quick Response System (QRS) transportation model or equivalent model.

**Interim Target:** Indicator shall not exceed Reasonable Further Progress (RFP) line.
AQ-8: Atmospheric Deposition

- Lake Clarity:
  - Nitrogen loading to lake

- Primary Sources:
  - Emissions from vehicles
  - Atmospheric transport into the Region

AQ-8: Atmospheric Deposition

Standards: In 1988, TRPA adopted the following interim target:
  Indicator: Annual average concentration of particulate NOX, at Lake Tahoe Boulevard air quality monitoring station (µg/m³).
  Interim Target: (1991) Not greater than 1.27 µg/m³

Attainment Status: Attainment (interim target)

AQ-8: Atmospheric Deposition

Standards: TRPA thresholds for water quality include: Reduce dissolved inorganic nitrogen loading to Lake Tahoe from atmospheric sources by 20% of the 1973-81 annual average.

TRPA's corresponding threshold for air quality is: Reduce the transport of nitrate into the Basin and reduce oxides of nitrogen produced in the Basin consistent with water quality thresholds.

Air Quality Threshold Attainment Summary

1. Carbon Monoxide  Attainment
2. Ozone           Non-attainment
3. Particulate Matter  Attainment
4. Visibility       Non-Attainment
5. Traffic Volume   Unknown
6. Wood Smoke      Unknown
7. Vehicle Miles Traveled  Non-attainment
8. Atmospheric Deposition Unknown

Expansion of Air Quality Network

- Multi-agency cooperation:
  + Tahoe Regional Planning Agency
  + California Air Resources Board
  + Labora Regional Water Quality Control Board
  + U.S. Forest Service

- Measurements of Nitrogen, Phosphorus and Particulate Matter

- Source determination
Acknowledgements

TRPA would like to thank the following for their contributions to this evaluation:

Air Quality Working Group
UCD – Delta Group and Tahoe Research Group
Air Resource Specialists, Inc.
Desert Research Institute
California Air Resources Board
Nevada Department of Transportation
California Department of Transportation
MEMORANDUM

September 18, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Workshop on Thresholds—Water Quality

Proposed Action: No action is requested

Staff Recommendation: Staff recommends that the TRPA Governing Board view the presentation on the Water Quality thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Water Quality thresholds. This summary and presentation are intended to provide a quick overview of the relevant findings in the Water Quality chapter. Additional information will be included in the full threshold report.

- There are seven threshold standards for the Water Quality Threshold: 1) WQ1—Turbidity, shallow waters of Lake Tahoe; 2) WQ2—Clarity, winter, deep waters of Lake Tahoe, and two sub-thresholds, WQ2A—Capital Improvement Program and WQ2B—Best Management Practices (BMPs); 3) WQ3—Annual Mean Phytoplankton Primary Productivity; 4) WQ4—Tributary water quality; 5) WQ5—Stormwater Runoff Quality, surface water; 6) WQ6—Stormwater Runoff Quality, groundwater; and 7) WQ7—Other lakes water quality.

- Mid-winter average Secchi trends since 1988 suggest a slowing in the rate of decrease in lake clarity (when compared with 1967–1987 trends), although annual and mid-winter average trends continue to show a decline in lake clarity.

- Analysis of tributary data shows significant decreasing loading trends for most monitored watersheds for nutrients, and decreasing trends for sediment loading on Nevada tributaries and the Upper Truckee River.

- Shallow Lake Tahoe turbidity is still in attainment, but is a paradox relative to decreasing lake clarity. Lake intake and spatial turbidity studies are underway to determine trends and relationships between urban development and lake loading.

- The Lake Clarity Model and establishment of Total Maximum Daily (or annual) Loads are needed to better estimate required load reductions for Lake Tahoe, and evaluate load reduction potentials of EIP projects.

Staff will make a brief presentation on the status of the Water Quality Threshold at the September Governing Board meeting. If you have any questions please contact Larry Benoit at (775) 588-4547 or via email at [lbenoit@trpa.org].

