REGULAR MEETING MINUTES - REVISED

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chairman Ms. Bresnick called the meeting to order at 9:30 a.m.

Members Present:

Mr. Burnham for Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. Galloway, Mr. Kranz, Ms. McDermid, Mr. Miller, Ms. Ruthe, Ms. Santiago, Mr. Swobe, Mr. Waldie, Mr. Weber

Members Absent: Mr. Merrill, Mr. Yount

III. PUBLIC INTEREST COMMENTS

Mr. Fults, Douglas County Sewer Improvement District, stated he is concerned about public agencies that are undertaking environmental improvement projects and how the TRPA permitting process works.

Ellie Waller stated that she has attended many of the Community Enhancement Project meetings and the prevailing theme is cumulative impacts. The transportation model that is being used is from 1988 and she feels that this data is outdated and will not help make accurate projections.

Ann Nichols, representing Friends of Crystal Bay/Brockway, stated that the Boulder Bay project applicant is asking for an amendment of the settlement agreement made in 2001 on the Mariner site. This involves park open space and whether they can build multiple condo dwellings. She feels that there should be a public forum to discuss this.

Jackie Chandler requests that the TRPA Board endorse the Geo-Tourism concept as defined by the National Geographic Center for Sustainable Destinations.

Ron Grasse stated that he believes Hybrid buses would be a better way of moving people around environmentally and correctly in the Tahoe City area. The buses are fairly inexpensive and would hold about 16-20 passengers. They provide a reduction of CO down 55%, fuel use down 30-50% and economy is up by 40-60%. They also come with ski racks on the side and in the summer bike racks. He would
like to work with TRPA to tap into funds to support this mode of transportation in the Tahoe City area.

Dave McClure stated that the Board has been hearing a growing number of citizens who, without financial interest and without making money off of projects, are organizing, and they want to tailor back what they view as much needed redevelopment so it’s done the right way. This would gain true water quality improvements without the negative impact to the general environment and to the community.

IV. APPROVAL OF AGENDA

Mr. Galloway moved approval. Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Santiago moved approval with amendments. Motion carried unanimously.

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

1. Acceptance of February 2008 Monthly Financial Statement
2. Amendment of Section 7.3 of the Agency’s Purchasing Policies and Procedures Manual
3. Expansion of Existing Multi-Use Buoy Field, Incline Beach HOA, 1625 Pine Cone Cr, Incline Village, NV, APN 130-241-37 (continued at request of applicant)
4. Resolution of Enforcement Action, Schilling, Unauthorized Disturbance of Natural Feature/Rock Outcrop, 220-229 Summer Place, Douglas County, Nevada, Assessor’s Parcel Numbers (APNs) 1318-24-310-001 through 1318-24-310-008

Executive Director Singlaub stated that Consent Calendar Item No. 3 was continued at the request of the applicant.

Mr. Waldie stated that the Legal Committee unanimously voted to approve Item No. 4.

Ms. Santiago stated that the Operations Committee voted to approve Items 1 & 2.

Ms. Santiago moved approval. Motion carried unanimously.

VI. GOVERNING BOARD MEMBER REPORTS

Mr. Biaggi stated that the Bi-State Fire Commission has wrapped up their meetings. There is a draft report that is available on the website and he encourages everyone to look at it. He feels it is a very good report and believes that a final report should be out next month.

Mr. Swobe asked for clarification that the number one priority of the Agency is the
avoidance of Catastrophic Wildfires.

Agency Counsel Ms. Marchetta stated that yes, it is the Agency’s number one priority and that priority can only be changed by a vote of the Governing Board.

Mr. Galloway stated that he is concerned about what Mr. Fults with the County Sewer Improvement District stated regarding TRPA’s permitting process. He would like to have the result of this discussion reported on at the next meeting.

Ms. Santiago stated that the El Dorado County Supervisors passed a resolution regarding their environmental vision for the county, relating to issues of agriculture, water quality, air quality and transportation. They will also be revamping their Redevelopment Services Department processes which in terms of economic development have been hampering progress on a lot of good projects. For the Board and for any jurisdiction, it is inconsistencies that lead to disconnect, that lead to misinformation and this leads to a lot of headaches. We need to be consistent with our messages. She would also like to discuss the process with the CEP projects at tomorrow’s Regional Plan Workshop.

