REGULAR MEETING MINUTES - UPDATED

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Vice-Chair Mr. Biaggi called the meeting to order at 9:30 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. Sevison for Mr. Kranz, Mr. Merrill, Ms. Motamedi, Mr. Miller, Mr. Ruthe, Mr. Swobe, Mr. Waldie, Mr. Weber, Mr. Yount

Mr. Galloway joined after the quorum was determined.
Ms. McDermid joined after the quorum was determined.
Ms. Santiago joined after the quorum was determined.

III. RESOLUTION

Executive Director Singlaub presented a Resolution commending Coe Swobe for his Vision and Foresight in Alerting the Public to the Disastrous Consequences of Catastrophic Wildfires and the Need to Plan and Implement Programs to avoid such Disasters.

Ms. Aldean moved approval and also acknowledged Bruce Kranz’s advocacy of using biomass as a productive and responsible way of disposing of forest fuels. She also acknowledged the efforts of the entire Governing Board for declaring forest health and the reduction of forest fuels as the Agency’s Number 1 priority for the last three consecutive years. She also complemented TRPA staff for taking the lead in preparing the Lake Tahoe Basin-Wide Fuels Reduction Plan and for entering into agreements with local fire protection agencies to streamline permitting for defensible space work on private properties and for coordinating through the Lake Tahoe Environmental Improvement Program the treatment of over 21,000 acres within the Tahoe Basin since 1997, at a cost of over $50 million dollars.

Motion carried unanimously.
IV. PUBLIC INTEREST COMMENTS

No Public Comment

V. APPROVAL OF AGENDA

Executive Director Singlaub stated that the applicant has requested that item number XI.C be continued and staff concurs with that recommendation. There is a request that item number 13 on the Consent Calendar be pulled off consent and staff recommends that it be put on the agenda in place of number XI.C.

Governing Board member Swobe requested that Consent Calendar Item No. 1 and Item No. 4 be pulled off consent for discussion.

Legal Counsel Marchetta stated the appellant has indicated that they were interested in continuing Item No. XII.A

Kara Thiel, Feldman Shaw, representing the Lane appeal stated that they request the appeal be continued to next month’s meeting to give them additional opportunity to work with staff in resolving this matter.

Ms. Marchetta stated that to the extent that there would be new factual information that would help resolve this, staff would be supportive. Three months ago staff asked for information related to this new information and are skeptical at this time that there are any new facts to be provided. There was nothing material produced on the record three months ago when staff asked for it.

Ms. Aldean recommended a continuation to this item.

Motion carried unanimously.

Items to be pulled from the Consent Calendar are No. 1, 4 & 13.

Mr. Weber moved to approve the agenda as amended.

Motion carried unanimously.

VI. APPROVAL OF MINUTES

Mr. Weber moved approval with a notation from Mr. Merrill that the Legal Committee will review the subject of TAUs and Mr. Singlaub’s statement that this would be heard during Legal Committee on Thursday morning.

Motion carried unanimously.

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

The following Consent Calendar items were approved/accepted:

3. Adoption of Agency’s 5-Year Strategic Plan and FY 07/08 Work Program
5. Application Filing Fee Schedule Inflationary Adjustment
6. Amendment of Tahoe Regional Planning Agency’s Fiscal Purchasing Policies and Procedures Manual Sections 1, 3, 7 and 8
8. K & S Investments, Rebuild and Expansion of a New Professional Office Building Located at 1008 Tahoe Blvd., Incline Village, NV. APN 130-050-11, TRPA File # 20061995
9. Resolution of Enforcement Action, Todd and Patrice Kinion, Unauthorized Construction of a Sun Deck Below the High Water Line of Lake Tahoe, 8387 Meeks Bay Avenue, El Dorado County, California, Assessor’s Parcel Number (APN) 016-081-37
10. Resolution of Enforcement Action, Reynaldo and Dianne Martinez, Unauthorized Grading, 1545 Vivian Lane, Washoe County, Nevada, APN 130-245-15 AND Resolution of Enforcement Action, Robert Lawrence, Unauthorized Disposal of Soil from Construction Site, 409 Valerie, Washoe County, Nevada, APN 125-141-10
11. Resolution Allocating an Additional $21,045 in FY 2006-2007 Local Transportation Funds (LTF) to El Dorado County for South Shore transit services
12. Transfer of Previously Released Placer County Water Quality Mitigation Funds in the Amount of $75,000 to the Tahoe Pines Erosion Control Project and $62,000 to the Beaver Street Erosion Control Project
13. STPUD Well Controls Building and Treatment Facility, Local Public Health and Safety Addition, 3140 Egret Way, El Dorado County, California, Assessors Parcel Number (APN) 36-581-01, TRPA File Number 20070265

Mr. Weber moved approval of the Consent Calendar with the exception of Items, 1, 4, and 13 and with the following modifications to Items 10, and 5.

Ms. Marchetta stated that Item Number 10 was resolved with a recommendation of Approval with modifications as follows: The Legal Committee recommended dismissal of the settlement as to Martinez and to accept the settlement as to Lawrence.

Mr. Waldie stated that the Legal Committee approved Item Number 9 unanimously.

Mr. Singlaub stated there was a correction to Item Number 5; the Filing Fee Schedule adjustment will be effective August 25, 2007.

Mr. Merrill stated that the Operations Committee was concerned that Item Number 3, FY 07/08 Work Program, didn’t make it obvious what the top priorities at the Agency are. They requested that a monthly report be given on what the Agencies top 5 or 6 priorities are to the extent that they change. Also, Item Number 4, FY 07-08 Agency Budget was recommended to be removed from the Consent Calendar for Discussion. All other items were unanimously approved.

Motion carried unanimously.

CONSENT CALENDAR ITEM NUMBER 1 DISCUSSION:

Mr. Swobe stated that the permit says that this will provide the needed access for forest fuels removal which has been submitted and is “pending”. He doesn't want this to be pending and to make sure that this is the final vote for the application. He thanked the staff that pushed this program forward and had kept him posted as to what the status was. The Forest Service was great in pushing this item through. State Lands also did a fantastic job on the project.

