I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Smith called the meeting to order at 9:35 a.m.

Members Present: Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. DeLanoy, Mr. Harper for Mr. Galloway, Mr. Heller, Mr. Kranz, Mr. Maurer, Mr. Merrill, Ms. Motamedi, Mr. Smith, Mr. Swobe, Mr. Upton

Members Absent: Mr. Waldie, Mr. Yount

III. PUBLIC INTEREST COMMENTS

James Nakata stated: 1) some consideration should be given to the problems with mosquitoes in the Basin, and 2) he has a tree that is more than 30” in diameter located 10 ½ feet from his house. The tree leans toward the house and the inspectors from the fire department said it should be removed. The Fire Department has contacted TRPA for an exception to the 10’ rule and hopes that TRPA will grant a permit to remove the tree.

Leah Kauffman, planning consultant in the Basin, stated that because of an article in the Bonanza and the Tahoe Tribune regarding the tragic sewer spill that occurred last week in Kings Beach, she would like to stand corrected, as well as state facts that were not revealed in this article. She had the opportunity to speak with both Mr. Singlaub and Ms. Regan, and she determined that Mr. Singlaub was terribly misquoted in the article that was given to the press. The article expressed that there was negligence in not disclosing the presence of the easement for a known sewer main located on her client’s property. In fact, no such easement was recorded that she was able to find. There was absolutely no knowledge of this sewer line by herself, her client, the contractor and a multitude of other personnel that worked on this project. She read a statement into the record:

“This press release is a direct response to the newspaper article that appeared in the North Lake Tahoe Bonanza titled “Permit gaffe results in sewage spill”. Further, this responds to the statement in the North Lake Tahoe Bonanza that Kaufman Planning & Consulting Services did not return call(s) from the North Lake Tahoe Bonanza last Friday, July 22nd, 2005.
The article alleges that my business submitted incomplete applications to the agencies relative to my client’s pier project. The article further states that the applications failed to disclose known easements relative to a main sewer line. The article and statements contained therein are false.

Kaufman Planning & Consulting Services performed due diligence for this project before submitting applications to the TRPA, Lahontan Water Regional Quality Control Board, the Department of Fish & Game, and the Army Corps of Engineers. As a responsible land use planner, we rely on information received from our clients including title reports, surveys prepared by licensed professionals, review of TRPA files and documents and visits to the site. As part of our specific due diligence for the multiple use pier project referenced in the Bonanza article we obtained several surveys. The first consisting of an impervious coverage survey, an additional survey of the low water elevation and a third survey showing a proposed three foot wide public access around this pier below the high water elevation for the public. We engaged in chain of title research at the request of our surveyor. We also researched record title relative to all of the parcels that were associated with the multiple use pier project applications and in fact ordered additional copies of title reports on three separate occasions during the five years we worked on this project.

We physically inspected the site including the surrounding area to determine if there were any “red flags” to which we should be alerted as to any matters affecting land use and/or the project. There was nothing on the beach to suggest the presence of any kind of sewer as the utility box and manholes for these properties are located on the Highway.

The result of our due diligence prior to any applications being submitted clearly showed that there were no easements of record recorded against any of the properties involved with the pier project and/or any land lake ward of the pier project. Kaufman Planning & Consulting Services performed due diligence inquiries, reviewed title insurance policies and/or other matters of record pertaining to the property in preparation of all permit applications. There are no indications of any known easement for a sewer line.

Regarding the assertion that Kaufman Planning & Consulting Services did not return calls, such assertion is nothing less than a total distortion of the truth. Upon arrival to business offices on Monday morning July 25, 2005, I discovered that there was one telephone call received on our answering machine at 5:30 p.m. on Friday, July 22, 2005 after normal business hours and when no one was present. Kaufman Planning & Consulting Services immediately returned that telephone call on Monday.

Kaufman Planning & Consulting Services has served the Lake Tahoe Basin for approximately 27 years. It has received numerous TRPA awards, volunteered thousands of hours on public and quasi-public committees including the TRPA Shorezone Committee, and is a member of the NTBA and Placer County Design Review. We take great pride in the representation of our clients and continually strive to represent them with the highest degree of integrity and care. We are incredibly regretful of the terrible incident with the sewer spill.”
John Friedrich, League to Save Lake Tahoe, stated that he attended the Governing Board retreat last month and recognizes that everyone here is committed to protecting the Lake and that the Board and staff has the desire to streamline some of the regulations, improve customer service and make it simpler to develop more common sense regulations. The Shorezone policy that is being talked about and commented on will put the idea to the test on whether we can really have a better balance for both Lake quality standards and the economy for the majority of people who live here.

