I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Biaggi called the meeting to order at 9:00 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Ms. Huys for Mr. Heller, Mr. Kranz, Mr. Merrill, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Mr. Smith, Mr. Swobe, Mr. Waldie, Mr. Weber,

Mr. Galloway arrived at 10:00 a.m.

Members Absent:

Mr. Yount

Item XIII.B. was held in closed session for Agency Council's performance review.

III. PUBLIC INTEREST COMMENTS

Gloria Hartunian stated that people have called the airport to complain about the noise standards and she believes that in accordance with the legal agreements between the City and TRPA, there would be in place a full functioning noise monitoring system. She has learned that no functioning noise monitoring system has been in place for perhaps years. That should have become public immediately. A noise complaint form should also be on the TRPA website.

IV. APPROVAL OF AGENDA

Mr. Smith moved approval of the agenda.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Bresnick asked that the minutes reflect two significant items regarding the Bertagnolli project: 1) there are parcels in escrow and 2) the Board offered the applicant the opportunity to withdraw the application and that was not accepted by the applicant.
Mr. Smith moved approval as amended.
Motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Waldie stated that the Legal Committee unanimously approved Item #4 and the proposed settlement agreement.

Mr. Smith stated that the Operations Committee unanimously approved Items #1-3.

Mr. Biaggi stated for the record that he has a conflict on Item #7 and recused himself.

Mr. Smith moved to approve the Consent Calendar.
Motion carried.

The following Consent Calendar items were approved:

1. Acceptance of May 2006 Monthly Financial Statement
2. Approval of FY 2006/2007 Agency Budget
3. Approval of Agency 5-Year Strategic Plan and FY 2007/2007 Work Program
4. Resolution of Enforcement Action, Unauthorized Tree Removal
   Paul and Deb Wilson, Dane Purcell, 1851 Bellacoola, El Dorado County, CA, APN 034-101-0610
5. Carl Everett, Mixed Use Commercial/Residential building, 8720 North Lake Boulevard, Kings Beach, Placer County, California APN: 090-142-01, 02, and 012 TRPA File Number 20060266
6. Peter Guilfoyle, Professional Offices, addition/expansion, 215 Elks Point Road, Douglas County, Nevada; APN 1318-15-803-003, TRPA File No. 20060007
7. Douglas County Sewer Improvement District No. 1 Reservoir Lining Project, APN 1318-00-001-008, TRPA file 20041120.

VII. GOVERNING BOARD MEMBER REPORTS

Mr. Swobe stated that his comments are a continuation of his efforts to urge more public involvement in the TRPA process to boost its efficiency, acceptance and credibility. The TRPA is a public agency. It is also a legislative body. Basic political science teaches us that one of the best ways for a legislative body to obtain positive public acceptance of its actions is to involve the public in the process. Public input through well noticed public hearings, as well as conducting full and open debate among the Governing body, is essential to get the public fully involved. The recent “Shorezone Workshop” held at Cal-Neva on May 25th enforces this premise. Even though the public participation was not well publicized, those in attendance testified the proposed “Shorezone Ordinance” was deficient in areas of “Grandfathering” of buoys and regulations concerning public lands. The Governing body responded affirmatively. Second, in further connection with urging more sunshine or transparency upon the TRPA process, is of the recent “secret endorsements” which have caused real concern in and out of TRPA. Earlier this year, the TRPA supported a proposed Forest Service purchase of the Denio property at Incline. Through quick action by U.S. Senator John Ensign and the SNPLMA Executive
team, this matter was brought into the light of day. And now the latest “secret endorsement” of the Homewood property, which is on the agenda today, demonstrates to him the need for a change in TRPA direction and for more Governing Board involvement and transparency in this area. This was the subject of an editorial in the Sacramento Bee on June 4, 2006 which concludes as follows: “Whatever Doolittle’s motivations, the blowup of this deal illustrates why public agencies must insist on an open process when negotiating with landowners. Yurosek and The Forest Service negotiated this deal behind the scenes, giving the public no opportunity to assess the value of the transaction, or to throw their support behind it. Had the process been more transparent, supporters might have convinced President Bush to budget funds for the acquisition (which he hasn’t). Organized public support might have prevented Doolittle from performing this latest act of mischief. Clarity at Tahoe? Clarity in land deals? They go hand in hand. The TRPA is a public body.