Ms. Bresnick clarified Mr. Swobe’s question regarding Agency priorities, that there are two tracks happening. One is an overall priority of TRPA in terms of forest fuels reduction. The other is managing the monthly workload priorities. She thinks that Mr. Swobe’s comment regarding discussions with the Operations Committee Chair was based on the agencies’ monthly workload priorities, not changing the overall priority that has been established for TRPA by the Board. It is just a matter of shifting things around to try to meet our goals on a monthly basis in terms of all the projects and work that staff has to do. She thinks that this is a distinction to be made on Mr. Swobe’s concern compared to what we assign staff to work on. This is not changing what the Board has established as the primary priority for TRPA by resolution. Ms. Bresnick also stated that at the Nevada Oversight Committee last month, there was a presentation on climate change as it affects Lake Tahoe. She requested that this be agenized for a future meeting, so the Board can see this presentation.

Mr. Swobe moved to adjourn as the TRPA and reconvene as the TMPO. Motion carried.

VII. TAHOE METROPOLITAN PLANNING ORGANIZATION

A. Amendment #7 of TMPO 2007 Formal Federal Transportation Improvement Program (FTIP)

Staff member Nick Haven gave an overview and description on the TMPO role of the Board.

Staff member Scott Forsythe presented the amendment #7 of the TMPO FTIP.

No Public Comment

Ms. McDermid moved approval.
Motion carried unanimously.

Mr. Swobe moved to adjourn as the TMPO and reconvene as the TRPA. Motion carried.

IX. PROJECT REVIEW

A. Phase I, Marina Expansion Project, Tahoe City Marina, 642 North Lake Boulevard, Placer County, California, Assessors Parcel Number (APN) 094-090-08, TRPA File Number 2006148

Executive Director Singlaub set the context for today’s decision. He stated that the Board, as well as the Placer County Board of Supervisors, approved the Master Plan and certified the EIS for the Tahoe City Marina in January, 2005. Part of the Master Plan’s requirement was to provide additional parking, but it did not require a parking garage. Today’s decision on Phase I is separate from the parking garage, which has been pulled from consideration by the County. The dredging for this project, according to our MOU with Lahontan Water Quality Control Board, is Lahontan’s responsibility to approve. The approval before the Board today is Phase I of the project expansion only.

Staff member Jason Ramos presented the marina expansion Phase I project.

Board members who met or talked with Jim Phelan about the project were: Ms. Bresnick, Mr. Kranz, Mr. Galloway, Mr. Weber, Mr. Biaggi and Mr. Waldie.

Jim Phelan, applicant, presented some of the highlights of the project and collaboration with the community, the County and TRPA.

Public Comment:

Patricia McNamara, Property Manager for Boat Works Shopping Mall, stated that they are the adjacent property to the Tahoe City Marina. They want to make it clear that there has been no formal written agreement or approval from the owner of this property regarding BMPs or mitigation measures planned on their property.

Ellie Waller stated that she has concerns about any pier expansion that may or may not be compatible with the pollution reduction program and the new Shorezone alternative. This project expansion will also need to go into evaluation for future waterborne transit sites. How will new impact studies be incorporated if they haven’t come to light, and will they be incorporated into the new Shorezone policy?

Tony Harsh stated that both of these parcels have the ability to engage in waterborne transit because they are doing it currently.

Colin Strasenburgh stated he has concerns regarding changes in the scenic impact with this buoy field moving more toward Commons Beach. He also has concerns regarding increased traffic in Tahoe City and how TRPA will address the aquatic species problems.
Board Comment & Questions:

Mr. Kranz stated in regards to the public parking structure, it became very apparent that public support was lacking. This is why Placer County has approved the original private facility and the public facility has been removed from the project.

Mr. Weber asked how many day-use boats the marina could accommodate.

Mr. Phelan stated that currently they accommodate 3 spaces, and the Yacht Club reserves 5 buoys for guest parking. With the larger facility, the entire outer wall will be available for guest parking.

Ms. Marchetta, in response to a Board member concern about public comment on BMP coordination, stated that the BMP mitigation program that may affect the Boat Works Shopping Mall sounds like timing issue. Rather than putting the plantings in now where they would be disturbed as the project goes forward, that mitigation will be satisfied at the end of the project when there is no further possibility of construction disturbance.

