NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on February 14, 2007, at the North Tahoe Conference Center, located at 8318 North Lake Blvd., Kings Beach, CA. The agenda for the meeting is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, February 14, 2007 commencing at 8:30 a.m., at the same location, the Tahoe Transportation Commission will meet. The agenda will be as follows: 1) Public Interest Comments; 2) Approval of Minutes from July 12, 2006 and the minutes of the joint TTC/TTD Meeting of September 13, 2006. (Enclosed in APC Packet). 3) Discussion Regarding Tahoe Transportation Commission (TTC) Roles and Responsibilities; (see Item VI.A) 4) Member Comments of the Commission, consisting of representatives from the following agencies: El Dorado County, Douglas County, Placer County, Carson City, Washoe County, and the City of South Lake Tahoe, the LTBMU, the TTD, one member of the Washoe Tribe of Nevada and California, a representative of a transit service provider and non-voting Members from NDOT and Caltrans.

February 7, 2007

John Singlaub
Executive Director
AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

A. January 10, 2007
B. January 17, 2007

V. PUBLIC HEARINGS


B. Recommendation of the Shorezone Final Environmental Impact Statement and the adoption of the proposed amendments to Chapters 50 through 55 of the Code of Ordinances, related provisions of Chapters 2, 12, 13, 30, and 75 and related Plan Area Statement Amendments and other matters related thereto;

CONTINUED UNTIL MARCH APC MEETING

VI. PLANNING MATTERS

A. Discussion Regarding Tahoe Transportation Commission (TTC) Roles and Responsibilities.

B. Discussion on Pathway 2007 Proposed Regional Plan Framework.
C. Discussion on Pathway 2007 Proposed Demonstration Project Program.

VII. REPORTS
   A. Executive Director
   B. Legal Counsel
   C. APC Members

VIII. ADJOURNMENT
REGULAR MEETING MINUTES-REVISED

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:30 a.m.

Members Present: Mr. Breuch for Mr. Combs, Mr. Romsos for Ms. Davidson, Mr. Harris, Ms. Jamin, Mr. Jepsen, Ms. Kemper, Ms. Krause, Mr. Donohue for Mr. Lawrence, Mr. Maurer, Mr. Plemel, Mr. Riley, Mr. Kuchnicki for Ms. Sertic, Mr. Tolhurst, Mr. Zuckerman

Members Absent: Mr. McIntyre, Mr. Poppoff, Ms. Schmidt

II. APPROVAL OF AGENDA

Mr. Riley moved approval.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

Mr. Zuckerman introduced Mark Jackson as his substitute on the APC. Mr. Romsos introduced the Mike LeFevre as the new APC representative for the Forest Service.

IV. APPROVAL OF MINUTES

Mr. Jepsen moved approval.
Motion carried unanimously.

V. PUBLIC HEARINGS

A. Recommendation on the Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System (IPES)

Staff member Tim Hagan presented the recommendation to amend the map showing need for Water Quality improvements pursuant to Chapter 27, IPES.

Mr. Breuch moved approval with the request to notify affected properties owners. Motion carried unanimously.

B. Chapter 20.5 Excess Land Coverage Mitigation Fee Update and Possible Amendment
Staff member Phil Scoles presented the proposed amendment to the Excess Land Coverage Mitigation Fee.

Public Comment:

Jerry Wilmette, California Tahoe Conservancy gave input on their request for an increase in the mitigation fee.

Ms. Kemper moved approval.
Motion carried unanimously.

VI. PLANNING MATTERS

A. Presentation of Place-Based Demonstration Project Prototype Economic Analysis

Staff member Coleen Shade gave a brief overview on place-based planning. She introduced Darin Dinsmore and Andrew Kravatsy, who gave a detailed overview on three of the proposed demonstration projects and their economic analyses.

No action was requested or taken.

B. Shorezone – Discussion of Proposed Program and Action that will be Requested at the Special Advisory Planning Commission Meeting on January 17, 2007.

Executive Director Singlaub updated the Commission on where we are and where we are going during this 60 day interim period and how the special meeting next week with the APC will be structured.

Public Comment:

Harold Singer, Executive Officer for Lahontan Regional Board, stated their issues: 1) they need to feel that this package meets their SEQA needs, 2) this plan has to clearly identify what the mitigation measures are going to be and the details of them, 3) the fine sediment loading and a definitive measure to address this issue, 4) nitrogen emissions and to look at the analysis more closely, 5) human waste from boats and how a boat sticker program is intended to reduce these things.

Jack McKenna, Board of the Tahoe Yacht Club, stated that the Board of the Yacht Club agrees with the speed limit in Emerald Bay but the boat sticker issue is a concern and how that program is going to be put in place and the details have not been addressed and he believes that this is critical.

Benjamin Pignitelli, League to Save Lake Tahoe, stated that the League does not agree with the addition of 10 new piers a year and 1,862 more buoys are justified and how would this keep the lake in the same or better condition than in 2002. The boat pollution reduction program has not been quantified and TRPA needs to produce a detailed and specific boat pollution mitigation plan.
and a timeline for implementation. There is a lack of information for Governing Board members and the public to have adequate conclusions regarding property implementation of a Shorezone ordinance.

Jan Brisco, Tahoe Lake Front Owners Association, stated she feels that we need a level of detail in these ordinances with the processes and the mitigations that do not exist today. This is brand new code language from what’s existing and some of the components that should have been included from the existing code have not yet been done. They want to make sure that in-kind repairs and replacement of piers do not require mitigation. They are concerned about how the allocation process works for new piers. They are also concerned that there is no hold over or roll over allocations per year for new piers. They are concerned about water purveyors looking at the future potential without a risk assessment. Risk assessments are huge and they are all encompassing and she doesn’t think that is worked out yet. She would like to see that program and how does an applicant go to a water purveyor and under what process and try to figure out what they need. This feasibility has not been reviewed by TRPA staff. She feels that this needs to be an equivalent document to make sure it is SEQA compliant.

Gary Midkiff stated there are more questions raised by the ordinances than are answered. There is a major disconnect between the draft ordinances, the language and details then what they had understood from discussions over the last year with staff. He suggests that staff should take one map and use overlays to identify where the attainment and non-attainment boundaries are for scenic and identify where the stream mouths are. A major issue is that the ordinance states that if you were not a littoral owner as of July 1, 1987, you are not now and you can’t be. This looks like a far different program than was represented.

Kara Thiel, representing Feldman Shaw, stated that she is looking for more clarification on the ¼ mile restriction from water intake lines for new piers and pier modification and how that was determined. In Chapter 83 of the code there is a list of possible contaminating materials and piers are not listed.

Judy Allen, resident stated that what she is hearing is that the process is incomplete and the data is missing and before anything is approved she hopes the Commission hears what has been said today.

VII. REPORTS

A. Executive Director

Executive Director Singlaub informed the Commission that Mr. Poppoff was extremely ill and it may be several months until he can return to the APC.

B. Legal Counsel – No Report
C. APC Members

Mr. Breuch stated that Placer County has received 39 allocation applications and it will be on a first come/first serve basis. Bill Combs will be retiring but will be present at the next APC meeting.

Mr. Zuckerman stated that the Douglas County Commissioners approved the Master Plan that they have been working on for the past few months. They brought forth a proposed building allocation ordinance for discussion.

Ms. Kemper stated that the Lahontan Board will be renewing their waver for timber harvest activities for the entire region and they have added provisions for fuel hazard reduction. The will also have a workshop on trails in the Tahoe Basin. Outside the Basin, the U.S. Fish and Wildlife Service is proposing to conduct a Piute Cutthroat Trout restoration project in Silver King Creek.

VII. ADJOURNMENT

Chairman Tolhurst adjourned the meeting at 12:40 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.
REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:35 a.m.

Members Present: Mr. Romsos for Mr. LeFevre, Mr. Harris, Ms. Jamin, Mr. Jepsen, Ms. Kemper, Ms. Krause, Mr. Lawrence, Mr. Mauer, Mr. McIntyre, Mr. Plemel, Mr. Riley, Mr. Kuchnicki for Ms. Sertic, Mr. Tolhurst, Mr. Upton, Mr. Zuckerman

Members Absent: Mr. Combs, Mr. Poppoff, Ms. Schmidt,

II. APPROVAL OF AGENDA

Mr. Riley moved to approve the agenda
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No Public Comment.

IV. DISPOSITION OF MINUTES

The minutes will be submitted at a later date.

V. PUBLIC HEARINGS

A. Certification of Shorezone Final Environmental Impact Statement (Final EIS).

Executive Director John Singlaub made the staff presentation. See the attached statement.

APC member Mr. McIntyre stated the workshops resolved issues, but there needed to be more time to reach a consensus.

APC Chair, Mr. Tolhurst, stated he was not in favor of making a decision today.

