TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV

February 28, 2007

REGULAR MEETING MINUTES - REVISED

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Vice-Chair Mr. Biaggi called the meeting to order at 9:35 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Mr. Sevison for Mr. Kranz, Ms. McDermid, Mr. Miller, Mr. Ruthe, Ms. Santiago, Mr. Swobe, Mr. Weber, Mr. Yount

Mr. Merrill, Ms. Motamedi, Mr. Waldie joined by phone.
Mr. Galloway joined at 10:10 a.m.

Members Absent: Ms. Bresnick

III. PUBLIC INTEREST COMMENTS

Jim Hildinger stated that he feels the Board has missed a golden opportunity by fining the city only $500,000 for illegal cutting of 387 trees; which is only $1300 per tree. You could have charged them $5,000 per tree. Now that you have their attention, you could say we will suspend the sentence if you close the airport and return the land to a meadow as it should be. That would have a significant advantage on the environment at Lake Tahoe.

Renee Smokey, member of the Washoe Tribe, stated that with this tree issue and other issues, who is speaking up for the land?

IV. APPROVAL OF AGENDA

Executive Director Singlaub stated that the applicant asked for a continuation on Item X.B. because of the closure of Highway 50. Staff joins the request and recommends the continuance be granted because bad weather and road conditions are preventing some interested members of the public from attending.

Ms. Santiago moved approval with the caveat that anyone who is present and prepared to testify today on this item, be allowed to do so.
Motion carried.
Mr. Waldie voted no.

V. APPROVAL OF MINUTES

Ms. Aldean moved approval.
Motion carried.
Mr. Sevison abstained.

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

Ms. Aldean reported that the Legal Committee recommended unanimous approval of Item 4.
Mr. Sevison reported that the Operations Committee recommended unanimous approval of Items 1, 2 and 3.

Ms. McDermid moved approval of the Consent Calendar.
Motion carried unanimously.

*The following Consent Calendar items were approved:*

1. Acceptance of January 2007 Monthly Financial Statement
2. Resolution allocating FY 2006-2007 Local Transportation Funds (LTF) ($776,296) to the City of South Lake Tahoe for Operational Assistance of the South Tahoe Area Ground Express (STAGE) transit system
3. Resolution allocating FY 2006-2007 State Transit Assistance (STA) funds ($263,626) to the City of South Lake Tahoe for Local Transit System Operating Assistance
4. Resolution of Enforcement Action, Unauthorized Tree Removal, David Peterson, Placer County, Assessor’s Parcel Number (APN) 092-180-046

VII. REPORTS

A. Executive Director Status Report
   1. Monthly Status Reports on Permit Processing & Annual Report


   2. Forest Fuels Management Update
   4. Pathway Regional Plan Framework & Demonstration Program Update

   Executive Director Singlaub gave an update on Shorezone, Forest Fuels, EIP and Pathway Framework and Demonstration Program.

   Mr. Swobe asked that with the new redline strike out release of the proposed Code on Shorezone, if that would restart a new 60 day review.
Ms. Marchetta stated that the 60 days review was pursuant to a Board resolution at the time. She stated that it is not uncommon for these kinds of comments and changes to be coming in during the 60 day period. She noted that her opinion on this issue given at the last meeting had not changed. It was not her opinion at that time that the 60 days clock was restarted. The 60 days clock is not a statutory clock but is a matter of discretion by vote of the Board. It is not a legal question but a matter of the Board’s discretion.

B. Legal Division Status Report

Agency Legal Counsel Joanne Marchetta introduced the new Assistant Agency Counsel, Nicole Rinke, to the Governing Board.

VIII. ADMINISTRATIVE MATTERS

A. Adoption of Resolution Authorizing Bond Financing and Execution of the Required Financing Documents for the Purchase of TRPA’s Office Building

Deputy Director Jerry Wells gave an overview of the recommended purchase of TRPA’s office building and introduced Richard Hiscocks, Orrick, Herrington & Sutcliffe and Eileen Gallagher, Stone & Youngberg who presented an overview of the transaction, explained the steps that will take place to finalize the purchase, and answered questions form the Board.

Mr. Weber moved approval. Motion carried unanimously.

B. Appointment of Nancy McDermid to the Public Outreach and Environmental Education Committee

Mr. Weber moved approval. Motion carried unanimously.

IX. PUBLIC HEARINGS


Staff member Jeanne McNamara presented the recommended amendments, alternatives and projects associated with the Heavenly Mountain Resort Master Plan.

Rob Brook, the consultant who managed the preparation of the environmental document for the proposed master plan amendment presented the main public comments on the draft document and how they were addressed in the EIR/EIS.