Mr. Kranz moved approval of the required findings, including a finding of no significant effect.

Motion carried unanimously.

Mr. Kranz moved approval of the proposed project, subject to the conditions contained in the draft permit.

Motion carried unanimously.

X. PUBLIC HEARINGS

A. Status Report on Lowering the Numerical Level Defining Top Ranked Parcels for Placer County pursuant to Chapter 37 Individual Parcel Evaluation System (“IPES”)

Staff member Tim Hagan presented a status report on Placer County’s IPES level.

Mr. Kranz asked why Washoe and Douglas County have a baseline that is entirely different. How did this come about?

Staff member Tim Hagen stated that as he reads the minutes of the Plan in 1987, it appears that this was part of an analysis package based on proportion and was a negotiated baseline.

Mr. Kranz stated that in the last three years Placer County has gone down 3% and if they did the same amount of progress that we have done in the last three year, do you think we could go down another 3%. It is physically impossible to get down below 20%.
Staff member Tim Hagan stated that in his professional opinion it is neither impossible nor improbable. We continue to contact acquisition agencies to target acquisitions in Placer County to assist with this part of the analysis.

No Public Comment

No action was taken.

XI. PLANNING MATTERS

A. Governing Board Direction on Shorezone EIS and Ordinances

Executive Director Singlaub gave an overview of where we are with the goal of getting a go ahead from the Board to move forward with the current package of ordinances. On February 11 Lieutenant Governors of both states met along with three Board members and our Agency Counsel. Out of this meeting there was an agreement on a basic framework of what this Shorezone program package would look like. At the time of the Lieutenant Governors meeting, California was proposing changes that included, only multi-use piers, a lower number of buoys and a request for making this an interim plan. In response to Nevada concerns, some of the items came back closer again to Alternative 6A which was the preferred alternative in the final EIS. So after the bi-state negotiation, there is again the opportunity for single-use piers in attainment areas, but the overall number of piers was reduced and the number per year of permits was reduced from 10 to 5. There are also a number of conditions that need to be met before additional buoys could go forward.

Chair Ms. Bresnick stated that this decision was in the political arena. There were some parameters set between the two Lieutenant Governors on issues of important to both states as expressed by the two Lieutenant Governors, but the EIS still has to be a final EIS and any comments were submitted on that EIS will still be responded to. There is still opportunity if you have issues to talk with staff. The Board still has to deliberate in terms of approving any Shorezone ordinances, so there is a political framework that has been established but issues that are consistent with the parameters that have been set will be considered. Issues that are inconsistent with those parameters, the Board could still consider them. The Board would be reluctant to change what has been agreed to between the two states. There are lots of issues in the details that were not discussed by the Lieutenant Governors that are what has already been presented to the public and has been out for quite sometime. The Board still needs to deliberate, but the will of the Board is most likely to work within the parameters of what has been established by the two Lieutenant Governors.

Executive Director Singlaub stated that if the Governing Board gives approval today to proceed, they will make the changes to the draft Shorezone Code of Ordinances needed to reflect the proposed final program... If there are any additions or clarifications to the final EIS, staff would work on that as well. It would then be available for public review. We would come to the Board for approval of the new ordinances and certify the final EIS.

Board Comment & Questions:
Mr. Swobe asked after the complete package is distributed to the Board and the public, how much time would they have before the public hearing and the consideration by the Board.

Executive Director Singlaub stated that decision is up to the Board.

Mr. Kranz stated that he wants to make sure that the Lieutenant Governors are acting on behalf of the Governors of both states.

Agency Counsel Marchetta stated that while the discussion were held at the Lieutenant Governor level, at least in Nevada, it was taken up for concurrence by the Governor’s office. She is not sure about California but would confirm that.

Mr. Galloway stated that there was a previous compromise with the Board, and 10 piers a year. In other words, you get to keep what you have in the way of piers, subject to defining what it meant to previously have a buoy you got to keep a buoy that you have. Mr. Galloway stated that he has had push back on this from the Incline Village Board of Realtors and from the Lakefront Owners’ Association who has specific concerns that this is not what the present compromise appears to be. He would like to hear from them today on specifics today before he decides on moving forward.