APC member, Mr. Upton stated he would like the opportunity to see the adjustments. He realized that there is a tremendous amount of internal work to adjust and respond to all of the comments. He said that he has been here since 1960 and was not aware that there were 4000 buoys on the lake. He questioned on how the buoy certification program would work, would the owner certify the buoy and how would the certification program be enforced?
Executive Director John Singlaub stated it was the responsibility of the buoy owner to certify the buoy.

Staff member Dennis Zabaglo stated that they had the ability to track the boats at the buoys through the DMV and Chief Counsel Joanne Marchetta stated that the program will cause all buoy owners to update their permits. TRPA has the capability to GPS the locations of the buoys and there will be provisions to “red tag” any illegal buoys.

APC member Mr. Upton added that he wanted every buoy to be legal and permitted, but how would TRPA locate non-permitted buoys? Do neighbors call? He was assured that they did. He also enquired about the mitigation fees that would pay for the TRPA boat, is there not funding presently?

Executive Director, John Singlaub replied that the existing boat funding is by grant, and is not a stable source of funding. The buoy fees will insure the funding.

APC member Jim Lawrence had many questions on the Blue boating sticker program, although he does support it. He wondered how it would be monitored, what about a boater from out of the area, how to comply, would it be able to be obtained on a Saturday, where would the fees be distributed?

Staff members responded that there would be a heavy outreach program. The fees would be distributed to the marinas, state parks, with the sharing of costs to offer lower cost or free sewage disposal. The stickers could be issued in Sacramento, Reno, Carson City and the stickers could be issued through the mail to prevent back ups at the launch areas.

Jason Kuchnicki stated that the programs are conceptional, and TRPA should work with the other agencies and have them come back with suggestions. These meetings are important to inform the public as well as justify the fees.

APC member Mike Riley asked how the ratings for the engines were developed, is it done at the lake? He was informed that the ratings are already done by the manufacturers.

APC member Mr. Zuckerman stated that the new engines are emitting less and are more thoroughly burning gas. He also questioned if $200 is enough of a deterrent for someone with a 0 rating on their engine. Mr. Zuckerman mentioned the document submitted by the California State Lands that outlines the concerns that were brought up at the January 10th meeting. He appreciates the extra month to spend the time for Lahontan and the California Lands to reach agreement.

Chief Counsel Joanne Marchetta stated the final EIS contains all of the necessary analyses for both the CEQA and NEPA standards. Lahontan is interested in making sure that this document can be used for their decision making.

PUBLIC COMMENTS

John Gaston, Consulting Civil Engineer with forty years experience in the water supply field. Mr. Gaston stated he was involved in a study on the effects of piers on the eight water intakes located within the lake. The study determined that there
was no higher level of coliform near the piers and those readings were most likely soil based runoff, not human or animal. In fact the highest levels were measured in February, probably due to wind induced soil turbidity. There was no correlation between the piers and water quality.

James Tekata expressed concern about the fact that wood is the primary fence material in the basin. These fences are usually older and could possibly spread fires. He also stated that there should be more emphasis on alternative energy sources to reduce pollution. He realizes that the view of glass from solar panels from the lake is important, but reducing pollution is more important.

Harold Singer, Executive Officer of the Lahontan Water Board acknowledge the progress in the last few weeks and he is prepared to work with TRPA staff to resolve any questions. He would like to present good government and present one set of regulations. He has submitted a formal letter which is attached.

Al Bartley, resident of South Lake Tahoe, Montgomery Estates, stated that the Shorezone EIS is only concerned with money issues, not recreation, camping or family fun events. The cost of boating in the area is already expensive. He is a Navy WWII veteran and has boated here for over twenty-five years. He stated that the lake is dormant for 7 months of the year and he does not feel that there should be a fee.

Greg Gipes, representing the Recreational Boaters of California, (RBOC) stated that there are 46,000 boaters in the state of California and their organization is involved in boaters’ concerns. There are eighteen board members of the organization, but they have taken no position since the details of the sticker program have not been finalized. RBOC has been involved in the science in Crystal Bay. They are concerned that the problems to be mitigated have not been defined. Boaters are currently paying fees and other costs and would like to have assurances that any additional fees would be regulated to going to boating mitigation. They also had enforcement concerns, buoys and piers are static, two-stroke engines can be found easily but who has the authority to enforce the 600 foot wake limitation? As to the buoy chain inspections, a boat owner has a investment in his boat and would not want a weak chain and have his boat float away.

Carl Young, The League to Save Lake Tahoe, wished to thank TRPA for the current regulations to prevent degradation. The Lake is an international attraction and an “ONRW. He also thanked the APC for allowing more time to evaluate the Shorezone plan. The workshops were very important for public input and some of the meetings included the “test drive”. He suggested that there be a test drive for the Adaptive Management segment. He felt it was a priority to have the 2006 Threshold Report, additional time for evaluation and review as well as a more detailed boat plan before taking action.

Allie Waller, a North Shore resident, had been to a Public Utility meeting the day before and was surprised that APC and TRPA do not seem to be involved. They are still dealing with the spillage and that there should be better mapping for mains and intakes.
Gary Midkiff represents fifty or more Lakefront property owners, stated that he had worked with staff for nine hours to resolve issues. One of his concerns was that the Ordinance would classify any pier built before the adoption of the Ordinance would not be in compliance. If every existing pier is non-conforming, must it be rebuilt? Any maintenance and repair would require that the structure would have to brought up to conformance, what structures are included? The Ordinance does not make that clear. The boat sticker program would mean cleaner emissions, but the reality is that the launching areas are already backed up during busy times. He is reserving any additional comment until after the boat plan is formulated.

Jan Brisco, Tahoe Lakefront Home Owners’ Association, had met with TRPA Staff for the “test drive” but it did not go from beginning to end of project. She Stated that the changes from Alternative 6 6o 6A is not about new piers, it is what is coming forward in draft ordinances. Ms. Brisco is reserving comments until what is finally decided what is going to be done with existing programs, not just boating, not just buoys, not just piers but the overall improvements that will have a lasting effect on the lake. She has concern about the technical adequacy of the EIS, if issues can be clarified in the Ordinances. Ms. Brisco thought the paper that identified where the buoys’ fees were going to was informative. She was concerned with the fisheries mitigation fees, since the homeowners had already given one million dollars and the final document should include credit to those that had contributed. Another concern was that the companies that maintain the buoys would not want to certify the chains due to legal ramifications. The placement of the buoys needs to be reconsidered since some buoys are in shallow water and boats tend to get swamped. Ms. Brisco thanked the staff for putting on the workshops and hopes that they will continue to refine the ordinances and bring them back in February.

Kurt Sanders, an east side of lake resident, stated that f TRPA has the task of assessing Lake preservation and recreation. That should supercede all other interests, clarity, purity is the main concern. TRPA is leaning toward additional development and until we have the clarity standards of 1966, there is no reason for additional structures. He is a proponent of negative growth.

Greg Lein, Attorney, Land Use Planner, states that he supports the staff and pointed out that decisions made today effect the Lake for 20 to 30 years. For the last 25 to 30 years there has been no guiding plan. The fisheries habitat moratorium has resulted in few new piers, few new buoys, there is no government process to obtain a buoy. There is a lack of process that was promised in 1987. The lake is not entirely owned by the public, there are private property owners who have had no guidelines, nowhere to go for 30 years. A 20 to 30 year moratorium with little or no science data to justify the moratorium. One million dollars has been spent on studies to see no negative effect. No impact of piers on fish spawning. Theoretical concerns do not take into consideration the scientific data. There is no demonstrated effect of existing piers.

Lou Long, The South Lake Tahoe Yacht Club, spoke in December to the joint meeting and wishes to thank the Staff for their hard work, it has been a couple of years, but they have come a long way. He has met with members of the Staff to discuss the sticker program and the ONWR status of Lake Tahoe. He believes in keeping it blue, but feels it should not be compared to the other ONWR
lakes, Mono and Crater, since they do not have recreational boating. He believes the feeling of the boating community is that there is an excessive amount of private structures. He wonders if there are 200 property owners that actually want piers. He stated that the pump out station at Tahoe Marina charges $5.00 and that Camp Richardson has no charge. The projections are that there will be of up to 30% increase in boating, but the newer engines are cleaner. Part of the problem is dust caused by vehicles on the roadways that makes it way into the lake. He is also concerned with the problem of eradicating milfoil from the Tahoe Keys. Even with boat wash down stations, there is a problem of boats going through the Keys take milfoil through the lake, even rooting itself in Crystal Bay. He is concerned about the impact of trying to wash boats on busy weekends and the economic impact on the community if boating fees are imposed. Tourism is a large part of the economy and fees would be an unfair, undue taxation on the boating community. It would also be a huge burden on boat rental operators, increasing their costs. These documents are creating history, effecting residents for the next 22 years.