Mr. Kranz stated he would like to speak to the bio-mass and catastrophic wildfire task force that they have in the County, but thinks it may be more appropriate to discuss this when Mr. Singlaub gives his Forest Fuels Management update.

VIII. REPORTS

A. Executive Director Status Report.

1. Monthly Status Report on Permit Processing
2. Forest Fuels Management Update

Mr. Singlaub gave the Director’s Status Report and introduced new employees. Mr. Singlaub also gave an update on the forest fuels management.

Mr. Kranz stated that his district is 80% forest and he has made this one of his top priorities. His concern is bringing in bio-mass plants in place of burning 4300 acres a year for the next nine years. They have put together a bio-mass/catastrophic wildfire task force and there are 17 participants. They believe that if they invest in research of fermentation process would be beneficial. He also feels that there needs to be more communication between the County and TRPA to work together to push for alternatives to burning.

B. Legal Division Monthly Status Report.

Ms. Marchetta gave a general report on the recent tree removal at the City of South Lake Tahoe airport. This is a potential violation of TRPA’s Code but we are still in the early stages of our investigation.

PUBLIC COMMENT:

R. S. Lin stated that he lives on High Meadow Trail and he never would consider cutting any tree unless he had a TRPA permit. In the airport case, they had a permit and blatantly violated it. If the City is allowed to get away with this behavior, public confidence in TRPA will continue to erode.

Michael Balch, Program Manager for CalStar 6, the rescue and air ambulance service at the airport and the Executive Director of the Cal Tahoe Emergency
Services Operations Authority and also an airport commissioner, stated that he knows something about emergency preparedness. An emergency plan in this Basin, and all the responsible agencies have a plan to utilize the airport as a critical hub for bringing resources into the Basin for staging and most importantly evacuation of personnel. Those agencies are going to be held accountable for restricting the use of the airport for this type of purpose. It is not going to be for the loss of a few trees, but of human life.

Katherine Edward, resident of Zephyr Cove, stated that it is simply astounding that the South Lake Tahoe officials responsible for killing 387 trees have gravely insulted democracy by arrogantly disregarding the TRPA rules and guidelines.

John Friedrich, League to Save Lake Tahoe, stated that in their view there is simply not a good excuse for the action that happened that the City of South Lake Tahoe can offer for clear cutting 387 trees at the airport in clear violation of permit conditions. Had the cease and desist order not happened, they were planning to cut 100’s more in an area already eroding badly into the Upper Truckee River.

Catherine DiCamillo, Attorney for the City of South Lake Tahoe, stated that she wanted to address some of Ms. Marchetta’s statements. They are indicative of a mixed message that you might be getting from TRPA staff, which is keep an open mind, but use adjectives that could intimate that this action was wrongful. The facts are the cutting was done over the entire month of May. It was done as a result of some directives from the FAA. They had written the City in mid April. This was the result of that correspondence. An obstruction survey was requested and was obtained and showed 454 trees that needed to be removed in the Northwest end of the runway. Those were the trees that were directed to be cut down and that obstructive survey was received the first week in May and that’s when the cutting began and the cutting continued until it was stopped by TRPA. The permit is a TRPA permit that CDF issued under a MOU with TRPA. TRPA wants to leave it out there in the public domain that the City did not get a TRPA permit and we did.

Duane Wallace, City Chamber of Commerce, stated he doesn’t think the City knows all the facts as yet and for us to get into who is guilty and who is not, is not appropriate at this time. This should be a public process.

Tom Davis, Ex-Mayor for the City of Lake Tahoe, stated that he was part of the settlement agreement at the airport and he believes that this is not about a rich property owner cutting down a tree so he can view Lake Tahoe. This is purely about safety and saving lives.

Phil Herback, sits on the Board of the Lake Tahoe Gaming Alliance and the Board of the Tahoe/Douglas Chamber of Commerce, stated he supports the comments on safety; but is more concerned about the businesses in Lake Tahoe. The result of this issue is that the airport’s hours have been limited at a time when all the business has been building up in preparation of the summer peak season. He is concerned that by cutting the airport hours will end up cutting off some of their business and their opportunity for commerce.
He would ask the Board to allow the airport to operate while this issue is being resolved; the businesses shouldn’t suffer.