Agency Counsel Marchetta stated that having been at the briefings with the Lieutenant Governors, she would like to address Mr. Galloway’s comments that the present proposal reflects only California’s interests. An aspect of the briefings with the Lieutenant Governors included two very important elements specifically raised by Nevada members. One extremely important topic was the concept of buoy grandfathering. We have strengthened the buoy grandfathering provisions, and the issue was non negotiable on the California side. The second area that was clearly a Nevada side interest was the concept of allowing single-use private piers. This was adamantly opposed on the California side and we have now preserved that concept in this compromise alternative.

Public Comment:

Ellie Waller stated that, public piers may be no longer than 300 feet; there is nothing in the documentation that she can find that talks about a maximum allowable length for public piers. If there isn’t one, one should be established. Under the preferred alternative, all buoys on the lake would require up-to-date permits from the TRPA and the other agencies with jurisdiction. Is there an estimated timeframe for compliance for those permits? What then is the timely removal if that isn’t met, so new applicants can apply?

Sarah Ellis, representing the Nevada Association of Realtors, stated that when they asked the Lieutenant Governor to help, they were concerned that this entire process was going to get high-jacked and they would have nothing. They are having a problem with not knowing the parameters, what we can or can’t discuss today are. It is not clear exactly the decisions between the two states were. From a process standpoint, they would like to know what they can comment on and what the next steps would be.
Chair Ms. Bresnick stated that in public comment anyone can raise any issues that they see.

Sarah Ellis stated some issues that they have: 1) There is a section that deals with public access and they strongly believe that this issue is something that is dealt with constitutionally or by the legislatures in the respective states. They don’t believe that TRPA is empowered to even discuss this and request that this be eliminated from the document. 2) There is a requirement that if you secure a development right and retire that from a parcel, you would have to bring both parcels to scenic compliance. They think it is not incentive-based because they don’t think that this will happen. They will submit more issues in writing.

Ron Grasse stated that the right questions should be asked. The first question that he asked is are the Thresholds and carrying capacities meant to measure the health of the Basin. The next question is these Thresholds that have been officially adopted by TRPA, advisory or mandatory? He believes that they are mandatory. Is the Basin out of attainment on approximately ¾ of the Thresholds? What is causing that un-attainment? What it seems to be is development, traffic, increased visitors and boating, etc. If that is what is causing the problems, he is having difficulty with putting in dozens more piers and buoys. He questions how that would improve the health of the lake.

John Falk, representing Tahoe Sierra Board of Realtors, stated this latest set of discussions leaves much to be desired, from they view. They disagree with the heavy handed tactics that the State of California took upon them to determine that Alternative 6A was deficient. Alternative 6A in its previous form, they thought could work and it has the potential to protect the shoreline, protect the lake, protect the thresholds and at the same time protect private property rights. This new approach appears to front-load the disincentives before there is enough work toward the incentives.

Avina Patterson stated her concern is that the buoys were not reduced, as was suggested. Her hope is to reduce the amount of buoys and get the plan in effect.

Curt Sanders stated he would like to request a 90 day period to review the current recommendations, so there is complete clarity on this new alternative.

Colin Strasenburgh stated there is an issue with invasive aquatic plants, which is complicated by an increase in the number of boats. We need a plan in place to address this issue. Another big issue is near shore turbidity, and whether it will be in attainment or not.

Raina Patrocinio, League to Save Lake Tahoe, stated their concern is in regards to the increased number of legal buoys on the lake, with this alternative. They also think that the Blue Boating Program should be implemented and proven effective before additional buoys and piers are permitted.

Jan Brisco, representing the Tahoe Lakefront Owners’ Association, stated they feel that piers are very good for the community, the boaters and the general well being of Lake Tahoe. There are several concepts that they like about this
proposal. While there are provisions for certain things, there are other items within those provisions that actually make those things impossible to accomplish. She would like to focus on 4 components that need broader examination before the Board makes a decision. What exactly is the definition of a pier? How do we look at existing piers? What staff has done in the functionality test is to say that there is a limit to the length of your pier, but you also have to get to 6,219 which is almost impossible. They want to know exactly what happens when you overlay all the criteria on the map. The repairs and reconstruction has always been a concern of their group. Also merely changing the side setbacks from what exists today to 25 feet in this proposal will require the relocation of thousands of buoys for only five feet, which doesn't make any sense. Safe mooring for a buoy is not the same as safe docking at a pier. Safety needs to be the order of the day. They would recommend another workshop so the public can have input into this new proposed alternative.