Bob Hassett, Camp Richardson, Meeks Bay Marinas, stated he was glad to hear that John Singlaub was working with the marinas in implementing the program. It is important for TRPA to keep their boat on the lake for enforcement, to educate people, promoting safe boating, aids the environment and that the stable funding is necessary. If the buoy fees are charged to the marinas are not changed, it will have to pass the costs down to the public. If people have boats and the buoy’s fees are too high; people will keep their boats on trailers and drive them in and out all summer increasing pollution. There should be a sliding scale for multiple buoys. Mr. Hassett stated that people should take responsibility for their buoys, he does not know how many boats break away. He also had concerns of washing boats at the ramps, it is a problem that could be overcome. He indicated that the inspections of boats can be a problem since technicians are hard to come by in the basin. He suggested that more and more people rent boats, not bring their own.

Staff member Coleen Shade stated that Bob Hassett was very cooperative in working with the weed program and the strategy of boat washing in marinas. TRPA wants to work with the marinas and boat ramps, but realizes it has to make sense in terms of coverage, for example the ramp at Cave Rock.

PUBLIC COMMENT CLOSED

Chairman Tolhurst asked for discussion on the Code of Ordinances.

APC member Jim Lawrence had questions on page 23 of the packet and on page 28, 29.2F setbacks from new or existing, i.e. Cave Rock, any private structures and need to clarify intentions of paragraph.

Staff member Coleen Shade stated that the ordinance is not intended to affect existing structures.

Shane Romsos questioned with all of the public output, do we think we have enough time. He was assured that TRPA was making the most concerted effort to make the changes in one month.
APC member Ms. Kemper had specific questions on pier design and the concept paper with code references.

Staff members responded that segments are currently in the code and TRPA was looking into how to incorporate the measures into the code.

APC member, Ms. Jamin asked if it was possible to have maps include the public boat launches and the marinas.

APC member Ms. Krause suggested that the APC be sent overlays of Sensitive Area zones, Setbacks and stream zone buffers.

Mr. Kuchnicki has requested copies of the public comments be sent to the APC as soon as possible.

Chairman Tolhurst stated that the “test drive” include the process of an actual permit process to fine tune the process.

APC member Mr. Upton moved to continue the hearing until February. The motion was approved unanimously. Mr. Jepsen abstained.

VI. REPORTS

A. Executive Director: Nothing to report at this time.

B. Legal Counsel

Ms. Marchetta stated that there was nothing to report at this time.

C. APC Members

John Upton is joining the APC as the representative of the City of South Lake Tahoe.

Chairman Tolhurst adjourned the meeting at 12:10 p.m.

Respectfully submitted,

Danna Meyer
Clerk to the Advisory Planning Commission
Tahoe Regional Planning Agency

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.
Good morning, Mr. Chairman, members of the Commission. Thank you all for being here at this special meeting of the APC to address the Shorezone Program.

As you know, the Final Environmental Impact Statement on the proposed Shorezone program was released on November 28. Since then, we have conducted a series of public meetings to present the details of the program, the environmental analysis and EIS, and importantly, to answer lingering questions. Last week’s APC meeting brought out additional questions that we’re prepared to cover today.

A “test drive” of the proposed Code Amendments was conducted last week on January 11 and 12, and, as intended and expected, it brought to light the need for some Code corrections and a few refinements. We appreciate very much the time spent by Consultants and other members of the public to help us see how the Code works in real world situations and to help us improve it.

The program has been refined several times based on Governing Board guidance, and public and agency comments and concerns. Our belief is that these meetings—including today's—are leading to confidence in the body of policy we’re considering, and will result in certification of the EIS, and approval of the program by the TRPA Governing Board.

As you’ve also heard me say, however, we know that all are not satisfied. There are those who feel strongly that the program includes too much Shorezone development, and those who feel that it doesn’t include enough, or that the rules are too stringent. We still believe that the proposed program of Shorezone Ordinance amendments finds appropriate middle ground in the debate while protecting Lake Tahoe.
Despite the fact that full consensus will never be reached, the best possible approach is offered in the form of Alternative 6A—limited Shorezone development in a “go slow,” measured fashion, coupled with mitigations and the checks and balances of adaptive management through monitoring and response into the future. With this approach, we can move forward, adopt new ordinances, and bring this process to a successful conclusion.

Once again, I express gratitude to those who have contributed so much time, effort, and passion to this process over the years, helping us to make progress and finally get to this point. This includes members of the APC, Governing Board, and so many members of the public and interested stakeholders. Sincerely, thank you.

We especially want to acknowledge all of the public agencies and their staff who have worked with us on these issues—agencies that are participants in the program by virtue of their mission, mandates, and authorities: first, the Federal Partnership, including U.S. Forest Service and Environmental Protection Agency; the California Partnership, including Lahontan Regional Water Quality Control Board, California State Lands Commission, and California Tahoe Conservancy; and the Nevada Partnership, including the Nevada Division of State Lands, and Nevada Division of Environmental Protection. We’re grateful for your partnership and participation and have appreciated your close and focused work with us here at the end of this long process as we move toward a final vote. We are confident the hard work has paid off in solidifying your support of this program.

What we’d like to do today is to recap the proposed program and other alternatives considered, describe changes to the Code of Ordinances, and provide additional information requested by Commissioners and Governing Board members at the joint meeting on December 13 and last weeks APC meeting.

I’d like to give you a brief overview of the alternatives we’ve analyzed:
Alternatives 1 through 5 were evaluated in the 2004 EIS, and Alternative 6 was examined in the 2005 Supplemental Draft.

- Alternative 1, “No Project,” assumed continuation of the current Shorezone Ordinances;
- Alternative 2 was our “Proposed Program” in the 2004 Draft EIS, and represented the input of the Shorezone Partnership Committee; it included both areas of general agreement and staff recommendations where there was no agreement;
- Alternative 3, “No Fish Habitat Restrictions,” contemplated lifting restrictions related to shorezone structures in fish habitat areas, and would result in substantial increases in shorezone development; this is the alternative that maximizes development;
- Alternative 4, “Public Structures,” would prohibit any new private structures and the only new structures allowed would be public;
- Alternative 5, “Removal of Shorezone Structures,” considered allowing new private structures only in conjunction with removal of 2 like structures. New public structures would require removal of one like structure. This is a minimum development alternative;
- Alternative 6 took an entirely different approach from the first five. It was the density-based, 230-Pier Alternative addressed in the Supplement. This alternative metes out development slowly, at only 10 piers at most per year and it front-loads mitigation;
- and Alternative 6A uses the same go-slow approach. The number of Shorezone structures allowed in 6 and 6A are identical, and 6A includes refinements to address lingering concerns. This is the Proposed Program in the Final EIS.

There is an important point to be emphasized. Right now we’re operating under our existing body of Shorezone Ordinances—Alternative 1. Those ordinances prohibit construction of new Shorezone structures in prime fish habitat because of the potential for degradation of the fishery—degradation that we now know will not occur from such development based on fish studies. In other words, we don’t have the scientific support for our current ordinances.
What does this mean? It means that if we don’t move ahead with approval of new ordinances, we continue to be bound by the old ones. Basically, a “NO” vote for Alternative 6A is a “YES” vote for the No Project Alternative, or continuation of our existing ordinances for which we have no scientific support. We must take action and adopt new ordinances. Furthermore, if our existing ordinances are unenforceable, then there are virtually no controls on new Shorezone structures. A new program is needed to ensure protections are in place.

The Proposed Program, Alternative 6A, includes:

- front-loaded mitigation; mitigation is included as part of the proposed program
- “Go slow” approach, pacing pier development at a slow rate to make sure we are doing things right
- Adaptive management so that we can make changes to the program if some things are not responding as expected, and
- Annual report to the Governing Board on implementation progress and mitigation success

At last week’s APC meeting and our joint meeting of the APC and GB before the holidays, Commissioners and GB Members asked specific questions, and requested clarification and additional detail on certain elements of the program. I’d like to take a few minutes to recap those requests and summarize what we’ve put together so far.

**Air Quality.** First, we were requested to provide additional explanation about the revised air quality analysis and calculations provided in the Shorezone FEIS (particularly Appendix 8, “Revised Air Quality Emission Calculations”). Lahontan Regional Water Quality Control Board requested additional information about the revised nitrogen oxide emissions calculations and the relation of those calculations to total nitrogen.
We have prepared a memo that explains the analysis that uses the new emissions factors from the California Air Resources Board, clarifies the fleet mix, and explains and defines each of the columns in the calculations tables. As we reported last time, the updated emissions factors demonstrate that even with projected increases in boating, annual emissions of hydrocarbons, nitrogen oxides, and carbon monoxide from boats will decrease in the future. Particulates are shown to increase, and we’ve been working with Lahonton to develop additional feasible measures to offset particulate emissions in the basin.

**Blue Boating Program.** We’ve been summarizing the expected details and options under the Blue Boating Program, referred to in the EIS as the ONRW Boat Pollution Reduction Program. We’ve included all the elements that were described in the Final EIS, with additional detail. Marine engines are getting cleaner and emissions standards are getting more stringent and as I reported, data show that annual emissions from boating are projected to be less in the future for many constituents, even with the increase in boating.