Public Comment:

Michael Donahoe, Sierra Club, stated that he is surprised that we aren't going for the fastest way to get rid of the fuels buildup. What is being approved is not the fastest way. The conveyor belt is and it is more cost effective.

Jennifer Quashnick, Sierra Forest Legacy, stated that she supports Mr. Donahoe's comments.

Terri Marceron, Forest Supervisor, Lake Tahoe Basin Management Unit, stated that for the record the contract for the road has not been officially signed as most of their contracting officers in the Region are on fires around the west. It is being worked on and should be complete shortly. There was a public process done a few years ago and that public process included sending out letters, public meeting notices and field trips to over 430 recipients on this project. They closed the public comment period in August of 2003 and out of those public meetings, they had a total of 23 commenters. They also put out an environmental assessment for 30 days for public comment. If no one substantially comments on any concerns, then they put it out for appeal and in this case there was two commenters that supported the project. A decision was made in September, 2005 to go forward as they had already gone through a public process.

Gary Bowen stated that he first walked through Slaughterhouse Canyon about 11 or 12 years ago with representatives from the Natural Resources Conservation Service and the Forest Service. He is glad something is being done and in 2001 there was a lot of press about the problem at that time. He has always considered the Lake Tahoe Basin as a prime candidate for a living, learning laboratory about forest health issues. He believes that these kinds of actions cannot happen fast enough.

Mr. Biaggi moved approval with the findings of no significant effect.

Motion carried unanimously.

Mr. Swobe moved approval of the proposed project subject to the conditions contained in the emergency permit.

Motion carried unanimously.
CONSENT CALENDAR ITEM NUMBER 13 DISCUSSION:

13. STPUD Well Controls Building and Treatment Facility, Local Public Health and Safety Addition, 3140 Egret Way, El Dorado County, California, Assessors Parcel Number (APN) 36-581-01, TRPA File Number 20070265

Consent Calendar Item No. 13 was pulled, but no public was in attendance. Executive Director Singlaub read the public letter and their concerns into the record.

Public Comment:

Richard Solbrig, Executive Director of South Tahoe Public Utility District, stated this project has been designed under the overview of the California Department of Health Services.

Ivo Berkson, District Hydrologist District Manager for South Tahoe Public Utility District, stated that there are two monitoring projects; one for ambient noise and one for radon monitoring.

Dan Tormie stated that the radon plan especially is important that it occur over a multi-month period, as there are background variations because of climate, etc.

Leslie Fleck, resident of the street that this project will occur on, stated that the neighbors have concerns, but there is a fine balance between fire circumstances, the noise elements in the valley and mitigations that have been proposed. This is a residential area that is very quiet and the neighbors concerns are valid.

Ms. Motamedi asked that the language concerning the monitoring be cleaned up so that it clearly states that TRPA is not involved in monitoring this project in any way.

Ms. Aldean moved approval of the findings with no significant effect.

Motion carried unanimously.

Ms. Aldean moved approval of the proposed project subject to the conditions contained in the draft permit with the amendment as stated by Chair Ms. Motamedi.

Motion carried unanimously.

Action on Consent Calendar Item Number 4 was deferred to a later time during the meeting.

VIII. GOVERNING BOARD MEMBER REPORTS

Mr. Galloway stated that not only did we have a fire in Tahoe, but he can see four fires from the deck of his home. Including he can see the Hawkins fire that burned 2700 acres but did not destroy any houses. There are articles in the paper being critical of government. He thinks for the future of TRPA, we need to do something different or there could very well be a strong movement to alter the structure of TRPA. He thinks we over regulate the urban areas of the Tahoe Basin. He doesn't think we should treat the urban areas as late seral old growth forests and he thinks we should be more liberal about what
we allow people to do. He thinks we can continue to ensure that erosion concerns are not detrimental to the Lake.

Mr. Swobe stated he has a copy of the article 10 years ago the Federal event first took place and they do not mention fires at all and he wrote a letter to Senators Reid, Ensign, Feinstein and Boxer and asked them to include catastrophic fires and the Angora Fire on their agenda. It is important for our Senators to focus on catastrophic wildfires in the Basin. He also had comments on stream zones, which are attached to these minutes.

Ms. McDermid stated that she does not feel that finger pointing is necessarily bad. The press does it all the time to call attention to specific things. She thinks it is a good thing when it assesses accountability. If that is the motive behind it, then it has validity and needs to be seriously considered. Perception in the Basin of what TRPA and other agencies have done or not done with regard to fire safety, even if that perception is incorrect, the fact that it is out there is detrimental to everything that could happen with regard to fire safety. The key is implementation and she believes that the people who fight fires and risk their lives and those who are experts in fire safety and fuel reduction are the people we need to listen to. She thinks that we need to reassess stream zone environments, as well as how we implement fuel reduction in those areas.

Mr. Merrill stated that this is a time to be very studied and use this as an opportunity, as the political momentum is there to do things right and one is how we treat SEZs. He thinks it would be a mistake to jump to conclusions about what we should do about SEZs. We need to listen to the experts and see where the tradeoffs are. Trying to change or restructure the TRPA would be a huge mistake and he doesn’t think that the TRPA regulations and how we implement and educate people on what they can do for fire safety, is the problem. The fact is you don’t have to come to TRPA, but just go to your local fire districts. But if you take this fire and use it as a reason to allow tree cutting at the airport or any where else, which has nothing to do with fire safety, he has concerns about these kinds of agendas.

Ms. Aldean stated she hopes that during the fire discussion that we can clear up some misconceptions regarding pine needles. She went to the TRPA website and there are a number of recommendations with respect to creating defensible space. She thinks it is important to address these misconceptions during a large group meeting and increase our outreach efforts to address these misconceptions.

Mr. Sevison stated that the California Tahoe Conservancy met and people are trying to find fault with our agency or other agencies for the way they have conducted themselves. It will be a benefit in areas where CTC has been working hard along with the Forest Service to clean up the interface and the lots that we currently have. Unfortunately, we always have a limited amount of money and it will take a blend of common sense to discuss how far we can go to clearing property, including the best and most efficient way to do so. It will be difficult to find that perfect balance.