Michael Donahoe, Sierra Club, stated that the City of South Lake Tahoe’s cutting of 387 trees at the airport is so outrageous that it’s hard to know how to respond. Events like these don’t happen in a vacuum. They signal a serious lack of leadership. The fact that City leaders did not quickly and publicly assure us that they are committed to following proper procedures in cases like this speaks volumes. The environmental damage caused by this cutting is bad enough. Equally damaging is the message that this sends to the residents of the City of South Lake Tahoe.

Terri Marceron, Executive Director USFS sat on the TMPO Board.

Adjourn as the TRPA and convene as the TMPO

X. TAHOE METROPOLITAN PLANNING ORGANIZATION

A. Discussion and Action Regarding the Nevada Department of Transportation’s Transportation Systems Projects (TSP) Document FY 2007-2016 for the Lake Tahoe Area

Staff member Marc Reynolds presented the TSP 07-16 discussion and action and introduced Scott Rollins, Assistant Director of Engineering for NDOT.

Mr. Rollins presented an overview of the proposed TSP document for the area around Lake Tahoe and asked for any input as it pertains to these facilities.

No Public Comment.

Ms. Motamedi moved to recommend approval of the TSP document for FY 07-16 for the Lake Tahoe area.
Motion carried unanimously.

Adjourn as the TMPO and reconvene as the TRPA

XI. PLANNING MATTERS

A. Presentation by Lake Tahoe Development Company, LLC, for the Proposed “Project 3” Redevelopment Project in the City of South Lake Tahoe

Staff member Lyn Barnett introduced Lew Feldman who gave an overview of the proposed Project 3 Redevelopment in South Lake Tahoe.

No Public Comment.

No action item.

B. Pathway 2007 Place-Based Planning Status Report
This item was continued to the July Governing Board.

C. Homewood Ski Resort Land Acquisition Discussion

Executive Director Singlaub stated that there has been considerable conversation between Governing Board members regarding this acquisition proposal and so it is on the agenda as a discussion item. TRPA has been working with the landowner at Homewood for a long time on boundary line adjustments, land capability and IPES scores for those parcels in preparation for potential sale to the U.S. Forest Service. There is no project at present, simply a proposal to sell this property. Two issues have come out: 1) what is the development potential at the Homewood Ski Area, and 2) since this is a recreation plan area statement, single family dwellings is a special use and we would have to make special use findings. We are still working with the landowner to determine the development rights of the previously designated 31 parcels that are being proposed. In the boundary line adjustment TRPA would not allow additional development potential there. Also another issue that has been raised is whether or not it was appropriate for him to say that TRPA supports the Forest Service acquisition. We have many times supported similar acquisitions and it’s very clear this is in the existing Goals and Policies of the TRPA.

Art Chapman, President JMA Ventures and current owner of the Homewood property presented some background behind their acquisition. They clearly made two mistakes, one was not keeping the elected officials informed of what was going on and two was they underestimated the importance that Homewood plays in the lives of the people on the West Shore and how much they want to preserve it.

A discussion ensued.

Mr. Kranz stated that he asked for this item because of all the articles that had been generated and with the many erroneous issues that were brought out. His problem is with the lack of communication between the County, TRPA, Forest Service and the landowners.

Brian Jensen from Congressman Doolittle’s’ office addressed the issue and stated that there was lack of communication from proponents of the Forest Service acquiring this land and seeking Federal dollars to do it. Congressman Doolittle has the responsibility to protect the natural resources and make decisions in the best interest of the natural resources and the communities here in Lake Tahoe, as well as, make sure that the Federal tax payer is protected.

Chairman Biaggi stated that there needs to be a policy discussion of the Board to talk about internal communications and give the TRPA staff some direction on what the Board wants to know and how to communicate that information. He asked for this item to be added to the agenda on a future Board meeting.

Public Comment:

Rochele Nason, League to Save Lake Tahoe, stated that she wanted to point out that there is a Lake Tahoe organization called the Lake Tahoe Transportation and
Water Quality Coalition which includes gaming, skiing, and property rights representatives from across the community of Lake Tahoe. Every year for ten years, we have prepared a Lake Tahoe Federal Legislative Agenda which is worked out through discussion about what portions of the EIP should be prioritized and matched with funding sources. They have had remarkable success communicating with Legislators across the political spectrum about Lake Tahoe’s needs, getting things funded and avoiding unpleasant public controversy over which things ought to be funded or not funded. She encourages the agencies and proponents of projects or concern with this issue, consider getting involved in the coalition. Carl Hasty from TRPA is very involved with the coalition and she would encourage the maximum use of that coalition.