Attachment: Slide Presentation Handout

LFB/dmc 97

AGENDA ITEM X.B.5.
2001 Water Quality Threshold Evaluation
Larry Braid, Water Quality Program Manager
with assistance from
Rita Walley, Water Quality Associate Planner

TRPA Adopted Water Quality Thresholds

- WQ-1 Turbidity, Shallow Waters of Lake Tahoe
  < 3 NTU Stream Discharge, < 1 NTU Non-Stream Littoral Zone

- WQ-2 Clarity, Winter Pelagic Lake Tahoe
  Avg. Secchi Depth December - March not less than 33.4 meters

- WQ-3 Phytoplankton Primary Productivity
  Ann. Mean not more than 52 gC/m2/yr (< N, P, Iron)

TRPA Adopted Water Quality Thresholds

- WQ-4 Tributary Water Quality
  < N, P, Iron, Sediment Loading

- WQ-5 Runoff Discharge to Surface Waters
  < Nitrogen, Phosphorus, Iron, and Sediment Loads

- WQ-6 Runoff Discharge to Ground Water
  < Nitrogen, Phosphorus, Iron, and Sediment Loads

- WQ-7 California-Nevada Other Lakes
  Most Tributary Standards

WQ1 Status: Attainment

- All 35 sample runs since 1991 < 1 NTU
- Nature of sampling is under calm conditions
- Spatial Turbidity Study underway to evaluate trends and urban impacts
- Continuous turbidity monitoring on 8 lake intakes analysis (avg. max < 1 NTU)

Spatial Turbidity Example
WQ2 Status: Non Attainment

- Slowing in Winter Average Secchi decrease after 1987
- Lake Tahoe clarity continues to decline
- 1996 Interim target (22.7m) exceeded by Winter Average for 1998, 1999, and 2001
- Decades long response time of Lake Tahoe to changes in loading makes prediction uncertain
WQ2-A Capital Improvement Program
Status: Near Attainment

- Project that 7 out of 8 local jurisdictions or units will attain interim expenditure targets by the end of 2001
- 8th unit unknown due to data tracking gap, and project funding category
- Need project benefit unit tracking and annual reporting mechanism (for 3 units)

WQ2-B BMP Retrofit
Status: Near Attainment

- Random survey showed improvement in BMP implementation since 1996
- 30% of Developed parcels BMPs in place
- % of Developed parcels with Revegetation of disturbed areas is unknown
- Priority 1 Watersheds were noticed for October 2000 deadline
- BMP Retrofit has increased funding, and staff for site assessments, tracking, and demonstrations to encourage BMPs

WQ4 Tributary Trends in Total Phosphorus Concentrations

- Increasing (p<.05)
- Decreasing (0.05<p<0.10)

WQ4 Tributary Trends in Total Nitrogen Concentrations

- Increasing (p<.05)
- Decreasing (0.05<p<0.10)

WQ4 Tributary Trends in Suspended Sediment Concentrations

- Increasing (p<.05)
- Decreasing (0.05<p<0.10)

WQ4 Status: Non Attainment

- Reductions in Total P loading in 90% of LTIMP monitored tributaries
- Total N loading reductions in Nevada tributaries and Upper Truckee River
- Trends for decreased sediment loading in 40% of LTIMP tributaries
- Increased sediment loading trends in west shore tributaries

100
WQ4 Tributary Standard

- Status for California Tributaries
  - Total N - Non Attainment (with exceptions)
  - Total P - Non Attainment (with exceptions)
  - Total Iron - Non Attainment
  - TSS - 3 Attainment, 2 Non Attainment

WQ4 Tributary Standard

- Status for Nevada Tributaries
  - Soluble N - 2 Non Attainment, 3 Attainment
  - Soluble P - 4 Non Attainment, 1 Attainment (96/97 WY)
  - TSS - 3 Attainment, 2 Non Attainment (with exceptions)

WQ5 Status: Non Attainment

- Stormwater runoff discharge samples:
  - Meet Soluble N 70%, P 60%, TSS 73%, Iron 25%
- Target treated discharge to meet surface standards
- Focus has been on concentrated urban runoff plan for: 1) flow weighted samples and event loading from runoff; 2) treatment capacity to meet surface water discharge standards

WQ6 Status: Non Attainment

- Discharge samples meeting infiltration standards:
  - Total N 62.5%, P 78.6%, Iron 75%
- Groundwater sample indicators:
  - Some wells NO3 exceed total N standard
- Focus on flow weighted storm load treatment and discharge to infiltration basins and treatment sites