Mr. Yount stated that he would hope that we stay on the valid and constructive path. There has been a lot of misinformation in the public venue on what TRPA has and hasn’t done. He thanked everyone involved especially the endurance of staff, as they are trying to do the best they can.
Ms. Motamedi stated she wanted to thank Mike Weber for keeping her and the Board informed during the fire and appreciates his efforts.

Mr. Weber stated he went to most of the public forums and a lot of times perception becomes reality. If enough people perceive this, it could become an issue of management style. This is a real opportunity for a real constructive look into what are we doing that works well, how do we build on that and what can we do better?

IX. REPORTS

A. Executive Director Status Report

1. Bike to Work Challenge Awards

Executive Director Singlaub presented the Bike to Work Challenge Awards. Lake Tahoe Bike Commuters rode about 7,000 miles and saved approximately 6,350 pounds of carbon emissions. This year we had two winners, Pass it On Thrift located in Tahoe City and the Nevada Tahoe Conservation District located on the South Shore.

2. Monthly Status Reports on Permit Processing

Executive Director Singlaub presented the monthly status report.

B. Legal Division Status Report

Legal Counsel Ms. Marchetta stated that TRPA was recently named in a lawsuit entitled McNeil vs. TRPA & NAMCAL. This is a lawsuit connected with the Cal Neva restoration project approval.

X. PUBLIC HEARING

A. Amendment of Stateline/Ski Run Community Plan, City of South Lake Tahoe, El Dorado County, CA Modifying District 5b Boundary to Include Parcel APN 027-313-09. Modification of the Boundary Will Allow Time Sharing (Residential Design) Uses on Parcel APN 027-313-09, which is not allowed under its Current District 3b Designation

Staff member Neil Crescenti presented the amendment of the Stateline/Ski Run Community Plan.

Public Comment:

Kara Thiel, Feldman Shaw, representing the applicant discussed the purpose of the amendment.

Mr. Biaggi moved approval of the findings and a finding of no significant effect.

Motion carried unanimously.

Ms. Santiago moved approval of the project and proposed ordinance.
XI. PROJECT REVIEW

A. Richard Ross, Emily Maggi, Multiple-Use Pier 2123 and 2131 Cascade Road, El Dorado County, California, APNs 18-291-04 and 18-291-05, TRPA File Number 20060815

Staff member Gretchen Gibson presented this multi-use pier project.

Public Comment:

Mike Dill, representing the applicant, presented details on the project.

Ms. Santiago moved approval of the findings with a finding of no significant effect.

Motion carried unanimously.

Ms. Santiago moved approval of the proposed project subject to the conditions contained in the draft permit.

Motion carried unanimously.

B. California State Parks Pier and ADA Access Trail at Emerald Bay State Park

APN 590-101-03 File # 20061634

Staff member Gretchen Gibson presented the public pier for ADA access.

Public Comment:

None

Ms. Aldean moved approval of the findings with a finding of no significant effect.

Motion carried unanimously.

Ms. Aldean moved approval of the project subject to the conditions contained in the draft permit.

Motion carried unanimously.

C. Major Plan Revision, Lake Tahoe Cruises, Tour Boat Operations, APN 1318-10-000-001, TRPA File No. 20051495 (this item was continued at the request of the applicant)

Consent Calendar Item Number 4 was discussed with Jerry Wells briefing the Board on member comments regarding what budget TRPA had for the fiscal year relative to fire/fuels management and whether or not there would be opportunities for some of that money to be relocated to assist the fire effort outside the agency. Jerry stated that relative to the budget, we have three and one quarter PY’s or person years allocated for forest fuels work. TRPA has two full time foresters that
are doing a lot of the permitting and we have a Vegetation Program Manager that is working on a BOR (Bureau of Reclamation) grant for the year focusing on forest fuels management and we have a part-time vegetation specialist working on this also. That comes to about $260,000 of our overall budget and those funds are coming from our General Fund that we receive from the two states, in part from our fees for tree permits and in part from a BOR grant. We also add administrative and executive support time and effort to that. From the environmental improvement side, our EIP Branch also has staff that works on EIP projects that are targeted at forest fuels management and the total amount we have in that budget is about $400,000 for EIP staff. Only a portion of that would go toward forest fuels management, depending on what projects come in from other jurisdictions. We are pursuing funding from BOR for securing some seasonal foresters in the amount of $300,000, which could help that effort. Following the Angora Fire, we were participants in the discussion with all the other California State Agencies in developing a budget request for what we would need to process permits, for those people in the fire area that lost homes; what we would need for BMPs on the properties; what we would need for forestry assistance in terms of marking trees; and what we would need in terms of passing funds through El Dorado County to do EIP restoration work. TRPA staff put together a proposal where we asked the State of California for funds, but we haven’t received any feedback on whether this will be funded. El Dorado County and TRPA are going to join on the permitting process and we asked for additional staff funding in the amount of $614,000. On the BMP side, we asked for $1.5M that would be passed through to mainly NRCS and the RCDs for their work on the BMPs. We have also asked for another $1.4M that could be passed through to the Fire Safe Council and possibly TRPA for additional forestry staff, for just the Angora Fire Area. We requested $4.2M to be passed through to El Dorado County and other agencies doing the EIP restoration work. This totals about $7.8M that we are requesting from the State of California which is currently not in our budget. TRPA, even with fire prevention being our number one priority, is not an implementer, but rather a facilitator/coordinator for getting this work done.

Mr. Wells stated that another item that came up in the Operations Committee pertaining to a settlement agreement approved earlier this year which required $100,000 of that settlement agreement to go for certain environmental purposes. The question was asked if we could reallocate that to help out the counties in the removal of dead trees, etc. This is certainly open for discussion. We would have to go back to the person involved in that violation settlement and make sure all the parties agree to reallocate the funding. We are prepared to do that if the Board directs us to do so.

Board Comments:

Ms. Motamedi asked how TRPA is handing the normal fees charged by the Agency.

Mr. Wells stated that TRPA is waiving all filing fees associated with those who are building in-kind. If they are adding additions, a filing fee would be required for that portion. Mr. Singlaub stated that by Code all other fees, such as water quality, air quality, and excess coverage are all already waived.

Ms. Motamedi stated that Mr. Kranz, at the Board of Supervisors meeting, had asked to reallocate some of their North Tahoe funds to forest fuels reduction and she thanks him for that effort.