Daniel O’Hanlon, attorney representing the Tahoe Lakefront Owners’ Association, commented on the provision for public access in the preferred alternative. Under this alternative, new modified or expanded shorezone structures would not be permitted to unreasonably impair legal lateral public recreational access. This could carry significant liability as to what is legal lateral public recreational access.

Gary Midkiff stated that it is important to recognize one of the Thresholds is Recreation and lake access is an important element of the Recreation Threshold. Piers and buoys are a key for providing access to the lake. A workshop would serve as a good tool for testing out the proposed language and proposed direction of the ordinances as to how they would be implemented, interpreted and applied. In the past, the ordinances required that no piers could be longer than either lake-bottom elevation 6,219 or the pier head line. Now you are saying you have to at least reach 6,219 to be accessible at low lake level. This is just one example that he sees so far that could be a problem and urges staff to proceed with a workshop with the partners, to figure out where we have things that may still need to be addressed.

Michael Donahoe, Tahoe Sierra Club, stated that instead of focusing on the negative and avoiding the harmful, we need to focus on the things that will achieve lake benefit. In the past we have not had solid evidence, scientific evidence to justify this proactive approach. We have the TMDL now, and if we start using it, he believes it will be very worthwhile. The TMDL is telling us, that in order to return the lake to ‘100’ of clarity we need to reduce pollutant loading from all sources by 55%. To achieve this, we can’t allow any more back sliding. Everything that is done from now on needs to answer this very key question, how is this proposal, plan or project going to benefit the lake, reduce pollutants and achieve Thresholds.

Bob Taylor stated that he has been trying with his neighbor to get a pier for over 20 years. He encourages everyone to get this resolved and adopt a shorezone policy.

Catherine Edwards stated that she believes going slow on this alternative is very important. The real conflict is who is more important, the people who live here or
the lake. You should look at the long term value to the lake and preserve its clarity.

Board Comment & Questions:

Mr. Galloway asked several questions regarding repairing and replacing an existing pier. He asked for clarification on the overlay question. He is concerned when you overlay all these additional restrictions, there may be very few people if any that can actually build a private pier.

Executive Director Singlaub stated that the intent is if you are repairing or maintaining a pier or other structure in-kind, you can do that. To encourage that repair and maintenance, it doesn't matter whether it is conforming or non-conforming. The distinction that was made is that if it is above the waterline, those repairs can be done without any permit at all. If it is below the waterline or impacts the shoreline, it would require a permit. You can still do it in-kind, and there is not additional mitigation required. Executive Director Singlaub stated that Figure 2.5 is the overlay map that shows the number of piers allowed.

Agency Counsel Ms. Marchetta added, for Mr. Galloway’s benefit, that Figure 2.5 does include all of the different filters that would be applied under the Code. So there is nothing hidden, that would suggest that we are trying to go to a zero pier alternative. The minimum number of piers that the program will allow is 104 piers, under today’s attainment status. If you assume that tomorrow every scenic unit around the lake goes into attainment, the maximum number of piers that this shorezone program would allow is 184.

Ms. Santiago asked staff to address the public comment regarding public access, whether this is in TRPA’s purview.

Agency Counsel Ms. Marchetta stated she is well aware of the case that Mr. O’Hanlon was referring to. This case was a California Supreme Court case and therefore it applies in California. It has no application in Nevada. As far as our purview related to public access, TRPA’s interest in public access is limited to our Recreation Threshold. However we interpret that Recreation Threshold, TRPA is not attempting to stand in the shoes of the California Attorney General and enforce through this Shorezone program, the judicially created principal of the “public trust” in California. The public trust concept is a prescriptive easement that was interpreted to exist on the California side between high and low water gives open public access within that area. We are not the enforcers and we are not the creators of that legal concept. What we are attempting to do is provide a provision related to public access that satisfies our Recreation Threshold. The language “legal” public access is intentional and very meaningful.