WQ7 Status: Unknown

- Main monitoring since the 1996 Evaluation has been in conjunction with fuel compounds associated with motorized watercraft
- August 1998 - Lower Echo, Upper Angora, and Fallen Leaf meet N standards
- Indications and recommendations from past Other Lakes monitoring studies
Water Quality Threshold Summary

- WQ1 • Attainment
- WQ2 • Non Attainment
- 2-A • 7 of 8 Attain Interim Expenditures
- 2-B • Near Attainment
- WQ3 • Non Attainment
- WQ4 • Non Attainment
- WQ5 • Non Attainment
- WQ6 • Non Attainment
- WQ7 • Unknown

Water Quality Threshold Activities and Goals

- Turbidity Study, Continuous monitoring
- Interim Target: Winter Avg. Secchi 24.0m, Ann. Avg. Secchi 23.6m by 2006
- Evaluate TMDL related load reductions for BMPs
- Interim Target: 170 gC/m²/yr
- Set TMDLs for Tributary Loads by 2006
- Focus runoff treatment to meet discharge standards to surface and groundwater
- Set TMDLs for Other Lakes relative to Tributary TMDLs

Water Quality Threshold Policy & Technical Committee Acknowledgements:

Clayton Cheopp, El Dorado County
Jane Freeman, US Environmental Protection Agency
Sherry Hazelhurst, Lake Tahoe Basin Management Unit, USFS
Alan Heyward, TRS, University of California at Davis
John E. Reuter, TRS, University of California at Davis
Lauri Kemper, Lahontan Regional Water Quality Control Board
Mike Lava, US Geological Survey
Lucia Medado, Nevada Division of Environmental Protection
Jenny Schantz, Nevada Tahoe Resource Team, Nevada State Lands
Dave Zander, California Tahoe Conservancy
Brad Yals, City of South Lake Tahoe
Kim Carr, California Tahoe Conservancy
Vern Finney, Natural Resources Conservation Service
Roger Jacobson, Desert Research Institute
Tom Rowe, US Geological Survey
MEMORANDUM

September 13, 2001

To: TRPA Governing Board
From: TRPA Staff
Subject: Workshop on Thresholds – Soil Conservation/SEZ Program

Proposed Action: No action is requested

Staff Recommendation: Staff recommends that the Governing Board view the presentation on the Soil Conservation thresholds as background to a full review of the upcoming 2001 Environmental Threshold Report.

Discussion: The following bulleted items are an overview of the status of the Soil Conservation/SEZ thresholds. This is intended to provide a basic overview of the relevant findings in the Soil Conservation/SEZ Chapter. Additional information will be included in the full threshold report.

- There are two threshold standards for Soil Conservation: 1) SC-1 Impervious coverage, 2) SC-2 Stream Environment Zones.
- Impervious coverage is not in attainment primarily because the excess coverage that exists on parcels developed before 1972 continues to exceed the designated Bailey coefficients.
- Over 475 acres of SEZ have been restored since 1980. In order to attain the 2006 threshold of 1,100 acres of SEZ restoration, approximately 125 acres of SEZ restoration per year is needed.

Staff will make a brief presentation on the status of Soil Conservation/SEZ thresholds at the September Governing Board meeting. If you have further questions, please contact Mike Vollmer at (775) 588-4547 x241 or mvollmer@trpa.org.

Attachment: Slide presentation handout
Soil Conservation Thresholds

- SC-1 Impervious Coverage
- SC-2 Stream Environment Zones

SC-1 Impervious Coverage

Threshold Standards

- Evaluation Criteria:
  TRPA - Impervious coverage shall comply with Land Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide to Planning (Bailey, 1974)

Impervious Coverage Measurement and Monitoring

- Implementation of the Goals and Policies and the Regional Plan requires all new projects to conform to the threshold standard
- Since 1987 the Tahoe Environmental Geographic Information System (TEGIS) has been used to track impervious coverage through the project permitting process.
  However, additional work is needed to bring this database up to date.