Mr. Swobe stated that in view of our emphasis to get forest fuels out of the stream zones and other items that we will be accelerating to avoid catastrophic fires, that we have the ability from time to time to change our budget. If we accept a budget today, he wants to make sure that it is not set in stone. If we want to change personnel or change programs to avoid catastrophic fires,
the Board can do. He feels we should explore using violation settlement dollars to go toward the avoidance of catastrophic fires. He also feels that we should go to our grantors and see if we can't redirect some of that money toward this program.

Ms. Aldean stated that it is important to note that this agency has other top priorities as well and we cannot exhaust our resources on one specific work program like forest fuels, even though it is our top priority. We have other items such as the Regional Plan that we are trying to update and Shorezone which is consuming a tremendous amount of staff resources and time. Unfortunately, we need to be all things to all people and that is a tremendous task. The agency is being taken to task for not doing enough. On the other hand, we have people saying we need to do more. Does that mean we need to do more of what we are not doing? She is not sure what the message is that is being delivered here, but she thinks it is very important that this agency, in conjunction with our MOU partners, do a better job of defining its role. We have people suggesting that we spend $1M on a helitanker, which makes a lot of sense, but it is a very expensive proposition. She feels through all this process, we need to do a better job of defining our role and conveying that message to the general public, because TRPA cannot be all things to all people.

Mr. Weber told Mr. Swobe that at the Operations meeting, the purpose of pulling the budget off consent was so whatever dollars are flexible dollars, we can always modify the budget. Funds that come in are designated for specific things and typically specific things attached to a grant are almost impossible to get changed. We need to approve a budget today so that we can operate; but we can always amend it.

Mr. Sevison stated that we have to remind ourselves that we are a regulatory agency and not a doer agency. There are other doer agencies like the California Tahoe Conservancy which is not a regulatory agency. So the money we need is to regulate and not to actually fix problems as there are other agencies that have the money to do that.

Ms. Santiago stated that whatever funds are available right now, we are only a conduit to assist other agencies. In light of what Ms. Motamedi had mentioned with regards to the deferral of the fees, what impact does that have on our budget? Do we have any way to recover that cost as an agency? TRPA has asked the State of California for $7.8M, is there a special fund that we are applying for within the state for that money?

Mr. Wells stated there is no special fund. When the Governor came to the area the first time after the fire, he asked all the agencies to put together a request of what we need to solve the problem for the Angora Fire victims. We put together from TRPA's perspective, what was need and each of the state agencies also put together what they thought they would need. We submitted all the requests through the Tahoe Conservancy. The last that we heard, it probably will not be in the state adopted budget because it came late in the process; but they are looking at finding ways to fund it. We put $614,000 in for El Dorado County and TRPA to help add staff and recoup some of that cost for the waiver of the filing fees. We are hopeful that this will be covered. This is work over and above our normal work load, but it hits El Dorado County more so than us because of the MOU we have with the County. We were only asking for one TRPA staff position to be funded to focus on this issue, for up to 2 years.

Ms. Santiago asked if the portion of the $7.8M slated for BMPs, would be for private properties.

Mr. Wells stated that it would be for the work that the County needs to redo the BMPs for the streets and the infrastructure that is there, as well as some funds may be available for NRCS, if their funds fall short.
Ms. Bresnick stated that grant funds may have flexibility but you have to look at the granting agency and see what the general purpose of the grant funds are. If the purpose of the funds were designated for fire suppression projects or something related to that, then there might be some flexibility to go in with a different project.

Ms. McDermid asked that included in $7.8M, is the $614,000 to offset the impact of the loss of fees.

Mr. Wells stated that was not the primary purpose. The primary purpose was the ability to add staff to both TRPA and El Dorado County to focus just on this program so that other people would not feel the impact who are paying fees that are outside of the fire area.

Ms. McDermid asked what would be the fiscal impact on the budget for waiving those fees as far as the agency is concerned.

Mr. Wells stated that if we were not to receive the money from California, we would still have to do the work. So the impact would be the $600,000 between us and the County, but mostly with the County.

Ms. McDermid asked if the money that we are asking from the state will be handed out to the doer agencies instead of it being used by TRPA.

Mr. Wells stated that is correct and some of the money will be pass through funds that either the state, if they approve this, could say they will give it directly to the NRCS or the Fire Safe Council and it may not even come through TRPA. We felt it was our responsibility to coordinate the request.

Mr. Severson asked how many of the fire districts around the Basin have MOUs with TRPA.

Mr. Singlaub stated that there are five and we are on the verge of signing a sixth one with the City of South Lake Tahoe. Only Fallen Leaf has not signed a MOU, as they are not big enough.

Mr. Severson asked if we assumed the cost of this or do they bare that cost themselves.

Mr. Singlaub stated that they bare the cost of marking the trees.

Mr. Severson asked if it would make any sense to amend the MOU with El Dorado County so that they can totally process all the building code items so we didn’t need to get involved.

Mr. Singlaub stated that they do that as the residential permitter; we are only trying to assist the County with this and other things like land coverage verification, etc.

Mr. Singlaub stated that he is concerned about our falling down in public outreach and education and hopes that in the Board’s mind that a key component to our public outreach is related to these kinds of issues associated with fuels management and the other priorities. We have traditionally funded our public outreach and education through fine money. Since Ms. Marchetta has been here, the fine money has gone down considerably, which is part of our kinder/gentler TRPA. To the extent that we need to be able to add money to that fund to get the word out, we will consider that as part of our challenge. Yesterday we filmed the speakers of the Angora Fire and that film will be available later. He asked Mr. Weber if we could get this information on the City’s TV
Broadcast, so that people can see what the discussion was which would be helpful in that public outreach and education component.

Ms. Bresnick stated that she believes that public outreach and education, after everything we have learned after the fire, might be a good area to apply for grant monies.

Ms. McDermid stated that the one of the best ways to reach the public is through taping Board meetings and then run them on the public access channels in the different jurisdictions.

Mr. Merrill suggested that we should use the mailing lists from organizations such as the League to Save Lake Tahoe and the Tahoe Lakefront Owners Association.