The Blue Boating Program will include actions that further reduce pollution from boat engine emissions, but will also address non-emission-related issues. The program includes, especially at its start, boater education for the first two years to promote environmentally-conscious boating behavior. We will initiate a sticker program starting in 2009 that indicates certification with engine tuning requirements, noise compliance, clean bilge practices, proper sewage management, and engine star ratings. Fees generated through the Blue Boating Program can be used for monitoring, enforcement, provision of free or discounted sewage disposal to prevent illegal dumping, and particulate offset programs such as woodstove rebates, road dust abatement, and incentives for alternatives to residential slash pile burning.

The program is based on engine star ratings that will identify engines that meet specific CARB exhaust emission standards already in place. The rating system ranges from four stars (super ultra low emission) to zero stars (the most polluting engines), and we would implement a sticker fee that corresponds to the cleanliness of the engine.
Though fees may be adjusted as we fine tune the costs of the environmental programs, we’re suggesting $20 per year for 4-star engines, $40 per year for 3-star engines, $80 per year for 2-star engines, $100 per year for 1-star engines, and $200 per year for zero star engines.

Through fees, boater education, and the certification sticker, we’ll be able to create change on the level of the individual boater and boat, which is where we’ll be most effective.

**Buoy Fee and Fishery Mitigation Fee.** We were asked to provide details and a summary of the basis for the buoy fee and fishery mitigation fee, similar to what we provided for the Lake Tahoe Public Access Fund in Appendix 5 of the Final EIS.

The buoy fees include a $500 application fee for a TRPA permit. For a second buoy, an additional $1000 would be charged. This total includes a $500 application fee and $500 to fund a new buoy enforcement program. Costs for the enforcement program, including the costs of the boat lease, staff and crew, slip fees, fuel, and public outreach would be approximately $285,000 for the first year, which includes initial public outreach costs, and $245,000 per year thereafter.

Estimates indicate that 1,000 lakefront owners will either have a second buoy or a boat lift not currently permitted by TRPA. At $500 per buoy, $500,000 would be generated to support the start up of the buoy enforcement program. We currently anticipate a 2-year period (2007-2008) during which buoys would be permitted, with annual fees beginning in the third year. As described in the EIS, the annual buoy fee of $175 would be split to pay for the cost of buoy enforcement, water quality monitoring, and shorezone improvement projects.
For the fishery mitigation fee, we’ve carefully considered recent comments and changed our approach—instead of $5,000 plus 1 ½ to 1 replacement of fish spawning habitat, which most pier owners would be unlikely or unable to perform—we’re suggesting replacement of this with a fee based on square footage of substrate disturbance. We calculated the fee based on cost estimates for actual spawning habitat restoration, labor and materials, monitoring of the restoration project, and TRPA project oversight, planning and design.

**Water Quality Monitoring.** We’ve heard recent skepticism about our water quality monitoring program and with recent efforts have now, we believe, largely satisfied other agencies that the program we planned will effectively characterize water quality and guide us in any needed corrective actions. We have worked with Lahontan to flesh out our water quality monitoring program and have a good description of what we’re proposing. The objective of the program is to assure nondegradation in accordance with Lake Tahoe’s designation as an Outstanding National Resource Water, to protect human health and safety, and to attain and maintain TRPA thresholds. The program includes monitoring for a suite of hydrocarbons, PAH, and bacteria. Monitoring will include lake-wide locations to provide general water quality characterization, areas of high boat traffic, areas with the potential for a higher density of new piers and buoys, and in areas of sensitive receptors such as water intakes and popular swimming beaches.

The selection of monitoring sites may be adjusted over time at the advice of the motorized watercraft technical advisory group (MWTAG), whose members include representatives of the USGS, Tahoe Environmental Research Center, University of Nevada, Reno Academy of the Environment, Lahontan Regional Water Quality Control Board, Nevada Division of Environmental Protection, California Air Resources Board, and TRPA. This group of technical experts will assure that we are tracking effects.

**Content of Annual Report to Governing Board.** We were asked about the format and content of the annual report to the Governing Board. In general, we will report on permitting actions taken, and base recommended adjustments on the lessons learned.
More specifically, this report would describe the number and types of permits issued, identify the fees collected through the program and the projects funded by those fees, report on the results of various monitoring programs and actions TRPA has taken as a result of the monitoring, assess the effectiveness of the environmental protection features provided in the Shorezone Ordinances, and recommend adjustments, if any, to the monitoring and response actions.

**Adaptive Management.** We have been asked good questions about what we mean by “adaptive management.” The proposed Shorezone Ordinance Amendments are policies intended to guide development in the Shorezone of Lake Tahoe over the next 22 years. With such a long planning horizon, it is essential that the mitigation programs identified in the EIS be flexible to adapt to changing conditions. Changes in the natural environment (water quality, air quality, species composition); new or modified federal, state, and local regulations (emissions thresholds, TMDL implementation); improvements in technology (cleaner fuels and boat engines, monitoring precision, laboratory techniques), and other changes over time will influence what actions TRPA and/or our partner agencies will take to maintain and improve the quality of the environment.

Adaptive management does not mean “no teeth” or “without standards.” We are preparing a paper for you that defines adaptive management as it relates to the proposed mitigation programs, describes why it appears in the Shorezone EIS, and offers specific examples of how adaptive management will be applied in the context of the Shorezone plan. We offer examples for water quality, air quality, noise and scenic resources; identify the performance standards, implementation actions, monitoring programs, triggers for action, and potential response actions that may vary based on the severity of the trigger.

**Conclusion**

The Shorezone team has been busy since last month—and even last week—assembling the requested detail and putting it into a user-friendly and more accessible package.
As I said earlier, we held the Test Drive of the ordinances last Thursday and Friday. The participants in that effort came up with good suggestions to clarify and correct the Code language. In just a few short days, we have not been able to compile those Code corrections, but would plan to have a red-line, strikeout version of the Code for your consideration.

It is imperative that the Advisory Planning Commission be comfortable with the information that forms the basis for this decision on such an important and complex program. We had initially planned on your action today to make a recommendation to the Governing Board on the Shorezone program. Given what we’ve presented however, we think you have a choice. If you feel you have received and feel comfortable with the information we presented, you may still act today. If you would like to take the time to further consider the information we’ve presented, receive written summaries, and have a chance to ask us clarifying questions today and after review, you may wish to plan for action in February.

And, as a suggestion, Mr. Chairman, if the APC does decide to postpone action until February, we could use our time today to hear public comments and have our shorezone team address any remaining issues or questions of substance. I leave that to you… That concludes my presentation.

-END-
I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 8:30 a.m.

Members Present: Mr. Anderson, Mr. Combs, Mr. Forsythe, Ms. Jamin, Ms. Krause, Mr. McIntyre, Mr. Tolhurst, Ms. Hoefer for Mr. West

II. APPROVAL OF AGENDA

Ms. Jamin moved to approve the agenda.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No Public Comment

IV. APPROVAL OF MINUTES

Ms. Jamin moved approval of the May and June meeting minutes.
Ms. Krause abstained.
Motion carried.

V. PUBLIC HEARINGS

A. Public hearing on projects proposed for inclusion in the 2007 Federal Transportation Improvement Program (FTIP).

Staff member Marc Reynolds presented the proposed projects.

No Public Comment

Mr. Tolhurst moved to approve the FTIP projects.
Motion carried unanimously.

VI. MEMBER REPORTS

A. TTC Members

Mr. Combs asked how members of the TTC were selected.
Staff member Jordan Kahn stated that he is not entirely sure, but the idea was to have each jurisdiction select the individual that they wanted on the TTC. TRPA was supportive of those entities picking the same person who was on the APC.

VII. ADJOURNMENT

Chairman Tolhurst adjourned the meeting at 9:30 a.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.
Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV  
September 13, 2006

REGULAR MEETING MINUTES

I. CALL TO ORDER

Called to order at 8:30 a.m.

Members Present:
TTC: Mr. Andersen, Mr. Combs, Ms. Jamin, Mr. McIntyre, Mr. Tolhurst, Mr. West
TTD: Mr. Forsythe, Mr. Harper, Mr. Strain, Mr. Teshara, Mr. Weber

Subject: Discussion and Possible Action Regarding Tahoe Transportation Commission and Tahoe Transportation District Operations

Action Requested: Establish a subcommittee of the TTD Board to work with TRPA staff to determine the functional details of a proposal that can be brought back to the TTD Board in October.

Discussion: A joint discussion of the Tahoe Transportation Commission (TTC) and Tahoe Transportation District (TTD) was held prior to the TTD Business meeting on September 13, 2006 to identify responsibilities and perceived problems with the existing transportation planning/implementation structure.