SC-1 Impervious Coverage Status

- Non-Attainment:
  Excess impervious coverage that exists on parcels developed before 1972 continues to exceed the designated Bailey coefficients.

SC-1 Impervious Coverage Trends

Approved new coverage by County from 1987 to 2000
SC-1 Impervious Coverage Trends (cont.)

Approved new coverage in all counties from 1987 to 2000.

SC-1 Impervious Coverage Trends (cont.)

Excess coverage mitigated by fee since 1987.

SC-1 Impervious Coverage Trends (cont.)

Impervious land coverage reduction since 1987.

Summary of SC-1 Trends

- Approved new coverage has been declining since 1987.
- Excess coverage mitigated by fee is highly variable.

Summary of SC-1 Trends

- Approved new coverage has been declining since 1987.
- Excess coverage mitigated by fee is highly variable.
- The revision of TRPA Code Ordinance 20.5(3) raising the mitigation fee in Nevada ($12.00/sq. ft.) and California ($6.50/sq. ft.) may increase the difficulty of projecting a trend of participation in the Excess Coverage Mitigation Program (ECMP) by project proponents.
Summary of SC-1 Trends

- Approved new coverage has been declining since 1987
- Excess coverage mitigated by fee is highly variable
- The revision of TRPA Code Ordinance 20.5(3) raising the mitigation fee in Nevada ($12.00/sq. ft.) and California ($6.50/sq. ft.) may increase the difficulty of projecting a trend of participation in the Excess Coverage Mitigation Program (ECMP) by project proponents
- The ECMP fee adjustment will allow the program to operate as intended (1:1 mitigation)

SC-2 Stream Environment Zones Threshold

Evaluation Criteria:
TRPA (1982) -
- Preserve existing naturally functioning SEZ lands in their natural hydrological condition;
- Restore all disturbed SEZ lands in undeveloped, unsubdivided lands; and
- Restore 25% of the SEZ lands identified as disturbed, developed or subdivided in an effort to obtain a 5% total increase in the area of properly functioning SEZ lands.

SEZ Measurement and Monitoring

- Disturbance in SEZ's is monitored by TRPA as part of the project review process and recorded in TEGIS on a parcel-by-parcel basis in accordance with Chapter 38 of the TRPA Code

SC-2 Stream Environment Zone Status

Non-Attainment:
- Over 475 acres of SEZ have been restored since 1980
- 624 acres of SEZ restoration are needed by 2006 to meet the 1,100 acre threshold (approximately 125 acres/year)

SC-2 Stream Environment Zone Trends

- SEZ restoration has been increasing since 1987
- EIP implementation should continue this increase in SEZ restoration
- 125 acres per year over the next 5 years are needed to meet the threshold by 2006

Number of acres of SEZ restored since 1980
2001 Soil Conservation Threshold Status Summary

<table>
<thead>
<tr>
<th>SC-1 Impervious Coverage</th>
<th>Non-Attainment</th>
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<tr>
<td>SC-2 SEZ</td>
<td>Non-Attainment</td>
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</table>

Next Steps

- Focus on adding new projects to the EIP to achieve the Soil Conservation/SEZ Thresholds

Thank You

Sid Davis  
Tim Minor  
Jerry Owens  
Joe Pepi  
Jenny Scanland  
Mitch Swanson

Davis Consulting Earth Scientists  
Desert Research Institute  
NRCS  
CTC  
Nevada State Lands  
Swanson Hydrology & Geomorphology
MEMORANDUM

September 18, 2001

To:        Governing Board Members
From:      TRPA Staff
Subject:   Appointment of California Lay Member to the Advisory Planning Commission

Alan Tolhurst's two-year term as a California lay member expires at the end of September 2001. Mr. Tolhurst has served on the APC since September 1999 at the recommendation of El Dorado County, and has expressed an interest in staying on the APC for another term. If reappointed by the Board, his new term will expire at the end of September 2003. Mr. David Solaro of the El Dorado County Board of Supervisors and TRPA Board Member has recommended Mr. Tolhurst's reappointment.

APC lay members terms are two years, and lay members may be reappointed.
MEMORANDUM

September 18, 2001

To: Governing Board Members

From: TRPA Staff

Subject: Creation and Selection of a New Office Committee

Proposed Action: To create a New Office Committee.