Michael Hogan with Integrated Environmental stated that he had worked with Heavenly on a very comprehensive process to ensure the best outcome that they
can get from erosion control practices. He has been working with the Lanhontan Regional Water Control Board, the U. S. Forest Service and TRPA on a process to develop better practices and a truly adaptive management system to address erosion in ski areas.

Dave Fournier, Vegetation Program Manager with the USFS Lake Tahoe Basin Management Unit, stated that for the project area there are several criteria used to define “old growth”. They define it by the dominate forest type. In this area there is mostly Red Fir. The upper reaches are predominately Red Fir with Western White Pine mix and lower on the slope there is Red Fir, Western White Pine and Red Fir and White Fir. For each of these different classifications of the dominant type, the main characteristic is tree size. The tree size here was based on diameter, being 24” at breast height. There are also other characteristics to consider within the stand. These are stands that are highly variable in structure. This is consistent within other development stages that we find, not just old growth, but also middle or even early stages where we get this high level of variability. In this area, in order to be classified “old growth”, there needs to be some level of decadence. For Red Fir, its maturity is reached at about 500 years of age. We didn’t go out and measure the core and count the ages, even though this was done on a few stumps lower in the slope. We utilized the characteristics of the trees. Old growth refers to an area and that area can be at different scales. It could be a patch of 100 acres or it could be a much larger area. Our definitions are highly correlated to habitat; so in this diversity of structure it is often a critical component to look for species that utilize late seral old growth, like the Spotted Owl or the Goshawk.

Andrew Strain, representing Heavenly Mountain Resort, presented the operations and construction issues for North Bowl project and why the project proponent supports Alternative 4, as modified by the staff (modification to ski run S10) to improve, not expand the resort.

Terri Marceron, Forest Supervisor of the Lake Tahoe Basin Management Unit, stated that Heavenly operations are situated on 10,000 acres and of that 7,000 acres are on public land or National Forest land. She has the responsibility of making the decision on the selected alternative that is tied to those National Forest Service lands. On behalf of the Forest Service, she concurs with the analysis in the final Environmental Impact Statement and she supports TRPA staff recommendation, which is Alternative 4 with the modification on ski run S10 to retain large trees and no grooming.

Public Comment:

Alan Tolhurst, Chairman Advisory Planning Commission, stated when APC considered the Plan Area Statement, members accepted the expert testimony that the condition of the Edgewood Watershed had improved over the previous 1996 condition and was below the threshold of concern. They heard from a representative of the Lanhontan Water Quality Control Board and had compliments for Heavenly on how they handled some of the issues that have come up. Based on that, APC agreed with the plan area modification. In general it was a tough decision, but the APC generally favored less soil disturbance in a stream zone environment and therefore recommended Alternative 4.
Art George, Washoe Nation, stated that the plan that has been presented doesn’t have any provision for animal life. Wildlife is being shoved aside and they have no place to go, and to continue to cut the forest and take away places for animals to go is a bad thing.

Rick Wallawit supports Alternative 4.

R. S. Linn stated that he supports Heavenly, but does not agree with cutting of old growth trees or any trees and supports 4A.

Renee Smokey, Washoe Tribe, stated that she did not see any scientific names referenced in the document and that is how Washoe Tribe medicines are portrayed and is concerned that their names are not referenced in the document.

Autumn Bernstein, representing Sierra Nevada Alliance, supports the monitoring program but doesn’t support the cutting of trees and supports Alternative 4A or 5.

Christopher Marla, Washoe Environmental Protection Department, stated that they have concerns with multiple aspects of the Draft Environmental Impact Report. The master amendment will erode tribal member’s ability to identify with the important portion of their aboriginal homeland through the environmental and cultural impacts.

Larry Shussel, Tahoe Douglas Fire Protection District, thanked Heavenly and acknowledged their assistance in a program where they allow the fire district to use Heavenly Boulder parking lot to collect from the public any pine needles, pine cones, slash and any type of vegetation from yards. The fire district chips it and turns it into mulch and puts it back up on the mountain which has helped with water quality and helped the district become less fire prone.

Kim Carr, teacher at Lake Tahoe Community College, supports Alternative 4A or 5.

Bob Roberts, Executive Director of the California Ski Industry Association, supports Alternative 4.

Kristin Siefer supports Alternative 5.

Dan Siefer stated that he thought the petition that Vail Corporation was circulating was a way of manipulating the public. Most people didn’t know what they were signing their names to and this survey should be stricken from the public comment section.

Jennifer Ware supports Alternative 4 or 2.

Phil Herback supports Alternative 4.

Jim Herd supports Alternative 4.

Carol Chaplin, Zephyr Cove Lodge, supports Alternative 4.
Pat Basney, representing Montbleu and Horizon casinos, supports Alternative 4.