Mr. Weber stated that they get incredible feedback from their taped meetings.

Mr. Singlaub stated that we will get a cost estimate and talk with the other jurisdictions and bring this item back to the Board at the next meeting.

No Public Comment

Ms. Santiago moved approval of the FY 2007-2008 Operating Budget as proposed.

Motion carried unanimously.

XII. PLANNING MATTERS

A. Regional Plan Progress Report: Community Enhancement Program (Demonstration Program)

Staff member Brenda Hunt and Darin Dinsmore presented the Community Enhancement Program.

Public Comment:

John Falk, Tahoe Sierra Board of Realtors, stated that they support this Community Enhancement Program.

Michael Donahoe, Tahoe Sierra Club, stated that he was hoping that we would have the Thresholds by now including work on the Code of Ordinances so this could be in a more finalized process. They are working with staff to try to make this program work.

Ellie Waller stated that she is hoping that the timeline for the community plans do get put in place. We have had problems in the past with projects, where community plans have been outdated. She hopes that you have a line of defense for those projects that don’t meet the demonstration criteria for mixed-use, because there could be some issues with developers and builders. She also stated that there is a Tahoe Truckee Community Foundation grant specific to the education of public awareness.

Wyatt Ogilvy and Steven Brown, who they have been working with the Redevelopment Agency of Placer County, TRPA staff and Regional Planning
Partners and participating through the involvement of this process. They commend staff, the Regional Partners and Placer County in their process to-date which has been a dynamic process and is a tremendous opportunity. A concern they have is there is a very tight timeline that is proposed and there is no true implementation set yet on how we support the mixed-use with parking, height and density, which cannot be done under the current Code.

Jennifer Merchant, Placer County, stated that she thanks TRPA staff, as this is a great step in the right direction. They have been working very closely with staff, the other jurisdictions, and their planning working group who have been participating in developing this Community Enhancement Program. This means a great deal to them and is imperative to getting redevelopment that includes Threshold attainment, economic improvements and social quality of life improvements in the North Lake Tahoe area.

Jerry Wotell stated that there is a new organization that was created on the North Shore called the North Tahoe Citizen Action Alliance, which is a non-profit public benefit corporation. They are tasking themselves with providing a citizen’s voice in North Tahoe from Kings Beach to Tahoma.

No action was taken.

B. Angora Fire Situation Update

Presentations by the following were held regarding the Angora Fire update: John Singlaub, Steve Chilton and Lyn Barnett from TRPA discussed some of the actions that TRPA has already taken.

Terri Marceron, U. S. Forest Service Supervisor, gave an overview of the items that they are working on that is tied in with the fire and fuels management, in the fire area.

Lauri Kemper, Lahontan Regional Water Quality Control Board, updated the Board on their involvement in this fuels management effort. The Governor, immediately after the fire, passed an executive order waiving permit fees and encouraged all the agencies to work cooperatively to expedite the recovery and rebuilding effort.


Jane Schmidt, Natural Resource Conservation Service, updated the Board on the rehabilitation and restoration work that is being done on the private lands.

Norma Santiago stated that the debris removal program that was explained, is the first of its kind that has ever been done in the State of California. It is being watched by the state to use as a model in any kind of emergency, to bring all these teams together. She introduced Ginger Huber, Greg Fuz, Larry Lohman and Steve Poyman, El Dorado County who updated the Board on what the County is doing with their partners in the Basin on removal, restoration and rebuilding.
Andrew List, Nevada Fire Safe Council, stated that they are working to reduce the fire threat. He gave an overview of how they do their jobs in Nevada and the Basin organizing communities that are interested in reducing the fire threat and what they will be doing moving forward on their ongoing projects.

John Pickett, Nevada Fire Safe Council, is the California coordinator for the Council and stated we have to thin the forests. The Community Wildfire Protection plans for the Lake Tahoe Basin are in place. We need to implement them and we also need to do a better job on education and outreach.

Kate Dargan, California Department of Forestry Fire Marshall, presented the new building standards in California which are effective January 1, 2008, for wild land urban interface construction. These standards are designed to deal with the problem that wildfires create.

Board Comment:

Mr. Galloway stated that he would like to see with respect to TRPA and public safety, a handbook created in plain language so it ensures that all staff members are on the same page and it clarifies what TRPA is requiring. If there are additional things that TRPA is recommending but not requiring, it could be stated in the handbook also. This should come back to the Governing Board so that the Board is aware of what information is being communicated. This could resolve some of the issues we have with public perception.

Ms. Santiago stated that she sees two areas that we need to look at: 1) we need to address the area of disconnect between the public and the agency; and 2) there seems to be disconnect between the agencies which needs to be addressed. While we have a new Commission that will be formulated, the Commission isn’t going to report until March 21, 2008. The danger is now and we need to decide what the local agencies can do together as quickly as possible to make things happen.

Mr. Kranz stated that he wants to talk about what we have learned from this fire and see what we can do immediately to try to solve some of the problems. He toured the fire area and was told that we did clean up some of the forest there, however the Stream Environment Zone was not included in that cleanup. That zone had enough ladder fuels, that when the wind started blowing it created a fire storm that went up to crown fire until it hit the treated area. The treated area did exactly as it was predicted to do. It brought the fire down to the ground. Because we didn’t remove the piles that were on the ground, it allowed the fire to remain extremely hot. We also need more defensible space than the current 5 feet. We need a priority that puts public safety as a number one condition of the decisions that we make.

Mr. Weber stated he would like to see less talk and more action. We need more education and we should be televising these meetings and broadcasting on our website. People who can’t get here during the day, will be able to have access to our decisions which is a more transparent government and people will get our messages.
Ms. McDermid stated that when she joined the Board she was shocked that these meetings were not televised. She believes that it would be an important way for the Governing Board and the agency to have greater exposure to the public. Her Fire Chief explained a lot of things to her and she also attended the assessment presentation that was given by the Forest Service. She would like to have this presentation made available to the Governing Board at the August meeting. It would give a greater understanding of what took place, which may help us in looking at our ordinances to make the correct changes, if necessary. The protection of the public safety is the main responsibility of the Fire Districts and they should be the main implementers.

Ms. Aldean asked Mr. Pickett who prevented access for mechanized equipment in the Angora Creek Area.