IV. APPROVAL OF AGENDA

Ms. Motamedi moved to approve. Motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. Upton moved to approve the minutes as amended.

Ms. Aldean and Mr. Harper abstained. Motion carried.

VI. CONSENT CALENDAR

*The following Consent Calendar items were approved:*

1. Acceptance of June 2005 Monthly Financial Statement
3. Resolution of Enforcement Action, Unauthorized Grading, Russell Pratt, Joni Pratt, and Eric Schaefer, 1505 West Lake Blvd., Placer County, Assessor’s Parcel Number (APN) 83-083-03
4. Resolution of Enforcement Action, Unauthorized Shorezone Structures, Hyatt Regency Lake Tahoe, 111 Country Club Drive, Incline Village, Washoe County, Assessor’s Parcel Number (APN) 127-280-02

Ms. Motamedi stated that the Legal Committee recommended approval of Items 2, 3 and 4 with modifications.

Assistant Agency Counsel Jordan Kahn presented the modifications: TRPA vs. Devore Settlement Agreement - paragraph 1 – all of the dollar amounts in that paragraph are cut in half and everything else will remain the same; paragraph 2 – the dollar amounts again are cut in half and add a sentence to the end of paragraph 3 which reads “in the event that DeVore is unable to make the payments specified in paragraph 1, the TRPA Legal Committee may consider granting an extension.”
Pratt/Schaffer Settlement Agreement - a sentence was added to Paragraph 1 which reads "of this amount, $3000 will be allocated to the TRPA Environmental Education Fund."

Hyatt Settlement Agreement - add a sentence to paragraph 1 – which reads “of this amount $5000 will be allocated to the TRPA Environmental Education Fund.

Mr. Smith stated that the Operations Committee did not meet because only one item was on the agenda. This is year end financials which are very preliminary and won’t be final until the audit is complete.

Ms. Aldean moved to approve the Consent Calendar as amended. Motion carried unanimously.

VI. GOVERNING BOARD MEMBER REPORTS

Mr. Swobe stated that he handed out a flyer that reads “helicopter boasts summer fire arsenal” and he feels that the Resolution that the Board passed earlier this year supporting the deployment of a heli-tanker made a difference. The residents of Zephyr Cove sent him pictures of an enterprising group at Zephyr Cove during the 4th of July weekend where they pulled together 20 boats and opened up a bar.

Mr. Upton stated he appreciated the Governing Board retreat and had an opportunity to go through the Governing Board profiles and noted that a common theme was looking at not doing business as usual, while going through the Pathway 2007 process. He challenges the staff to take the approach “if you only had one page to write, what would you write?”

Mr. Kranz stated that two representatives from the California Legislature were attending the Governing Board meeting and introduced Mike Applegarth, with Assemblyman Tim Leslie’s office and Rob Olmstead, from Senator Cox’s office.

VIII. REPORTS

A. Executive Director Status Report.

Mr. Singlaub gave the Director’s Status Report.

Stan Raddon made a bio-mass presentation relating to forest fuels management and their ability to convert into environmentally friendly products. They will be demonstrating their process on the 19th of September.

John Lund presented a conveyor system that could be used to remove the forest fuel material from the forest.

B. Legal Division Monthly Status Report.

Ms. Marchetta gave the Legal Status Report on staffing, and a litigation update on Bluth and Canepa.
IX. RESOLUTIONS

A. Consideration of Resolution Urging Individual Members of the Governing Board to Engage in an Outreach Effort to Further Alert the Public of the Disastrous Consequences of Catastrophic Wildfires, and in Addition, Provide and Gather Information and Methods to Avoid Such Disasters, and to Extend for Another Year its Present Policy of Avoiding Catastrophic Wildfires as its Number One Priority; or other Alternative Approaches

Governing Board member Mr. Swobe presented the resolution.

No Public Comment.

Mr. Swobe moved to approve the resolution with amendments.
Motion carried unanimously.

X. PROJECT REVIEW

Hern New Single Family Residence, Special Use Determination, 289 Tuscarora Road, Washoe County, Nevada APN 123-165-15, TRPA File Number 20041407

Staff member David Landry presented the project.

No Public Comment.

Mr. Upton moved to approve the findings contained in the staff summary.
Motion carried unanimously.

Mr. Upton moved to approve the project with special indemnification language.
Motion carried unanimously.

Adjourned as the TRPA and convened as TMPO

XI. TMPO ADMINISTRATIVE MATTERS

A. Discussion and Action Regarding the Nevada Department of Transportation Draft State Transportation Improvement Program (SSTIP) for FY 2006-2015 Annual List of Projects

Staff member Marc Reynolds presented the agenda item and introduced Kent Cooper, Assistant Director, Planning for NDOT.