Staff Recommendation: Staff recommends that the Governing Board approve the proposed resolution that establishes a New Office Committee and Governing Board membership.

Background and Comments: At the January 2001 Governing Board meeting, a form was given to each of the Board members to articulate their desires about which committee they would like to participate in. Given the input from each of the Board members, the enclosed matrix was developed. For the most part, member wishes were granted. Each Board member was assigned to three committees. The Governing Board chair will rotate among the various committees and fill in where a quorum is needed. When the California Board vacancy is filled, she or he will be assigned to those committees that need more members. Additionally, the Board agrees to the committee roles and tasks outlined in the resolution.

Staff proposes an additional committee to assist staff and help inform the Board in the development of the Agency's new office.

Enclosures

RA/9/18/01

AGENDA ITEM NO. XI.B.
WHEREAS, the Governing Board of the Tahoe Regional Planning Agency ("Agency") finds:

Section 2.8 of the Rules of Procedure of the Agency authorizes the Governing Board, by resolution, to create committees of the Board, describing the committees' responsibilities, how their members are to be chosen and setting forth other matters the Board deems pertinent; and,

WHEREAS, On March 27, 2001, the Governing Board of the Agency adopted Resolution No. 2001-5, establishing committees of the Governing Board and Providing other Matters Properly Relating Thereeto; and,

WHEREAS, the design and construction of a new office building is a milestone in the Agency's history and requires substantial participation and oversight on the part of staff and the Board; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Agency, by virtue of the authority conferred by the Tahoe Regional Planning Compact, as amended, and the Rules of Procedure of the Agency, hereby creates the Office Relocation Committee. The responsibilities of the Office Relocation Committee are: (a) consult and advise staff on the design, bid, and construction of the Agency's office building; and, (b) inform, advise, and consult where appropriate the entire Board on matters related to the design, bid, construction, financing, and any management issues related to the building.

The foregoing committees shall consist of at least five Governing Board members. The identity of members and chairmen of the committees of the Governing Board shall be determined by the Chairman, subject to approval by the Governing Board. Members of the Governing Board from each state shall serve on each of the foregoing committees. The Chairman shall serve as an ex officio member of all the foregoing committees of the Governing Board.
PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this 26th day of September 2001, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Dean Heller, Chairman of the Governing Board of the Tahoe Planning Agency
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<th>Board Members</th>
<th>State</th>
<th>Legal</th>
<th>Finance</th>
<th>Rules</th>
<th>Local Government</th>
<th>Retirement</th>
<th>EIP Implementation</th>
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Meeting Times:
- Legal: 8:30 a.m. on day of the Board meeting
- Finance: 8:30 a.m. on day of the Board meeting
- Rules: during lunch on the day of the Board meeting
- Retirement: during lunch on the day of the Board meeting
- Local Government: first Friday of every month
- EIP Implementation: 5:30 p.m. Tuesday day before the Board meeting
- Shorezone Policy: To be determined
- New Office: To be determined
MEMORANDUM

September 26, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Recommendation to Amend Personnel Policy 3.2 Regarding Hiring Step Limitations

Background: The Rules Committee requested that staff investigate changing the current policy of limiting new hire salaries to step three of the appropriate salary range. The limitation has inhibited hiring qualified candidates whose salary requirements were within the salary range, but exceeded the third step of the range. In order to maintain internal compensation consistency, staff recommended reviewing promotional increases at this time also. The recently adopted salary schedule based on the recommendations of the BeneComp, Inc. salary survey incorporated competitive salary ranges. As part of the salary survey, the Personnel Policy and Rules Committee also investigated options to the step three limit and the promotional increases. There are a number of alternatives used by other government agencies to determine hiring salaries and promotional increases. The committee recommended using a performance-based step salary administration that allowed for hiring up to the midpoint. Based on an applicant’s experience, he or she could be offered a salary up to the midpoint of that position’s salary range. Promotional increases would meet a percentage requirement. An employment offer and the associated salary would still be subject to the approval of the Executive Director.

Language will be submitted to the Rules Committee for consideration and recommendation to the full Board for adoption.

If you have any questions, please contact Michele Chouinard at (775) 588-4547, Extension 276.