Jeff Hartman stated that he does not agree with Alternative 4 and he feels that the Board should be looking at what is the common sense alternative for the environmental health of the Basin; but it should never be which alternative will save Heavenly money at the expense of the environment.

Bea Gorman, Lake Tahoe South Shore Chamber President and CEO, supports Alternative 4.

John Hafer, California Forester, does not support the cutting of the North Bowl trees as it will severely damage the integrity of the old growth forest.

Patrick Kaylor, Executive Director of the Lake Tahoe Visitors Authority, supports Alternative 4.

Dave Norton supports Alternative 4.

Michael Donahoe, Sierra Club, stated that they do not support the cutting of any old growth trees. He feels that there are other alternatives and the Sierra Club, the League to Save Lake Tahoe, the Sierra Nevada Alliance and the U.S. Environmental Protection Agency support Alternative 4A or 5.

Tony Lorien, Realtor, supports Alternative 4.

Carl Fare supports Alternative 4.

Jackie Chandler stated that Heavenly doesn't own the land. It is owned by the public and this is Washoe Land.

Jerry Bendel, representing the South Lake Tahoe Lodging Association, supports Alternative 4.

William Anderson, Environmental Engineer, stated that he suggests that total excavation volumes are a very short term impact and properly mitigated with best management practices should not be of primary consideration in choosing between alternatives.

Mike Bradford supports Alternative 4.

Tom Davis supports Alternative 4.

Pat Ronan supports Alternative 4.

John Friedrich, League to Save Lake Tahoe, supports Alternative 5 and favors yearly monitoring that would be brought back to the Advisory Planning Commission and Governing Board for review.

Patrick Kelly stated that nothing should be approved until Heavenly lives up to all its agreements for mitigation and water run off.
Lew Feldman supports Alternative 4 which achieves the best balance.

Jennifer Quashnick supports Alternative 4A or 5.

Patricia Ronald supports Alternative 5.

Jim Hildinger stated that what bothers him is that every one of the proponents is paid to support this project.

Carl Ribaudo supports Alternative 4.

Bob Wolfe supports Alternative 5.

After considerable Board discussion the proposals for the Plan Area Statements, the Master Plan, and the project alternatives, the following motions were made.

Ms. Aldean moved to certify the Final Environmental Impact Statement for the Heavenly Mountain Resort Master Plan Amendment 2005 as amended by a TRPA staff memo dated February 26, 2007 with the findings of no significant effect. Certification would be subject to requiring periodic reports and adaptive management, as needed. Where the need for a remedial action plan is indicated by a report, it would be presented to APC for technical review and recommendation and presented to Governing Board for further action only if the APC recommends Governing Board action.

Motion carried.

Mr. Ruthe voted no.

Mr. Weber moved with regard to the Plan Area Statement 086 Amendments Heavenly Valley Nevada (Item II (a) on page 83 in the Board packet) to make the Chapter 6 and Chapter 13 EIS findings with a finding of no significant effect.

Motion carried.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Sevison, Ms. McDermid, Mr. Miller, Ms. Motamedi, Ms. Santiago, Mr. Weber voted yes.

Mr. Ruthe, Mr. Swobe, Mr. Merrill voted no.

After clarification by TRPA counsel on the content, order, process and procedure for the necessary motions and voting, Mr. Weber restated his motion and a revote was taken.

Mr. Weber moved with regard to the Plan Area Statement 086 Amendments as amended by staff, to make the Chapters 6 and 13 findings with a finding of no significant effect.

Motion carried unanimously.

Mr. Weber moved to approve the Plan Area Statement 086 Amendments (i.e., Heavenly Valley Nevada side) as amended by staff.
Motion carried unanimously.

Mr. Weber moved with regard to the Plan Area Statement 087 Amendments as amended by staff, to make the Chapters 6 and 13 findings with a finding of no significant effect.

Motion carried unanimously.

Mr. Weber moved to approve the Plan Area Statement 087 Amendments (i.e., Heavenly Valley California side) as amended by staff.

Motion carried unanimously.

X. PROJECT REVIEW

A. Heavenly Mountain Resort Master Plan Amendment Phase I Projects:

1. North Bowl Ski Lift (Lift S) and North Bowl Ski Trails (S8, S9, and S10), Heavenly Mountain Resort, Nevada, Assessor’s Parcel Number 1319-30-301-002, TRPA File #20050412

Mr. Galloway moved approval of Alternative 4 based on the findings and conditional on the subsequent approval of the Master Plan as described in the EIS/EIR report and as amended by staff.

Mr. Ruthe, Mr. Swobe, Mr. Merrill, Mr. Santiago voted no. Motion denied.