Kent Cooper presented the draft Nevada State Transportation Work and Improvement Program.

No Public Comment.
Ms. Aldean moved to approve the draft transportation improvement and work program.

Motion carried unanimously.

Adjourned as the TMPO and reconvened as TRPA

XII. PUBLIC HEARINGS

A. Amendment to Plan Area Statements: 100, Truckee Marsh; 126, Pope Beach; 127, Camp Richardson; and 128, Baldwin Beach to add "Transmission and Receiving Facilities" under permissible public service uses, and other matters properly relating thereto

Staff member Peter Eichar presented the plan area amendments.

No Public Comment.

Mr. Harper moved to approve the findings with no significant effect.

Motion carried unanimously.

Ms. Aldean moved to approve the ordinance with amendments.

Motion carried unanimously.

B. Certification by Resolution of the City of South Lake Tahoe’s Local Government Moderate Income Housing Plan

Staff member Peter Eichar presented the proposed certification.

No Public Comment.

Mr. Upton moved to approve certification of the City of South Lake Tahoe’s Moderate Income Housing Plan.

Motion carried unanimously.

C. Certification by Resolution of the Placer County’s Local Government Moderate Income Housing Plan

Staff member Peter Eichar presented the proposed certification.

Public Comment:

John Falk, representing the Tahoe Sierra Board of Realtors, stated that they appreciate the fact that TRPA allows for a degree of flexibility from jurisdiction to jurisdiction.
Mr. Kranz moved to approve certification of Placer County’s Moderate Income Housing Plan.

Motion carried unanimously.

XIII. PLANNING MATTERS

A. Overview of Shorezone Draft EIS Alternative 6, a Density Based Approach

Executive Director John Singlaub presented the upcoming schedule and the target to bring the final alternative back to the Governing Board in December, 2005. This is dependent upon the volume and nature of the public comments that are received.

Staff member Coleen Shade presented the overview of Alternative 6.

Ms. Aldean stated that on the annual removal of buoy floats and chains, she questions the statistical justification for this. In the past, we’ve had issues regarding the grandfathering of buoys. She asked if the $5000 mitigation fee for the first buoy and the $7500 mitigation fee for the second buoy would apply to buoys that have been in the water long before TRPA and what constitutes a permitted buoy? Ms. Aldean stated that she has a problem with this from an equity standpoint. She supports the boat sticker program and hopes this will address the pollutants in Emerald Bay. She also has a concern regarding vintage crafts (old wooden boats) and this is another area where grandfathering would work.

Mr. Merrill stated that he commends staff for taking this on and he shares the value and knows that this is not going to please everyone. There are a lot of aspects in this proposal that are going to have very positive impacts on Thresholds. He thinks the boat sticker program is a fantastic concept and that is the most direct and enforceable way to mitigate the impact of boats and effectively monitor buoys, exhaust levels and noise that impacts not only new activity, but existing boating activity. The program also has a lot of potential for positive impacts and he believes there will be a reduction in buoys because of this. Buoys do create boating and there are ways of mitigating that and he believes that this has the potential of mitigating the impact of buoys both on boating and more importantly on scenic. He has concerns that none of these fees are going to improve the scenic impacts. He also has concerns that a number of impacts and mitigations in the document are not well based scientifically.

Mr. DeLanoy asked if there is a correlation between littoral properties in terms of value and would the people who have the most beach frontage have first priority? The way you prioritize this matter, in other words, if you only have 220 piers to give out and the people with the most littoral or beach frontage have first priority, then the people with the most valuable land get the first priority. Ms. Shade stated that the original intent on prioritizing the allocation was that there would be
an incentive to get more properties to come together into a shared pier. When they did the analysis and looked at parcels around the lake that were greater than 300’, they came up with 20 parcels that fit into that category. You have a really good point. The original intent was to be an incentive to get more people to come together so that you would have more linear feet that would be part of one pier. The other side of that coin is it provides a priority to those single parcels that happen to have very long lake frontages. Mr. DeLanoy stated that looking ahead, this might be discriminatory. Ms. Shade stated that is a very good comment for the document.

Mr. Upton stated that on Emerald Bay, looking at adjusting the speed limit from 15 miles per hour is a good alternative and it would protect the public and help the area. He also stated that fueling at the Marina’s today is not where some people fuel their boats. People fuel at other places because of the cost of fuel at the Marina’s. He’s not sure the boat sticker program will help regulate this problem. He also doesn’t see any evident that the $100,000 mitigation fee for piers is established by any sort of nexus which could be a problem. On the number of piers; 1) has there been a practical inventory done; 2) do we have an idea of what the real potential of lakefront parcels are; and 3) what is the real feasible number? He believes the practical aspects of removing buoy floats and chains may create a larger negative impact then what is anticipated.