Ms. Santiago asked where the processing and/or approval of new private pier permits at the rate of no more than 5 per year. It states that this could be adjusted up or down based on the impact of Shorezone structures on near shore turbidity. It is her understanding that near shore turbidity, as far as construction, is not an indicator for whether or not you should build a pier.
Executive Director Singlaub stated that the 5 per year is consistent. The contingency of meeting near Shore turbidity standards was something that had been proposed on the California side. This was a mistake because, as you note, the near shore turbidity threshold is not tied to pier construction activity. We recognize a need to change that Threshold sometime in the future, and we have engaged scientific research to determine what that change should be.

Mr. Waldie asked about mitigation of a private pier which is set forth three places in the program. He asked for a description of what kinds of mitigation is required for a pier.

Executive Director Singlaub stated that there is a broad range of mitigations that range from where you can locate a pier, to mitigating the scenic impact.

Mr. Waldie stated that on the Scenic Threshold, no single pier will be permitted there, because it is too damaging to the scenic area which is not in attainment. He assumes that the mitigation required is just a scenic mitigation in this particular case.

Executive Director Singlaub stated that when the fish spawning habitat is lifted, there will be a requirement to mitigate for any loss of fish spawning habitat.

Mr. Waldie stated there is a third mitigation where it talks about recreation and public impacts of piers.

Executive Director Singlaub stated that under the Lake Tahoe Public Access Fund there would be a $100,000 mitigation fee paid into that fund, which would be used for improving public access.

Mr. Waldie stated that all of those negative impacts would result from one single pier. He assumes that we have determined that for those folks $100,000 takes care of mitigating those adverse consequences to the lake.

Agency Counsel Ms. Marchetta stated that the $100,000 fee is a mitigation fee to account for the effects Region-wide of the additional piers that would be added by this program. This fee goes into a fund that will be allocated out to public agencies who can then invest those funds in projects that would benefit public shorezone access and non-motorized recreation.

Mr. Waldie stated that these are the adverse impacts of every private pier. Referencing the project description document, he stated it will obstruct lateral public pedestrian access, limit or alter the ability of individuals to engage in forms of recreation, including swimming, canoeing, kayaking, top line fishing and to navigate the near shore area where public access is controlled. The problem he has with this is a private pier benefits one person, but the adverse consequences to the lake damage numbers of people and damages the environment. We are trying to make that one person content, to benefit that one person who gets a private pier, but to do so they have to pay all kinds of money, because we recognize that pier is not a positive thing in Lake Tahoe. We say a pier is a bad thing in Lake Tahoe and it will damage the lake. So you have to mitigate that
damage, and that is troubling to him. If it is a bad thing to have in Lake Tahoe, we should ban private piers.

Mr. Swobe asked when we would find out how many legal buoys are in the lake. And how will you get the illegal buoys out of the lake?

Executive Director Singlaub stated that we will find out when those property owners who have a TRPA permit come in to validate their buoy permit, so those people will quickly produce the evidence that they have a legal buoy. There are illegal buoys in places where they shouldn’t be, there are non-permitted buoys and there are non-TRPA permitted buoys. What we suggest is that initially we acknowledge those that have been inventoried by GPS as being TRPA permitted. They will get their permit and then that will open up applications for those that do not have a buoy in the lake. The Lake will be allowed up to the number 4454 until we get the Blue Boating Program in place.

Mr. Swobe asked if there are any buoys that we know definitely are illegal, right now?

Executive Director Singlaub stated that yes those that are located in spawning habitat. The reason that they haven’t been permitted is because our current Code states that we can’t issue a buoy permit in spawning habitat. Also, those that have been located off of public lands and those where the homeowner says this is someone’s buoy but they don’t know whose it is. We will work with those to determine who they belong to and ask the person to remove them.

Ms. Ruthe asked if the buoys are currently being tracked.

Executive Director Singlaub stated that last summer staff used GPS to count every single buoy in the lake. We know where they are, but we don’t have a correlation to who the owner is.

Ms. Ruthe stated that if someone comes in tomorrow and fills out the paperwork, do we have a system in place to track these buoys and when was this started.

Executive Director Singlaub stated that we have had different tracking systems since 1972, which is part of the problem. Generally a lot of the permits for buoys were issued at the time that pier permits were issued. Currently our Code does not allow us to issue permits in spawning habitat or feed and cover habitat. We now know by the science that there is no basis for that, which is why we are trying to change our rules.

Mr. Galloway asked if a non-conforming pier is destroyed by an act of God, what happens.