See Attachment A

TTC meet separately, technical and citizens advisory committee in support of new transportation bill? Meet statutory requirements, engage public, social service, business, land use. Presented proposed composition of commission which would add seven additional seats on TTC. Four individuals to provide additional expertise in one or more of the following disciplines:
TTC Member Mr. McIntyre – Reviewed history of transportation commission and district. No new money in Transportation. Proposed separate policy-making at board level for commission and district—indeed staff and Executive Director.

Staff Member Hasty – addressed regional revenue concerns. Changes that Mr. McIntyre proposed may require compact changes. Transportation aspect has gotten the emphasis that is deserved. Would prefer a single umbrella agency.

Mr. Hasty – TTD has always had resource problems (staff). Mr. Hasty - Funds used for planning, rather than transportation. No support from states (CA, NV) for transportation implementation.

TTD Member Mr. Harper – MPO requires separate transportation commission. Not achievable in the short term. When TTC was a separate entity in prior years, lacked directions. Requested specific examples of TTC’s advisory role: Transit has two different needs of expertise, planning and land use.

Mr. Hasty – TTC tasked with growing service aspects of transportation.

TTC Chair Mr. Tolhurst - object is to provide best project. More people more complicated.

TTT Member Mr. Andersen – Planning funds are available to MPO. Clarification of Policy-Making Board and Advisory Committee—organized by state.

TTD Member Mr. Garner – link between land use and transportation. Most decisions made in TTD rarely impact land use. Why these should merge. Prefers TTD as advisory body to MPO.

Staff Member Mr. Haven – link planning decisions, role out operating structure with implementation function, while still having policy input.

TTC Member Ms. Jamin – Is there a reason that TTD cannot be augmented?

Mr. Hasty – who advises TTD? Can APC and GB be advisory board to TTD.

Mr. Tolhurst – clarification of TTD?

Mr. Teshara – proposed appointment of sub-committee. Provided clarification of TTD. MPO is planning, TTD is implementation. One percent funding is key for project.
development and transit operating funds. TTC votes on planning, not implementation. No problem with Commission reverting to District.

Mr. McIntyre – continue with the process with implementation of plan. Place based groups need to focus.

Mr. Harper – Both TTC/TTD need advisory committee. Need short and long term strategic planning. Membership. Recommendation: Adhoc committee of APC/TTD members to collectively arrive at a strategy.

Mr. Jamin – streamlining would be beneficial.

No Action was suggested or taken.

ADJOURNMENT

Chairman Tolhurst adjourned the .TTD and TTC meeting at 9:25 a.m

Respectfully submitted,

Danna Meyer
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.
Lake Tahoe Transportation Policy-Making Boards and Advisory Committees

Tahoe Regional Planning Agency (TRPA) / CA Regional Transportation Planning Agency (RTPA)

Advisory Planning Commission (APC)

Tahoe Metropolitan Planning Organization (TMPO)

Tahoe Transportation Commission (TTC) (Expanded)

Tahoe Transportation District (TTD)
Proposal for Expanded Tahoe Transportation Commission

Current Voting Members
- Placer County
- Carson City County
- City of South Lake Tahoe
- Douglas County
- El Dorado County
- Washoe Tribe
- US Forest Service
- Washoe County
- Tahoe Transportation District

Current Non-voting Members
- NDOT
- Caltrans

Tahoe Transportation Commission
16 voting
2 Non-voting

Proposed New Voting Members
- Four individuals to provide additional expertise in one or more of the following disciplines:
  - bicycle-pedestrian
  - social services
  - aviation
  - rail
  - waterborne
  - economic
  - transportation demand management
  - land use policy/ordinances
  - parking management

Proposed Liaison by TRPA Staff
- Two individuals representing No. and So. Shore transit operations
- One individual designated by the APC Chair

With the following groups:
- bicycle (KF)
- social services (MR)
- air quality conformity (CE)
- recreation (KF)
- land use (KN)
- transit (MR)
MEMORANDUM

February 5, 2007

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation to the Governing Board on Certification of the Final EIR/EIS/EIS for the Heavenly Mountain Resort Master Plan Amendment 2005 (MPA 05), Amendments to Plan Area Statements 086, Heavenly Valley Nevada, and 087, Heavenly Valley California and Adoption of the Amended Master Plan.

Proposed Action: The Advisory Planning Commission (APC) is to hold a public hearing and, make a recommendation to the TRPA Governing Board on the following matters:


2. Amend Plan Area Statement 086, Heavenly Valley Nevada, and amend Plan Area Statement 087, Heavenly Valley California, which are necessary to implement the amended master plan and some of the Phase One projects. The revised PAS 086 and 087 are shown in Attachment A as Exhibits 1 and 2 to the Draft Ordinance. Items to be specifically amended in PAS 086 and 087 include:

A. Amendment of Special Policy #1 of PAS 086 to remove item 4 from this Special Policy. Item 4 currently prohibits additional coverage, land disturbance, or vegetation removal in the Edgewood Creek watershed. At the time of the 1996 Master Plan (MP 96), the Edgewood Creek watershed was in a highly disturbed condition through this portion of the ski area. Since the time of adoption of MP 96, there has been a marked improvement in this portion of the Edgewood Creek watershed.

B. Amendment of PAS 087 to remove a portion of Special Policy #2 which discusses parking facilities. As outlined in Goal #2, Policy #11 of the Developed Recreation Element of the Goals and Policies, expansion of existing parking facilities for ski facilities is not permitted.
C. Amendment of PAS 086 and 087 to remove Special Policy #3 which states, “expansion of recreational facilities which require an allocation or transfer of additional PAOT may only be permitted after the Coordinated Transit System is in operation.” As the Coordinated Transit System (CTS) has been in operation since the late 1990’s, this Special Policy is not longer necessary and can be removed from the subject plan area statements.

D. Amendment of PAS 086 Special Policy #5 and PAS 087 Special Policy #6 to change the updates of the Master Plan from every 5 years to “regular intervals as necessary.”

E. Amendment of PAS 086 and 087 to add a Special Policy in regards to noise levels at the PAS 086/087 boundary due to a proposed amphitheater and proposed snowmaking. Community Noise Equivalent Levels (CNEL) are measured at Plan Area boundaries and the noise levels at these boundaries shall not exceed the CNEL levels outlined in each PAS. The CNEL levels for PAS 086 and 087 is 55 CNEL. The designated CNEL levels for the PAS would not change but a special policy would be added to eliminate the requirement to measure noise at the boundary between PAS 086 and 087. CNEL levels would continue to be measured at all other PAS boundaries surrounding PAS 086 and 087.


Staff Recommendation: Staff recommends that the APC conduct the public hearing as noticed and, if appropriate, make a recommendation to the Governing Board on certification of the Final EIR/EIS/EIS and make a recommendation to the Governing Board on adopting the implementing ordinance amending Plan Area Statement 086 and Plan Area Statement 087. Staff further recommends that the APC make a recommendation to the Governing Board on adoption of the Final Master Plan as an amendment to the TRPA Regional Plan.

Background: In November 1989, Heavenly began the preparation of a new Heavenly Mountain resort Master Plan and supporting documentation. In December 1993, Heavenly finalized its Master Plan proposal, which was intended to provide for expansion in both Nevada and California. The 1993 Master Plan proposal was analyzed as the Proposed Action in the 1995 Draft EIR/EIS/EIS. In addition, three Alternatives, which included No Action/No Project, Reduced Project, and Maximum Development, were developed by the Heavenly Mountain Resort Master Plan Steering Committee and analyzed in the 95 Draft EIR/EIS/EIS. After public review of the 95 Draft EIR/EIS/EIS, the 96 Final EIR/EIS/EIS was certified and approved by TRPA on June 26, 1996.

Following the 96 Final EIR/EIS/EIS certification, a Twenty (20)-year Heavenly Resort Master Plan was adopted for the improvement, expansion, and management of summer and winter uses at Heavenly (MPA 96). Section 1.4 of the 96 Final EIR/EIS/EIS stated that “because of changing needs or conditions and monitoring, this Master Plan may be amended.” Following a change of Heavenly’s ownership in 2002, a comprehensive review of all aspects
of resort management, operations and future planning was completed. That review and subsequent analysis thereof, combined with direction from the U.S.D.A. Forest Service, resulted in Heavenly’s decision to propose an amendment to the MP 96 through the Heavenly Mountain Resort Master Plan Amendment 2005 (MPA 05) process.

In early 2005, an Administrative Draft Environmental Assessment/Negative Declaration (EA/Neg Dec) was prepared to analyze the potential effects of amending the MP 96 both on a programmatic level and for specific projects that were proposed for implementation in 2005. Whenever possible, the EA/Neg Dec referenced and expanded upon the analysis included in the 95 Draft and 96 Final EIR/EIS/EIS documents that were prepared for the adopted MP 96. The EA/Neg Dec included updates to the existing conditions on the mountain, revisions to previously conducted analysis, and new analysis for impacts that were not previously addressed. After the initial agency review of the EA/Neg Dec, the lead agencies and Heavenly agreed to prepare an EIR/EIS/EIS for the proposed MPA 05. The MPA 05 EIR/EIS/EIS includes Action Alternatives to the proposed MPA 05 to address several key environmental issues from the EA/Neg Dec (e.g. biological resources, water quality and visual resources) and public comments in more detail.