Ms. Motamedi stated that she concurs with the other members on the removal of buoy floats and chains. She suggested that part of the boat sticker program be used for education on the types of bow lines that are needed for mooring buoys in the Lake. She also suggested that the fueling practices at the Marina’s should be looked at. She feels that we should also take a look at grandfathering of buoys that are permitted by others agencies and recognize that. She also supports the exception of vintage boats. Ms. Motamedi stated that she would like to see more consistent policy on the deed restriction on these parcel issues and hope we are going to require that deed restrictions be enforced consistently on every application that comes in.

Mr. Swobe asked that if there are priorities for linear feet and the concern of multiple applications; then why not just say that people applying for multiple use piers get a break of less than $100,000. He thinks that we need to have a grandfathering clause because of small residential homeowners that have had a buoy in the Lake for many years.

Ms. Bresnick stated that she would like to find a way to have people pay for maintenance of their buoys and to accommodate those people who have had buoys for years. Have some contribution without having an initial fee for everyone who currently has a buoy.

Ms. Motamedi stated that if there is an illegal buoy in front of someone’ property and they turn them in, and that buoy is removed and the owner is fined significantly, then this problem would stop happening in front of other people’s property.
Public Comment:

Henning Behrens, former family practitioner for over 30 years, stated that PAH levels for Tahoe Keys Marina was 16 nanograms per liter, Tahoe City Marina was 0.05 nanograms, Ski Run Marina was 0.19 nanograms and Emerald Bay was 0.004 nanograms. Emerald Bay is the lowest of all the areas tested. After checking with a realtor, property values would increase by $1M dollars with a pier added. If you have a buoy the value of the property goes up between $50-100,000. He thanked TRPA for putting a tremendous amount of time into this issue and allowing them to give their comments. Coleen has challenged them to come up with alternatives and he appreciates this and they are going to do their best to come up with alternatives to this document.

Gregg Lien stated that he commended John looking at the self mitigating idea in the EIS; looking at worse case scenario and realistic impacts. He feels that grandfathering is really key for this document. He feels what’s missing are how many buoys currently do not meet the standards set forth in the EIS. He also doesn’t feel there have been demonstrated impacts from buoys. More analysis is needed on this subject. From a legal point of view, unless we can demonstrate some kind of impact, we should not be talking about mitigation fees whether it’s a buoy or pier or anything else. He feels it is important that the Board get an opportunity to go through these issues one by one as he feels there are only a few finite issues here, i.e. number of new piers, grandfathering and set-backs. He looks forward to working with the Board and staff going forward.

Steve Harbower stated that with piers going in, it limits access for beach users. It also limits recreation and wants the Board to consider recreation before adding any more piers.

John Friedrich, League to Save Lake Tahoe, stated that part of the discussion that has not had a lot of focus is the cumulative impact of what will happen in this 20 year period, and what precedent this proposal would set for a 40 or 50 year period. The League will be submitting their comments on this alternative in writing shortly.

Linda Marins stated that she appreciates that the mitigation fees will be used for more public access, more public piers and more public buoys. She wants to increase the public access and not the private access. She also noticed some inconsistencies and omissions and she is going to investigate the status of the outstanding natural resource water and the anti-degradation issues.

XIV. COMMITTEE REPORTS

A. Legal Committee – no additional items

B. Public Outreach – Mr. Singlaub stated that the Committee went over the action plan from the Governing Board retreat and would like to get any additional comments from the Board within the next two weeks, or by August 10. The action plan will be finalized and brought back to the August Governing Board meeting, for approval.
Mr. Swobe stated that Julie Regan showed the Committee the in-house newsletter that recognizes the achievements of the staff; and it is really good.

Ms. Motamedi moved to go into closed session.

Motion carried unanimously.

XV. ADMINISTRATIVE MATTERS

A. Closed Session for Executive Director Performance Evaluation

Ms. Aldean moved to go into open session.

Motion carried unanimously.

B. Approval of Executive Director Salary Adjustment

Mr. Upton moved to approve the Executive Director’s Salary Adjustment of an 8% increase, effective July 1, 2005.

Motion carried unanimously.

Chairman Smith stated that at a recent Hearing’s Officer meeting a decision was made to deny a stay. There was an appeal filed against the decision and by the rules, they had the ability to ask the Chairman of the Board for a stay of permit. He had 48 hours to reply on whether to issue this stay or deny it. After reviewing the evidence, he agreed with the decision by the Hearing’s Officer and granted the permit. He wanted Board members to know in case they received phone calls from any of the parties involved.

XVI. ADJOURNMENT

Chairman Smith adjourned the meeting at 4:45 p.m.

Respectfully submitted,

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.