Executive Director Singlaub stated that if it is replaced in-kind it would be considered exempt in-kind replacement, repair or maintenance.

Mr. Galloway stated that he believes that the map overlay is in dispute and he wants to be sure that all the facts are in before we do anything.
Executive Director Singlaub stated that they have done their very best to go through with our existing GIS data layers and determine the sequence of overlays and what it would result in. When we actually get a pier application, we will zero in on the very specifics on a project level before it is approved. We are not doing project level analysis at this programmatic stage of planning.

Mr. Weber summarized that this is not the final plan but where we are at this time. There will be a workshop with the stakeholders.

Executive Director Singlaub stated that once we put the Code together, we would have a test drive and invite implementers and the conservation community to work with examples of how it would be implemented. This will help us find problems with the Code. He would hope to have the workshop in the May/June timeframe and then come out with the final release to the public after that.

Mr. Biaggi made a motion that we move forward with the Shorezone ordinances along with a workshop to be held as soon as the ordinances are in a format that would be beneficial. Once that workshop is held, we would come back to the Board for additional discussion and hopefully final ratification.

Motion carried.
Mr. Waldie voted no.

XII. ADMINISTRATIVE MATTERS

A. Resolution of Enforcement Action, Unauthorized Tree Removal, Lake Tahoe Airport, 1901 Airport Road, South Lake Tahoe, El Dorado County, California, Assessor’s Parcel Numbers (APN) 033-050-06 & 11

Agency Counsel Ms. Marchetta presented the settlement agreement between TRPA and the City of South Lake Tahoe resolving the unauthorized tree removal at the City of South Lake Tahoe airport.

Rick Angelocci, representing the City of South Lake Tahoe, stated that he thanks Joanne Marchetta, Nicole Rinke and Brian Judge who have been very helpful working with the City to get to this point and he believes everyone wins with this settlement.

No Public Comment

Mr. Biaggi moved to accept the proposed settlement and approve the Settlement Agreement.

Motion carried.
Mr. Swobe and Mr. Weber abstained.

XIII. REPORTS

A. Executive Director Status Report
   1. Monthly Status Report on Permit Processing
   2. Forest Fuels Management Update
3. Agency Work Program Priorities for April

Executive Director Singlaub gave the Executive Director’s report.

B. Legal Division Status Report

Ms. Marchetta reported status on pending personnel litigation that was brought against TRPA in the matter of Jordan Hastings v. TRPA. Oral argument on TRPA’s Motion for Summary Judgment was held on March 20, 2008. From all indications from the questioning, the judge is pre-disposed to TRPA’s position and we expect a decision shortly. Ms. Marchetta also stated that our rules require that she report to the Board when TRPA takes an affirmative BMP enforcement action. We have Rules of Procedure that govern BMP enforcement actions. We have sent the first assessment of a penalty on a BMP case. This is a parcel that is in a number 1 priority watershed and these BMP’s needed to be in place as of October 15, 2000. We have been working with this individual to no avail and finally sent the penalty assessment letter dated March 24, 2008. There is a standard penalty of $4,000 and that is what we assessed.

XIV. COMMITTEE REPORTS

A. Legal Committee – no additional report

B. Operations Committee – no additional report

C. Public Outreach and Environmental Education Committee – Ms. Santiago stated that the Committee held discussion on two items. First, our strategies with regards to results of the Fire Commission and the marrying of defensible space and BMPs to establish one consolidated plan and ensure information is consistent, concise and clear. Second, we will start looking at our strategy on how to roll out the Regional Plan Update.

The meeting was continued on Thursday, March 27 at the TRPA offices located at 128 Market Street, Stateline, NV.

XV. JOINT TRPA/TMPO GOVERNING BOARD WORKSHOP

A. Status Report on the TMPO 2008 Regional Transportation Plan (RTP) Update

Staff member Keith Norberg gave a status report on the 2008 Regional Transportation Plan.

B. Pathway Regional Plan Update

TRPA staff gave overviews and updates on topics proposed for revision in the Regional Plan Update. Reports and discussion were heard on the following topics: Air Quality and Noise, Land Use, Allocations and Commodities, Total Maximum Daily Load and Land Coverage and the Lake Tahoe Environmental
Improvement Program.

XVI. ADJOURNMENT

Governing Board Chair Ms. Bresnick adjourned the meeting at 3:30 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.