The EIR/EIS/EIS is a joint document with El Dorado and Alpine Counties serving as the CEQA leads, the USDA Forest Service – Lake Tahoe Basin Management Unit serving as the NEPA lead, and TRPA. All four lead agencies will have to formally approve or adopt the Master Plan Amendment. TRPA is scheduled to act first. The consulting firm of Hauge Bruack and Associates acted as the lead contractor for the environmental document although subcontractors assisted in preparing the document. The Draft EIR/EIS/EIS was issued in May 2006 for a 60 day circulation and public comment period. The comment period was extended an additional 9 days to July 26, 2006 to allow for additional public comment at the July 2006 Governing Board hearing. During the comment period, public hearings on the draft document were held before the TRPA APC and Governing Board and the LTBMU conducted an open house workshop on the document at their offices.

The Draft Master Plan Amendment includes a Mitigation and Monitoring Plan (MMP) from the MP 96 however; the MMP has been updated with the Final EIR/EIS/EIS for the Master Plan Amendment. A mitigation and monitoring element are required to be included in the adopted plan. If the Draft Master Plan Amendment is adopted, the revised MMP from the Final EIR/EIS/EIS will be added to the Final Master Plan Amendment document. In addition, the Master Plan Amendment must be revised in response to the Final EIR/EIS/EIS alternative chosen by the Governing Board.

Issues Raised During the Circulation Period: Over 550 comment letters and emails were received by the lead agencies on the Draft EIR/EIS/EIS during the circulation period. Numerous issues were raised by commentors and these comments are found within the individual comment letters and the Response to Comments portion of the Final EIR/EIS/EIS (Volume II). Generally, the following issues were raised:

A. Runoff from the California base area and parking lot are causing erosion control and water quality impacts to adjacent residences.
B. Do not allow the removal of old growth trees for the construction of North Bowl Express left, North Bowl ski trails and other MPA 05 facilities because of effects to wildlife, water quality, scenic quality and recreational experience.

C. The analysis of the proposed MPA 05 must demonstrate that it will result in a net improvement to water quality and erosion.

D. Performance standards are missing to determine whether mitigation measures are effective. Without them, there is no consequence for failing to mitigate effects of new development. Phases II and III projects should not be allowed until monitoring demonstrates that Phase I development projects meet the established performance standards.

E. New disturbance proposed in Edgewood Creek watershed should not be allowed (and TRPA Plan Area policies should not be removed) until it is demonstrated that existing watershed conditions are improved to meet standards.

F. Analysis in the DEIR/EIS relies on flawed models (e.g. CWE and WEPP) to predict water quality effects.

G. Analysis of increased traffic and air quality effects from increased visitation to Heavenly are not properly disclosed. Analysis must justify why increased visitation will not occur over MP 96 levels and address cumulative totals and not just peak day considerations.

H. Analysis of a connected action to the MPA 05, the Stagecoach Base residential and commercial project approved by Douglas County, is not included in the Draft EIR/EIS and must be added. Further the Draft EIR/EIS must be re-circulated.

I. Additional alternatives (e.g. kinked or angled lift) that reduce the number of old growth trees removed for the proposed North Bowl Express Lift and North Bowl Ski Trails (S9 and S10) should be analyzed as required by NEPA, including removal from the MPA 05.

J. The MPA 05 is not consistent with TRPA vegetation goals, ordinances and standards, and the Sierra NV Forest Plan Amendment, and mitigation measures to offset the effects on late seral forests are not adequate.

K. The existing and proposed parking numbers for the Nevada and California base areas are understated and therefore, conclusions of potential parking effects are not correct.

L. Additional alternatives (e.g. removal of proposed ski trails or glading of proposed ski trails) that reduce the number of total acres of proposed ski trails in the MPA 05 should be analyzed. The need for each of the ski trails included in the MPA 05 should be provided to justify why they are included.

Staff and the consultant team will be prepared to discuss these issues with the APC at the meeting.
Amendment Descriptions:

A. Amendments of PAS 086 and PAS 087: The Heavenly MPA 05 does not propose any new land uses compared with the MP 96. However, the MPA 05 proposes new skiing facilities within the Edgewood Creek watershed, located in PAS 086. Construction of these facilities is inconsistent with direction provided in the Plan Area.

The MPA 05 proposes to install a new ski lift and associated ski trails in PAS 086 Heavenly Valley Nevada. PAS 086 Special Policy 1(4) states, “no additional coverage, land disturbance, or removal of vegetation will result except for facilities which are located in the Heavenly Valley Creek watershed and are shown in the adopted Heavenly Ski Resort Master Plan.” The proposed Ski Lift S (North Bowl Express) and associated trails (S8, S9, and S10) are located in the Edgewood Creek watershed (NV-3) not in the Heavenly Valley Creek watershed (CA-1). Construction of the ski lift and ski trails in this watershed would require vegetation removal, new land coverage, and land disturbance which is inconsistent with PAS 086.

PAS 086 was modified after acceptance of the MP 96 to allow for additional land disturbance in CA-1 while still prohibiting disturbance and vegetation removal within the Edgewood Creek watershed. The Cumulative Watershed Effects (CWE) analysis showed the Equivalent Roadded Acre (ERA) for the Edgewood Creek watershed in 1996 was 8.74, well above the Threshold of Concern (TOC) of 5.00. As such, when PAS 086 was amended in 1996, the prohibition against further disturbance remained for the Edgewood Creek watershed.

As discussed in detail in Section 3.1 of the MPA 05 EIR/EIS/EIS, existing conditions have been recalculated using the CWE model which now shows an ERA for the Edgewood Creek watershed of 2.66. The calculated ERA for this watershed after project implementation with all incorporated design features outlined in the Final EIR/EIS/EIS would be 1.37 (see Table 3.1-17 of the Final EIR/EIS/EIS). Therefore, both the existing and calculated future condition ERAs for the Edgewood Creek watershed are below the TOC of 5.00. Because the calculated future condition ERA which includes construction of Ski Lift S and Ski Trails S8, S9, and S10, is below the TOC amending PAS 086 to allow additional ground disturbance, coverage, and vegetation removal will not result in degradation of the Edgewood Creek watershed ERA above its adopted TOC.

B. Amendment of the Heavenly Mountain Resort Master Plan: The overall concept of the Master Plan Amendment is to improve the MP 96 rather than expand the resort capacity by emphasizing improved distribution and utilization of existing facilities with augmentation through implementation and/or relocation of proposed facilities. Included in the Master Plan Amendment are:

- The total PAOT capacity would remain at the approved MP 96 level, however in-basin PAOT levels for PAS 086, Heavenly Valley Nevada would increase.
This increase would be offset by a reduction of PAOTs for PAS 087, Heavenly Valley California.

- The MPA 05 proposes a build out level of 37 lifts (23 aerial lifts and 14 surface lifts) with a total hourly uphill capacity of 52,020 persons per hour (pph), that is similar to the MP 96, 10 support facilities, four maintenance facilities, 812.5 acres of ski trails, and 528.4 acres of ski trails with snowmaking.

- An additional 67.4 acres of ski trails are proposed in the MPA 05 compared to the acreage included in the MP 96, with 23.8 of the 67.4 acres located in-basin and 43.6 acres out-of-basin.

- Proposed snowmaking acreage would increase by 29.6 acres from 498.8 acres to 528.4 acres, as compared to the MP 96, but should not result in a net increase in water use/consumption due to changes in run prescriptions.

- Although there is no increase in the total number of seats (capacity) for support facilities, there are two new lodge locations that are different from those in MP 96 and a slight increase in floor area and land coverage. Some lodge locations approved in MP 96 would be relocated to more convenient locations in terms of being able to serve the needs of resort visitors.

- Maintenance facilities would be reconfigured. The maintenance facility originally planned for the Van Schmidt’s Flats area as proposed in the MP 96 would be dropped and the existing Upper Maintenance Shop would be rebuilt and expanded and the East Peak Ski Lift Maintenance and Electronic facility would be expanded.

- Summer uses are proposed to continue as approved in the MP 96 with the addition of a Zipline adventure ride, a multi-facet interpretive center, a performance amphitheater, and a wedding arch to be constructed at the Top of the Gondola. Hiking trails are also proposed. Summer day use PAOTs will be requested as needed.

Please see the Heavenly Mountain Resort Master Plan Amendment, January 2005 document for more detail on the amendment proposal. This document was distributed or mailed to APC and Governing Board members the week of January 29, 2007.