Michael Donahoe, Sierra Club, stated that in the future he would ask that on the agenda it be noted “Not for Public Comment” or “Comment at this Time”. He feels what Ms. Aldean said about cutting off these funds by Doolittle seems a pretty extreme measure to take. He would hope this is not a precedent and not be repeated.

XII. PUBLIC HEARINGS

A. Amendment of Plan Area Statement 007, Lake Forest Glen, to Add “Government Offices” to the Permissible Use List, and Providing for Other Matters Properly Related Thereto

Staff member John Hitchcock presented the proposed amendment to Plan Area Statement 007.

No Public Comment.

Ms. Aldean moved approval that under public service, Special Area #1 include government offices (administrative only) as an allowable use and moved a finding of no significant effect. Motion carried unanimously.

Ms. Aldean moved Chapter 6 and Chapter 13 findings. Motion carried unanimously.

Ms. Aldean moved adoption of the implementing ordinance. Motion carried unanimously.

B. Notice of Commencement of 60-day Comment Period on the Draft EIR/EIS/EIS for the Heavenly Mountain Resort Master Plan Amendment

Staff member Jeanne McNamara presented the staff summary for the Draft EIR/EIS for the Heavenly Mountain Resort Master Plan Amendment and stated that no action is required at this time. The Board and public are welcome to provide oral comments today and written comments will be accepted until July 17 which is the close of the comment period. An evening workshop is also scheduled for July 6 at the Forest Service where the public will have an opportunity to present oral comments.
Terri Marceron, Forest Supervisor, presented an overview of the Forest Service/NEPA component of this document and the planning process.

Andrew Strain, representing Heavenly, presented key improvements in the EIR/EIS.

Public Comment:

John Rawls stated that he moved here to live at a ski resort and he appreciates everything that Heavenly is trying to do. His concern is making sure everything is out in the open, discussed and looked at. Heavenly stated that they will be breaking ground on 120 residential units at Stage Coach and 60,000 sq. ft. of commercial space next spring that is not in the EIS and it is not in the master plan amendment. Heavenly’s statement on why this isn’t addressed is: 1) it’s outside of the Basin, so it doesn’t have to be and 2) it’s not on Forest Service land so it doesn’t have to be. He feels that this must be either included or excluded from the EIS and stated that we intentionally didn’t look at this particular project.

Rick Walowit stated that he wanted to offer a customer’s perspective of this expansion. From his point of view, Heavenly is a great resource destination and the incremental improvements that are in Alternative 4 of the master plan amendment are a balanced approach.

Nicole Gibson, Sierra NV Alliance, stated they are made up of 80 conservation groups and gives ski area environmental score cards which grades resorts on their environmental records. They are concerned about many aspects of the proposal; most notable is the removal of over 340 old growth or large trees. This would degrade water quality, encourage erosion, contribute to global warming and destroy habitat currently enjoyed by both wildlife and skiers. They recommend kink chair lift technology allowing a new lift to be built mainly in the existing chair lift configuration.

Diana Woodberry stated she agrees with the kink lift suggestion. Her main concern is that Heavenly go smoke free outdoors and indoors, like their sister resort in Vale and Beaver Creek.

John Steinbach, Embassy Suites Resort, stated that the partnership with TRPA, the City of South Lake Tahoe, the Park Service and Heavenly has a beautiful destination product because of this partnership. He supports this project because it brings more business to the area and has increased the length of stay from 2 ½ days to three.

Eve Moore, Embassy Suites Resort, stated she is in favor of the amendment based on what her quests tell her they want in a destination resort.

Edward Ferranto, Sierra Club, stated moving some facilities out of sensitive wetlands, using cleaner burning buses and improving the public access to the public lands are welcome. Unfortunately, some of Heavenly’s plans are still quite negative. Their main concern is what is being proposed for the North Bowl area. They also support the kink ski lift approach.
Phil Herback stated that he supports the amendment and what Heavenly is trying to do and believes they are going in the right direction.

Jamie Cornforth, lift manager at Heavenly, stated that she believes in what Heavenly is doing. Guests want the high speed and express chairs and they don’t want to wait in line. In the summer they do weekly meetings focusing on erosion control projects and have dedicated equipment in the summer to create water bars and pack down the dirt. They have doubled the density of all of the water bars. Employees monitor this every day and it is every employee’s responsibility to redirect water to where it needs to go if necessary.