After further Board discussion Mr. Swobe moved approval of Alternative 4A based on the findings and conditional on the subsequent approval of the Master Plan as described in the EIS/EIR report and as amended by staff.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Ms. McDermid, Mr. Sevison, Mr. Merrill, Mr. Motamedi, Mr. Weber votes no. Mr. Ruthe, Mr. Swobe, Ms. Santiago voted yes. Motion denied.

After further Board discussion Mr. Merrill moved approval of a straw vote on Alternative 5 based on the findings and conditional on the subsequent approval of the Master Plan as described in the EIS/EIR report and as amended by staff.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Mr. McDermid, Mr. Ruthe, Mr. Swobe, Mr. Sevison, Ms. Motamedi, Ms. Santiago, Mr. Weber voted no. Mr. Merrill voted yes. Motion denied.

After further Board discussion of the comparison of environmental effects among the different alternatives, Mr. Merrill moved to reconsider
Alternative 4.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Ms. McDermid, Mr. Sevison, Mr. Merrill, Ms. Motamedi, Mr. Weber voted yes.
Mr. Ruthe, Mr. Swobe, Ms. Santiago voted no.
Motion carried.

Mr. Galloway moved to approve the findings for Alternative 4 conditional on the subsequent approval of the Master Plan Amendment as described in the EIS/EIR report and as amended by staff.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Ms. McDermid, Mr. Sevison, Mr. Merrill, Ms. Motamedi, Mr. Weber voted yes.
Mr. Ruthe, Mr. Swobe, Ms. Santiago voted no
Motion carried.

Mr. Galloway moved approval Alternative 4 for the project subject to the subsequent approval of the Master Plan as amended by staff.

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Miller, Ms. McDermid, Mr. Ruthe, Ms. Santiago, Mr. Sevison, Mr. Swobe, Mr. Merrill, Ms. Motamedi, Mr. Weber voted yes.
Motion carried unanimously.

Mr. Galloway moved approval of the Chapter 6, Chapter 16 and EIS findings for the Heavenly Mountain Resort Master Plan Amendment 2005 and a finding of no significant effect.

Motion carried unanimously.

Mr. Galloway moved approval of the Heavenly Mountain Resort Master Plan Amendment 2005, with direction to staff to finalize the draft master plan amendment to conform to the Phase 1 project decisions of the Governing Board.

Motion carried unanimously.

Mr. Galloway moved approval of the Heavenly Mountain Resort Master Plan amendment 2005 by adopting the implementing ordinance.

Motion carried unanimously.

2. Skiways Gladed Ski Trails (I4 and I5) and Powderbowl Gladed Ski Trail (G9), Heavenly Mountain Resort, California, Assessor’s Parcel Number 030-370-17, TRPA File #20070104

Mr. Weber moved approval of the findings of no significant effect.
Motion carried unanimously.

Mr. Weber moved approval of the project based on the staff summary subject to the conditions contained in the attached draft TRPA permit.
Motion carried unanimously.

3. Gondola Hiking and Cross-Country Ski/Snowshoe Trails, Zipline Adventure Ride, Emergency and Limited Maintenance Use of Gondola Mid-Station Road, and Top of Gondola Special Events Area, Heavenly Mountain Resort, California and Nevada, Assessor’s Parcel Number 028-020-02, TRPA File #20070105

Ms. McDermid moved approval of the findings of no significant effect. Motion carried unanimously.

Ms. McDermid moved approval of the project based on the staff summary subject to the conditions contained in the attached draft TRPA permit. Motion carried unanimously.

4. Skyline Trail/Summer Road Relocation and Re-grading, Heavenly Mountain Resort, California, Assessor’s Parcel Number 030-370-17, TRPA File #20050411

Ms. Aldean moved approval of the findings of no significant effect. Motion carried unanimously.

Ms. Aldean moved approval of the project based on the staff summary subject to the conditions contained in the attached draft TRPA permit. Motion carried unanimously.

B. Villas at Harborside (Homewood)/Nathan Topol, Relocation and Change in Use of Five Hotel/Motel TAU to Timeshare TAU, Four New TAU, 5120 West Lake Boulevard, Placer County, APNs: 097-130-027, 028 and 029, File No. 20050823

This item was continued by the Governing Board.

XI. GOVERNING BOARD MEMBER REPORTS

Ms. Santiago stated that she met with Senator Boxer’s staff looking at some of the issues for funding for our transportation projects.

Mr. Swobe requested that his written comments (attached) be part of the record.

XII. COMMITTEE REPORTS

A. Legal Committee – no additional report.

B. Operations – no additional report.

XIII. ADJOURNMENT
Governing Board Vice-Chair Mr. Biaggi adjourned the meeting at 6:30 p.m.

Respectfully submitted,

[Signature]

Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.