John Pickett stated that Scott Parsons of the U.S. Forest Service would have that information.

Ms. Aldean also asked if he was familiar with Chapter 71 of the TRPA Ordinances that has to do with the use of mechanized equipment in Stream Environment Zones. What is his assessment of what was adopted by this agency on the 28th of January in 2004 and implemented of March of the same year. Does it give you sufficient flexibility to use certain types of innovated mechanized equipment to get into those areas and remove the debris that needs to be removed to create a safe haven in those Stream Environment Zones?

John Pickett stated that there are two aspects to completing a project. There is the regulatory framework that all business operates in and then there is the ability to obtain the equipment types that would be permitted under Chapter 71. While under the general framework, he feels it would be possible to do the work, but he doesn’t know if we could marry what equipment we have available with Chapter 71.

Ms. Aldean asked if it would be helpful to have a list of acceptable equipment types. She sees a lot of grey area, but there is no list of the type of equipment that would be considered environmentally sensitive to allow its use in the Stream Environment Zone.

John Pickett stated that they need to do a study to try some of the equipment to see if it will really work or not, relative to the cost.

Ms. Aldean suggested doing a test case or demonstration project in a SEZ using these various techniques to determine which technique is the most cost effective, which one does the least environmental damage and which one is the most effective in terms of reducing the fuel loading. The only way we will answer these questions is to actually perform the work and evaluate the results.

Ms. Marceron stated that she approved a 23 acre test project in the Heavenly Creek Valley SEZ area, so they are looking to use the cut to length, first time mechanized equipment on the California side of the Basin. This test will be under very tight conditions. This is based on pre-harvest monitoring, pre-mechanical
thinning and then during and post, with TRPA and Lahontan cooperating on this project.

Mr. Singlaub stated that this was exempt from TRPA rules and these rules are Lahontan’s rules.

Lauri Kemper, representing Lahontan, stated that they have approved this demonstration project and worked collaboratively with the Forest Service Hydrologist. Their Basin Plan since 1997 has allowed equipment or innovative technology use in SEZs. They don’t anticipate these kinds of monitoring requirements for future projects if this is shown to be successful, but they need something to hang their hats on.

Mr. Biaggi asked if the agency has thought about looking at how the winter/fall goes and make extensions available after the October 15 deadline to allow people to continue to do their foundations.

Mr. Singlaub stated that yes we discussed it, but are not lifting it now. We are trying to hold people’s feet to the fire to get their foundations started on the first of September. If we start making extensions now, that would be a reason to procrastinate. We have said that we would be very flexible in these extensions when the time comes.

Mr. Biaggi asked Ms. Marceron if there is a move to do commercial removal of some of the burned debris and material in that area.

Ms. Marceron stated they have already initiated the work on that, which was the Phase III, Stage 2 piece where they are looking at with long term vegetation and the need for reforestation.

Mr. Swobe stated that he is glad that we are finally talking about stream zones and what to do about them.

Mr. Yount is concerned about the economic value for the public. This area has been devastated and deforested and the homes that were not burned could not be appraised for the same value that they were before the burn, therefore those people are terribly damaged. The people who have lost their homes; how does this affect their mortgage or the ability for them to refinance their homes or sell their homes, etc. Will the homes that are being rebuilt be rebuilt to the new standards effective January 1, 2008? He believes that this will cost more money and if so where does the homeowners get the money to rebuild to these new standards?

Kate Dargan, California State Fire Marshall, stated that the new building codes are part of the California Building Code and part of California Fire Code. So the homes that are pulled for permitting prior to December 28, 2007 will be built under the existing code, which would not require these building standards. Building permits that are pulled after that, by state law, has to be built to the code in effect at the time. The ones that are built next year, will be built to these standards. They did an economic impact analysis that is on public record and in 2005 dollars,
was estimated to be somewhere between $1500 and $2200 in additional cost per structure. This is about a $2000 increase in cost to put this in effect.

Public Comment:

Henning Marins stated that he is happy to hear this cooperation and the new direction that the various agencies are heading towards. He recommends for reading the fall issue of California Forest. There are two articles that will make you drop your mouth. He talked to a couple firemen and the reason why they said that it didn’t go beyond the Angora Ridge was because the wind shifted. He doesn’t believe it was just clearing of the forest. Mother Nature actually kept the fire from going into the Angora subdivision and then down into Fallen Leaf Lake.

Tom Bandola stated that he recommends that a helicopter reside in the Basin. What fire fighting aircraft do for fire fighters when they are used on an initial attack or in the first 15 or 20 minutes, gives the fire less chance of growing. Even though this is expensive, it is better than the millions it costs to fight a fire.

Norb Zurek, North Lake Tahoe Fire, stated that his primary job responsibility is their field management program. They have had a very positive relationship with TRPA since 1987. It was not always a smooth road, but we have gotten through the bumps with minor bruises. Through TRPA’s support and their organization, we have treated approximately 4,000 acres in their district by doing performed under story burning, hand thinning and pile burning. They are not done yet, as the material grow back, but he feels that they are a success story in the Basin and people should look at their program, if they want to start their own program. On the defensible space issue, this is a fire service responsibility. That is their job and they are the professionals in this area and they should set the distances of clearances. He asks that this agency support their recommendations and not set up road blocks to their recommendations for defensible space. They are leaning toward a 30 foot clearance and an additional 75 feet out from there. In the pine needle debate, some things that have muddied the waters is that we have multiple agencies doing the defensible space evaluations and recommendations. They need to get on board with doing their job and not counting on other agencies to go out and do what they should be doing, as we are sending mixed messages.