Effect on TRPA Work Program: This amendment will generate new project applications, the review of which by TRPA staff will be paid for out of application filing fees. Additional TRPA staff time will be required for the yearly monitoring required by the Mitigation and Monitoring Plan. Following adoption of the MPA 05 by the Governing Board, a Request for Proposals will be sent out with the Mitigation and Monitoring Plan requesting a third-party consultant to prepare and submit these annual reports to TRPA. As discussed in measure 7.3-5 of the Mitigation and Monitoring Plan, TRPA and Heavenly will enter into a mitigation monitoring agreement and the agreement shall require Heavenly to provide adequate funding for TRPA staff to monitor compliance with mitigation programs.
Required Plan Area Statement Amendment Findings: The following findings must be made prior to adopting the proposed amendments to the Plan Area Statements:

A. Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect the implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

   Rationale: Amendment of Special Policy 1.4 of PAS 086: The proposed amendment to PAS 086 to eliminate a portion of Special Policy 1.4 that prohibits land disturbance, additional coverage and vegetation removal in the Edgewood Creek Watershed would not adversely affect implementation of the Regional Plan. As shown in the MPA 05 EIR/EIS/EIS, the mitigation measures related to water quality improvements required from the MP 96 have been implemented and have been successful in providing for enhanced water quality and decreased erosion within the Edgewood Creek watershed. Additional restoration within the Edgewood Creek watershed would be completed concomitant with proposed development to further enhance the functioning of the SEZ.

   Re-Allocation of PAOTs Between PAS 086 and 087: Special Policy 1.4 of PAS 086 allows for the re-allocation of PAOTs between PAS 086 and 087. As the EIR/EIS/EIS did not identify any adverse effects, re-allocating PAOTs from PAS 087 to PAS 086 would not have an adverse affect on implementation of the Regional Plan. The reallocation will help to better serve the skiers on the mountain based on the trends that have been seen since the construction and operation of the Gondola. As the water quality improvements required by the MP 96 have enhanced water quality and decreased erosion in the Edgewood Creek Watershed, moving recreational capacity from the California-side of Heavenly to the Nevada-side will not deteriorate the condition of this watershed.

   Addition of a Noise Special Policy for PAS 086 and 087: The proposed amendment will allow for exceedance of the CNEL levels as measured between PAS 086 and 087. The requirement will remain to meet CNEL levels as measured at all other boundaries of both PAS 086 and 087. It was never TRPA’s intent to measure noise levels in the center of large project areas, such as ski areas. This amendment still protects noise levels at the outside edge of the project area. This proposed amendment will not adversely affect implementation of the Regional Plan as no adverse effects
were identified in the EIR/EIS/EIS and there is no threshold species wildlife habitat located in the vicinity of the PAS 086 and 087 boundary.

Amendment of Special Policy 2 of PAS 087: The proposed amendment would remove the first and last sentence of Special Policy 2 (see Attachment A, Exhibit 2). Since the gondola and CTS started operating, the first sentence of this Special Policy is no longer applicable. Also, no additional parking is proposed by the MPA 05 and the Goals and Policies does not allow for additional parking facilities for ski areas, therefore the last sentence of this Special Policy is not needed as the MPA 05 and the Goals and Policies are the controlling factor.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: Amendment of Special Policy 1.4 of PAS 086: As shown in the MPA 05 EIR/EIS/EIS, modification of PAS 086 Special Policy 1.4 to remove the prohibition of land disturbance, additional coverage and vegetation removal in the Edgewood Creek Watershed would not cause environmental thresholds to be exceeded. All projects to be implemented as a result of removal of Special Policy 1.4 must comply with applicable provisions of the Regional Plan, including all applicable thresholds.

Re-Allocation of PAOTs Between PAS 086 and 087: Re-allocation of existing allocated PAOTs from PAS 087 to PAS 086 is an administrative matter and will not cause any environmental thresholds to be exceeded.

Addition of a Noise Special Policy for PAS 086 and 087: As measured from all PAS boundaries shared with PAS 086 and 087, CNEL levels will be met with implementation of MPA 05 projects. No environmental thresholds will be exceeded. As noted in Section 3.9 Wildlife and Fisheries of the MPA 05 EIR/EIS/EIS, no significant impacts will result to wildlife as a result of implementation and use of the amphitheater.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: Amendment of Special Policy 1.4 of PAS 086:
All projects to be implemented as a result of removal of a portion of PAS Special Policy 1.4 would comply with federal, state and local air and water quality standards.

Addition of a Noise Special Policy for PAS 086 and 087:
All projects to be implemented as a result of removal of the boundary between PAS 086 and 087 for measurement of CNEL levels would comply with applicable noise standards.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See Findings 1 and 2 above.

B. Chapter 13 Findings:

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: The amendment does not change or modify the plan area designation. Both PAS 086 and PAS 087 are currently designated as Recreation Areas. Current and historical use of these plan areas is public outdoor recreation in the form of a ski area. No modification to the uses is proposed with amending PAS 086 and 087.

Required Master Plan Amendment Adoption Findings:

A. Chapter 6 Findings:

1. Finding: The master plan is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: The Heavenly Mountain Resort Master Plan Amendment is an amendment to an existing ski area master plan which was adopted by the Governing Board in 1996. The amended Master Plan was prepared in conformance with the substantive and procedural requirements of the Goals and policies, as implemented through Chapter 16 of the Code, Specific and Master Plans, and the related Ski Area Master Plan Guidelines.

All development proposed by the master plan is subject to the Code of Ordinances and other elements of the Regional Plan.
2. **Finding:** The master plan will not cause the environmental thresholds to be exceeded.

**Rationale:** Adoption of the amended master plan will not cause the environmental thresholds to be exceeded. Specific environmental remediation programs are included in the existing master plan and the master plan amendment. Some of these programs have been modified with the MPA 05. The existing master plan and the master plan amendment will permit the Heavenly Mountain Resort project area to move toward threshold attainment in several areas as has been shown with some of the programs included in the existing master plan. These include water quality, SEZ protection and restoration, vegetation preservation, soil conservation, scenic resources, noise, and outdoor recreation. These programs would otherwise not be funded or implemented without a master plan. New projects which may be subsequently approved as a result of implementing the master plan amendment will be required to demonstrate that they will not cause the thresholds to be exceeded.

3. **Finding:** Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the master plan meets or exceeds such standards.

**Rationale:** The Master Plan Amendment sets forth environmental threshold related targets and remediation programs to attain and maintain applicable air and water quality standards. The EIS for the master plan amendment found that the plan will meet or exceed the applicable standards.

4. **Finding:** The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

**Rationale:** The Regional Plan will be amended to incorporate the Heavenly Mountain Resort Master Plan Amendment. Ski Area Master Plans are an important element of the Regional Plan package in the achievement and maintenance of thresholds. The Master Plan Amendment contains implementation strategies which are designed to contribute to attaining and maintaining the thresholds in the areas of water quality, SEZ protection and restoration, vegetation preservation, soil conservation, scenic resources, noise and outdoor recreation.
The expansion and rehabilitation of existing downhill facilities is contemplated by the Regional Plan as the preferred method to implement the outdoor recreation thresholds for developed winter day use recreation while improving and remediating existing threshold-related problems. The provision of environmental targets and capital improvements to achieve them within the Master Plan will result in progress toward threshold attainment that ordinarily would not be required under EIS mitigation requirements.

5. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: See Findings 2 and 4 above.

B. Chapter 16 Findings for Approval of a Ski Area Master Plan.

1. Finding: 16.9.1 The Plan is consistent with the Goals and Policies.

Rationale: Plan areas containing existing ski facilities are identified as areas appropriate for potential expansion of facilities in Goal #2, Policy 11 of the Recreation Subelement, Developed Recreation Subelement of the Goals and Policies. The policy contains specific findings which are to be made prior to approval of the master plan. Generally, master plans are considered to be an important tool for identifying and correcting past environmental problems, particularly those which adversely affect threshold attainment, while planning for the orderly expansion and improvement of an existing ski area within the limitations of the Regional Plan (e.g., PAOT allocation limits, environmental threshold carrying capacities).

The Heavenly Mountain resort Master Plan was prepared in conformance with the substantive and procedural requirements of the Goals and Policies, as implemented through Chapter 16 of the Code, Specific and Master Plans, and the related Ski Area Master Plan Guidelines.

All development proposed by the master plan is subject to the Code of Ordinances and other elements of the Regional Plan.