Curtis Fong, TGFT Productions and Bike the West, stated that he supports the amendment, and particularly Alternative #4.

Rod Hays, resident of June Way, stated he is two blocks below the California lodge parking lot. His concern is the impact of the build up of snow and dirty water run off on the streets that are directly beneath the lodge parking lot. There are no curbs, gutters or grates to catch the debris that collects from this run off. This is getting into the ground water which is not good for the lake.

John Friedrich, League to Save Lake Tahoe, stated they want a system that demonstrates improvement in the environmental bottom line. Although they say this is not an expansion, there will be 150 acres more of ski runs, trails and lodges from what currently exist. Their issues are: 1) there are a number of problems with BMP effectiveness, 2) not enough measures to make sure mitigations will work. Heavenly has been very receptive to looking at solutions and they are working together on a joint project to improve the system that is proposed for monitoring and mitigation. Look at what’s happening now on the mountain; come up with a system to compare improvements that are made in the first phase of the project; monitor and test to see if they have met the goals and use adaptive management to show that these performance goals have been met. If they are not met, then there should be some additional requirements before they go on to the next phase.

Rich Bains stated that he supports the amendment and has total confidence in the TRPA, the Forest Service and Heavenly to do the right thing.

Dana Turvy stated that she supports the amendment and the ability to move skiers more evenly over the mountain, which will help with over crowded areas that currently exits.

Kristin Seifert stated that she is opposed to Heavenly’s plans to reroute the North Bowl chair through the old growth forest in an already degraded watershed.

Carl Fare stated he is supportive of the amendment, especially Alternative 4.

Dan Seifert stated that as a former Vale Corporate employee, he knows the motivation of the corporation which is only about potential profit. He does not support any of these amendments or any project that is being proposed.
Daniel Ward stated that he feels that this is a very destructive project and feels there is no mitigation that can repair what will be destroyed.

XIII. ADMINISTRATIVE MATTERS

A. Request by Board Member Mike Weber to Reconsider the Governing Board’s denial of Bertagnolli Park Lane Right-of-Way (RPW) Paved Roadway Extension, Placer County, APN 090-212-39, File Number 20051523

Mr. Weber stated that he is asking for a vote authorizing the reconsideration of the Bertagnolli Park Land Right-of-Way project with the limitation that the reconsideration be for the sole purpose of allowing the applicant to withdraw the application for the ROW approval, thereby allowing the applicant to negotiate with the CTC without the potential prejudice of a denial on record.

A discussion ensued.

Public Comment:

Virginia Lauren, representing CTC, stated she was available for any questions.

Richard Reader, stated four points: 1) CTC doesn't consider what TRPA does in its hearing process, 2) Reconsideration and withdrawal of the application can only mean that the previous deliberations are discarded and the decision is not valued, 3) If this is a courtesy to Mr. Bertagnolli; what about the 40 people who fought for and won a fair vote, and 4) Integrity of TRPA's decision making process has to be questioned, when well deliberated decisions are so easily by-passed or circumvented.

Craig Pridgen, Attorney for the applicant, stated that the most compelling reason to grant the request is that it is only for the purpose of withdrawing the application and the status quo is preserved in respect to any future plans to develop the property.

Chairman Biaggi asked for a roll call vote.

Yes Votes: Ms. Aldean, Mr. Kranz, Ms. Motamedi, Mr. Weber

No Votes: Mr. Biaggi, Mr. Galloway, Ms. Huys, Mr. Ruthe, Mr. Smith, Mr. Swobe, Ms. Bresnick, Mr. Merrill, Ms. Santiago, Mr. Waldie

Motion failed.

B. Closed Session for Agency Counsel's Performance Review

A closed session was held to Discuss Agency Counsel's performance.

C. Agency Counsel's Salary Adjustment

Mr. Swobe moved approval of an 8% increase retro to Ms. Marchetta's
original start date, plus a 4% increase effective 7/1/2006 that will be available for all TRPA staff members.
Motion carried unanimously.

XIV. COMMITTEE REPORTS

Committee reports continued to next month.

XV. ADJOURNMENT

Chairman Biaggi adjourned the meeting at 6:30 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.