Reuben Grahalda, Director of California Fire and a state Forester, stated that he would like to clear up something that keeps being said, that the defensible space rules are CAL Fire’s rules as they are not. They are the Board of Forestry and Fire Protection’s rules. They serve as their staff, but they adopt these rules through regulation. The 30 foot interior zone of defensible space is the lean, green, clean area which means all dead and dying vegetation is removed, and does not mean all pine needles need to be removed. It means that if the pine needles won’t propagate flame and cause it to spread; it is probably not a problem. It is when they build up and accumulate that they will contribute to fire spread. Having well irrigated green vegetation in that 30 foot zone is important and beyond that, the 70 foot reduced fuel zone is a little more lenient. There are standards for shrubbery being either 4, 8 or 12 feet apart depending on slope and trees being 10, 20 or 30 feet apart depending on slope. We should do tours to educate people as what is good defensible space which the fire districts know very well.
Mark Johnson, lives on Shoshone in the fire area, stated he was in the woods during the fire and the treated area burned much more slowly into the neighborhood. He encourages the clean up to be done sooner than later. We should start streamlining some of these processes and start doing the clean up. We could build bio-mass plants in the Basin to take care of the by-product that is not able to be sold. These should be proactive, as he has dealt with the Energy Commission and the Public Utilities Commission and understands what it takes to get through the process. He encourages streamlining some of this effort, as it will happen again.

Gary Bowen stated that he feels the presentations that were done are very powerful. He suggests that the GIS book written by Ian Mc Harg could be provided by TRPA for all agencies to help with typography and hydrology issues. The team Stewardship Contract is related to the issue of contractors trying to put together equipment as an investment in large amounts. Instead of 15 one year projects, he recommends that we try 1 fifteen year project that might show some issues on mechanize equipment and how it works. The Western Governors Association convened a bio-mass meeting on June 1 at the North Tahoe Conference Center in which the issue of bio-mass was discussed.

Jim Wineberg stated that the community is counting on the Board to take the fork in the road as the greatest threat to lake clarity is now clear – it is fire. Everything else takes a back seat to that. The Board’s mission is to preserve the Lake. If you cannot reduce the threat of fire, you have failed. When people tell you that they need 30 feet defensible space, listen to them. If you any doubt about this, walk along Angora Ridge Road and look down. The ash is extremely thick there and how much of that will be mitigated and not wind up in the Lake and how many BMPs will be mitigated by what took place at Angora, he doesn’t know. Listen to the experts in fire suppression and fuel management. The community needs you and if you can’t do this for us then quit. We need you and if your staff won’t follow through on your recommendations, fire them. Nothing matters but reducing the fire risk and we are counting on you.

Rich Kents, League to Save Lake Tahoe, suggested that everyone from the respective counties and the fire districts should take a look at the websites that the fire districts have because they are not all created equal. They need to be easy to navigate and some aren’t very user friendly which could create roadbocks for some of the residents. Public education is essential to helping elevate the problem and you should help the fire districts get this information to the public.

Michael Donahoe, Tahoe Area Sierra Club, stated he encourages the Governing Board to make a resolution to try to obtain funding for the fire districts. Some of them have suspended the inspection operations so they can get into chipping or they are understaffed and not able to meet the demand of going out and helping people deal with their fire safety and defensible needs.

John Friedrich stated that he commended all the representatives of agencies and the fire districts for being solution oriented to stay focused on what is necessary to prevent another fire tragedy to the best we can while protecting our fragile ecosystem. He also feels that John Singlaub and Julie Regan should have the
Board’s gratitude for well representing the agency’s record and plans which are often facing a lot of public heat, some of which has been based on misinformation or misperception. He also thinks that Coe Swobe deserves credit for his leadership on this issue and Norma Santiago deserves credit as before the fire stated she was working to increase community awareness combining defensible space and BMPs to help the community to get back on its feet. One bit of real science that he hasn’t heard today is a need to address global climate change. As a community that relies on snow and increasing risk of wild fire, he encourages all the Tahoe agencies to step up the efforts to be part of the global warming solution and to plan for its affects. Another area that deserves more attention is the amount and type of development that TRPA permits in the wild land urban interface. To the extent that new development increases fire risk needs to be carefully considered in TRPA’s new regional plan. Some have spoken of the gap between resources and programs provided by the agencies represented here and the public awareness of them. Clearly there has been an information perception problem. One suggestion would be to have all the agencies work together to combine defensible space and BMP programs in one simple form that everyone understands who to do. To the extent possible, encourage all the news homes that will be rebuilt, to use the new building materials that are available.

Mary Huggins, CAL Fire Division Chief & Registered Professional Forester, stated that they enjoy a very good relationship with the TRPA staff and in particular, the forestry staff. One thing she would like to offer TRPA to consider is a Basin-wide adoption of a defensible space law, which must meet or exceed California State Law Code 4291. Under a basin-wide defensible space law, give the inspection and enforcement authority to the fire professionals working through the Lake Tahoe Regional Chief’s Associations for any changes and amendments to that law. Also CAL Fire provides public resources Code 4291 training and materials to their local fire districts and the U.S. Forest Service and the Nevada fire departments have participated in the training as well. Executive Director Singlaub has been very supportive regarding changes to remove any roadblocks that may exist for land owners to perform defensible space. The tree removal requirement she believes should be eliminated within the 100 foot defensible space area for trees less than 16 inches in diameter. CAL Fire has spent about $1 million dollars a year since 2005 of Proposition 40 money which has gone directly to fuel reduction projects in California, the Basin and Alpine County. CAL Fire is here to work with TRPA and staff to assist in removing any roadblocks regarding defensible space and tree removal requirements.

B. Board Discussion of Proposal for Shorezone Ordinance Amendments and Request for Direction

Mr. Yount recused himself from the Shorezone discussion.

Mr. Singlaub presented the program proposal that is being recommended based on input from the California agencies. Included is a list of alternatives that was included at the May Board meeting. The proposal that he is recommending to the Board reflects a combination of those options that were included in the May Governing Board packet. The purpose of today’s meeting is to get direction from the Board on how to proceed. TRPA met with representatives from the State of California and the State of Nevada on this proposal and wants to be able to focus
our work on what direction that the Board would recommend. The concerns from the agencies regarding Alternative 6A was that the Shorezone proposal should only be an interim plan and there was concern that some of the mitigation programs should be tested before they are implemented to make sure they work. They wanted to know what the total number of piers possible in the alternative was. There were also concerns about CEQA compliance even though we are not subject to CEQA, but because the Lahontan Water Quality Control Board has to also lift any ban in spawning habitat, they would have to meet CEQA. To the extent possible, there was an interest in providing more detail information to comply with CEQA.

Public Comment:

John Falk, Tahoe Sierra Board of Realtors, stated that they were fairly comfortable with Alternative 6A as evolved. They participated in the Shorezone partnership and there was a lot of compromise to get to this point. The proposal today is frustrating to someone who participated on the Shorezone partnership as we agreed with the go slow approach and that was a reasonable way to ensure that whatever occurs in the Shorezone isn’t allowed to go unchecked. One of the things they would like to see reconsidered is the individual private pier should not be taken off the table. He will submit all his comments in writing.

Michael Donahoe, Tahoe Sierra Club, stated that he has heard from Lahontan that the TMDL studies will show us that we are going to need to reduce pollutant loading in the Lake between 30-50% which is an amazing amount of reduction that we need to accommodate if we are going to save this lake. It is premature to make a decision on Shorezone until we take a look at the TMDL study and identify where we are going to make those cuts. There is enough change in this proposal from Alternative 6A that this needs to be analyzed in a supplemental EIS. He still feels that there are other members on the Board that should recuse themselves from this discussion as they have a financial interest as lakefront property owners.

Jan Brisco, Tahoe Lakefront Owners Association, stated she knows that Mr. Singlaub is trying to juggle a lot of balls and trying to come to a solution and she appreciates what John is trying to do to make sense of all of the various solutions presented and working toward finding a solution that everyone will agree to and benefit Lake Tahoe. While his attempt is very good to bring closure to this in dealing with the California State Agencies, it is almost like why didn’t we just hand this off to California and let them tell us what to do about 10 or 15 years ago; then we would have been further ahead. Back in January this Board gave direction to staff to come back with Alternative 6A, as it had been published last year. To look at this program in its entirety and the direction that this Board is giving staff, it keeps changing and evolving and when it comes back to you next, who knows what it is really going to look like. When you start basing a criteria on something over which we have no control, the Board has no control and neither do the lakefront owners. You are setting this up to be an unfair criteria. With this proposal you are rewarding bad behavior and you are also not rewarding people who have waited to do something under a legitimate process. They believe that this new proposal is very discriminatory and do not want to go there as we have been trying for twenty years to avoid this in good faith. We expect the same in return. They do not believe that the Board should be bowing to the California
agencies in this regard as it is unfair to the property owners, process and the property owners in Nevada. Let California come up with their own programs if they want. She would challenge Mr. Garamendi to show her anything in the Code that says that he would not approve these things. They would have to institute their own ordinances and they don’t have anything that specifically prohibits this. She will submit her additional comments in writing.

Carl Young, League to Save Lake Tahoe, stated that Shorezone is one difficult nut to crack. There are so many emotions riding on this. The lake is more than just a recreational place; it’s a symbol and its National identity makes it difficult to get something done with this Shorezone plan. The scaling down of some of the components of the Shorezone plan that is being proposed today is encouraging and a step in the right direction. He will submit his additional comments in writing.

Patrick Wright, California Tahoe Conservancy, stated his potential thoughts on the process is the state agencies believe that this alternative that has been presented today has a lot of potential to address many of the concerns that has been raised by the state agencies. Those agencies made it very, very clear that they did not want TRPA staff to develop a specific alternative based on the meetings that have been held, for the very reason of what is just happening, the fear that it will be perceived as a state driven proposal. Because Garamendi and the other leaders recognize that Nevada had other views, as well as the TRPA Governing Board would have views and those views would have to be reconciled. The strong recommendation from the state officials was let’s jointly go to the TRPA Board, the Lahontan Board, State Lands Commission Board and to Nevada with a proposed framework that has potential to reconcile those differences, particularly with respect to CEQA. He supports the idea of getting representatives from both states to discuss their issues, come to some agreement and then present it to the stakeholders for their input and bring an agreement back to the boards and then proceed.

Board Direction:

Ms. Aldean asked Executive Director Singlaub to provide explicit information and some consensus among the Governing Board members and the position that the California agencies have taken on this to the Nevada delegation and ask them if they have issues with the direction that the Governing Board is taking on these specific issues. We need to make sure that we have a high level meeting with the Nevada delegation to educate them on what the issues are as it pertains to California’s requirements. Her task will be to put together a meeting with the Nevada equivalents of the head of the EPA, State Lands, Fish & Wildlife, Regional Water Quality Board, the AG and the Lieutenant Governor to talk to them and lay a foundation and educate them about what we have been discussing and of the meetings that have taken place with their counterparts in California and the impasse that we are at currently.

Executive Director Singlaub summarized the Board’s direction be going back to Alternative 6A buoy standard with grandfathering, but not implement the 6316 buoy cap until the blue boating program is implemented, and then go back to Alternative 6A on single use/multi-use piers, but keep the change to the number of
parcels retired first. We would also add repair and reconstruction back in, which was an oversight.

XIII. APPEAL

A. Appeal of Executive Director Administrative Determination, Kevin Lane, Inspiration Drive, Zephyr Heights, Douglas County, Nevada, Assessor’s Parcel No. APN 1318-10-413-010, TRPA File No. 20062004 (this item was continued at the request of the applicant)

XIV. POTENTIAL LITIGATION

A. Closed Session with Counsel to Discuss Potential Litigation

Ms. Santiago moved to go into open session.

Motion carried unanimously.

The Board went back into open session at 1:30 p.m.

XV. ADMINISTRATIVE MATTERS

A. Recommendation for Governing Board’s Concurrence of Process for Executive Director’s Performance Review

Ms. Motamedi stated that as a process update, Mr. Biaggi and Ms. Motamedi formed a small working group which included Ms. Bresnick from California and Ms. Aldean from Nevada to come up with a process for doing Mr. Singlaub’s evaluation this year. They will be doing a 360 evaluation form process and will be providing the Board with this information via email. This is similar to what the Board did for Ms. Marchetta’s evaluation. The information will be compiled and presented at a future Board meeting.

Mr. Biaggi stated that we would be providing a summary for the Board which will include staff exit interview information and possible staff and community input.

XVI. COMMITTEE REPORTS

A. Legal Committee – no additional report

B. Operations Committee – no additional report

XVII. ADJOURNMENT

Governing Board Chair Ms. Motamedi adjourned the meeting at 5:00 p.m.

Respectfully submitted,
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.