2. Finding: 16.9.2 The Plan is consistent with the Code.

Rationale: Chapter 1.7 of the Final EIR/EIS/EIS, Relationships To Existing Land Use Plans, Policies and Regulations concluded that the master plan amendment, as mitigated, is consistent with applicable sections of the Code of Ordinances. This analysis is shown in Table 1-2 and Table 1-3 of the Final EIR/EIS/EIS. Key sections which the amended plan is
consistent with include: Chapter 13, Plan Area Statements and Plan Area Maps; Chapter 16, Specific and Master Plans; Chapter 18, Permissible Uses; Chapter 20, Land Coverage Standards; Chapter 22, Height Standards; Chapter 23, Noise Limitations; Chapter 25, Best Management Practice Requirements; Chapter 29, Historic Resource Protection; Chapter 33, Allocation of Development; Chapter 71, Tree Removal; Chapter 75, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction; Chapter 78, Wildlife Resources; Chapter 79, Fish Resources; Chapter 81, Water Quality Control; Chapter 82, Water Quality Mitigation; Chapter 91, Air Quality Control; Chapter 93, Traffic and Air Quality Mitigation Program; and, Chapter 97, Employer-Based Trip Reduction Program. The Code of Ordinances will be further implemented as part of the review and approval of individual project applications. Master plan projects must be found consistent with the Code prior to approval.

3. **Finding:** 16.9.3 The Plan is consistent with the adopted plan area statement.

**Rationale:** The master plan, as mitigated, is consistent with the two adopted plan area statements containing the Heavenly Mountain Resort project area. The plan areas’ Major Use Classification is Recreation which is consistent with the proposed use of the area. The Management Strategy is Development with Mitigation which is the overall concept behind the Master Plan. No Special Designations exist for either plan area. Chapter 3.12-4 of the Final EIR/EIS/EIS concludes that specific changes to the Plan Area Statements are required for consistency. These changes are analyzed in the above section of this staff report and the revised plan area statements are attached to this staff report in Attachment A.

4. **Finding:** 16.9.4 The plan does not propose development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other limitations in excess of the limits set forth in the Regional Plan for the plan area.

**Rationale:** 5,400 additional Winter Day Use PAOTs are allocated to the Plan Area Statements containing Heavenly Mountain Resort. The Master Plan Amendment proposes to redistribute the previously allocated PAOTs between the two plan areas; therefore, it does not exceed the limitations set forth in the Regional Plan. Summer Day Use PAOTs which will be used by the Master Plan Amendment will be within the allocation limits established in the Regional Plan Goals and Policies and the Code of Ordinances. Any commercial floor area needed for the gondola midstation or activities at the top of the
gondola which are determined to not be accessory to the primary winter recreation use will be relocated from the existing top of the tram facility. No allocation of additional commercial floor area will be needed. No other units are proposed by the Master Plan Amendment.

5. **Finding:** 16.9.5 When portions of the area subject to a specific or master plan are outside the Region, the foregoing findings shall apply only to the area within the Region. When the project and activities proposed within the Region, in combination with other projects and activities proposed in the specific or master plan outside the Region, would prevent the attainment or maintenance of environmental thresholds, the finding set forth in 16.9(5) shall not be made and the proposed specific or master plan shall not be prepared.

**Rationale:** The ability to make Finding 16.9.5 is not adversely affected by other projects and activities proposed in the Master Plan outside the Region. Specific mitigation measures and remediation programs are contained in the Master Plan which will be applied to areas outside the Region. The programs include reduction in snowmaking noise, identification and protection of critical wildlife habitat, and the reduction or elimination of certain additional vehicle trips from outside the Region which may be caused by the expansion of skiing facilities.

**Article VII(d) Findings for the EIS:** These findings with respect to an Environmental Impact Statement must be made prior to the certification of the Heavenly Mountain Resort Master Plan Amendment Final EIR/EIS/EIS.

1. **Finding:** With respect to the possible significant effects on EARTH AND SOILS identified in the EIS, changes or alternations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** Compliance with the TRPA Regional Plan and Code requirements relating to land coverage and soils disturbance will provide mitigation for soils impacts. The MP 96 included a Comprehensive Watershed Effects (CWE) restoration and construction erosion reduction program for soils disturbance which will continue with MPA 05. The CWE analysis process is required by the TRPA Ski Area Master Plan Guidelines. The MPA 05 includes these programs and goals however, the CWE Restoration Program for MPA 05 has been revised and is now organized and scheduled according to project area and project phasing instead of an annual schedule. The Revised
CWE Restoration Program is outlined in Appendix 2-D Table 4 of the Final EIR/EIS/EIS.

2. **Finding:** With respect to the possible significant effects on HYDROLOGY AND WATER QUALITY identified in the EIS, changes or alternations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** Compliance with the TRPA Regional Plan and Code requirements relating to water quality will provide mitigation for hydrology and water quality impacts. As noted above, the MP 96 included a Comprehensive Watershed Effects (CWE) restoration and construction erosion reduction program for soils disturbance that was also developed to improve water quality. The MP 96 included a schedule for SEZ restoration projects to mitigate existing impacts caused by previous actions (MP 96 Mitigation Measure 7.4-3). This restoration schedule is anticipated to be completed by Heavenly in Summer 2007 and will bring Heavenly into compliance with the mandated restoration schedule. Crossings of stream environment zones by proposed ski runs have been minimized to comply with the requirements of the Regional Water Quality Management Plan.

3. **Finding:** With respect to the significant and possible significant effects on AIR QUALITY identified in the EIS, changes or alternations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** The identified air quality impacts associated with the project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EIR/EIS/EIS. Compliance with the Regional Plan and Code requirements relating to air quality will provide assurances that no adverse impacts will occur.

4. **Finding:** With respect to the significant and possibly significant effect on TRANSPORTATION identified in the EIS, changes or alternations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** Mitigation measures identified in the MP 96 and additional measures included in the Final EIR/EIS/EIS will insure that all identified transportation impacts will be mitigated to a less than significant level. In addition, improvements to the transit system have been implemented since the MP 96 such as the
Memorandum to the Advisory Planning Commission
Certification of the Final EIR/EIS/EIS for the Heavenly Mountain Resort Master Plan Amendment, Amendments of PAS 086 and 087, and Adoption of the Amended Master Plan
Page 15 of 27

CTS BlueGo System. Heavenly has also expanded its free shuttle system in response to the gondola being built and in response to customer demand. As outlined in Section 3.7 Transportation of the Final EIR/EIS/EIS, Level of Service (LOS) impacts from implementation of MP 96 projects have been shown to be effectively mitigated by measures included in the MP 96 Mitigation and Monitoring Plan. The analysis in the MPA 05 Final EIR/EIS/EIS indicates that buildout of the MPA 05 would have less effect on LOS than was predicted for MP 96 buildout, primarily due to the effectiveness of the gondola is capturing skiers and keeping them out of their cars.

5. **Finding:** With respect to the possible significant effects on VEGETATION, WILDLIFE, AND FISHERIES identified in the EIS, changes or alternations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** The Master Plan Amendment contains a comprehensive mitigation and monitoring program designed to detect and monitor the health of local wildlife populations, particularly changes thereto as projects are developed or modified. Protective measures are included in the plan for sensitive plant species. Compliance with the Regional Plan and Code requirements relating to vegetation will provide assurances that no adverse impacts will occur. As outlined in the Final EIR/EIS/EIS impacts to late seral/old growth forest would be mitigated to less than significant with implementation of the forest enhancement requirements which would result in an eventual increase in late seral/old growth habitat after treatment of the identified stand.

6. **Finding:** With respect to the possible significant effects on NOISE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** The additional noise levels identified will be mitigated through compliance with the TRPA Regional Plan and Code requirements. The Master Plan Amendment must show attainment of the applicable noise thresholds as a result of project retrofitting, changes to operations (e.g. times and duration of snowmaking and on-mountain concerts) and/or removal of snowmaking equipment.

7. **Finding:** With respect to the possibly significant effects on RECREATION identified in the EIS, changes or alternations
have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** The Master Plan Amendment generally produces positive recreation impacts. As outlined in the Final EIR/EIS/EIS all action alternatives outlined in the document would increase the public’s access to a high quality recreational experience through the improvement and expansion of existing recreational opportunities and facilities within Heavenly Mountain Resort.

8. **Finding:** With respect to the possible significant effects on SCENIC QUALITY identified in the EIS, changes or alternations have been required in or incorporated into the project which avoids or reduces the potentially significant adverse effects to a less than significant level.

**Rationale:** Implementing the mitigation measures outlined in the Final EIR/EIS/EIS and through compliance with the TRPA Regional Plan and Code requirements, identified scenic impacts would be mitigated to a less than significant level. Some of these mitigation measures include reducing the width and construction effects of certain proposed ski trails (e.g. with use of trail glading prescriptions) and submitting additional preconstruction simulations of certain proposed facilities (e.g. lodges and communication facilities).

9. **Finding:** With respect to the significant and possibly significant effect on LIGHT AND GLARE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** Compliance with the TRPA Regional Plan and Code requirements and the Design Standards and Guidelines relating to light and glare will provide mitigation for these impacts.

10. **Finding:** With respect to the possibly significant effects on SAFETY AND RISK OF UPSET identified in the EIS, changes or alternations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

**Rationale:** Specific safety measures to protect visitors to Heavenly as well as its employees are incorporated into the Master Plan Amendment. Specific mitigation measures have been
incorporated addressing storage, handling, disposal and contingency measures for fuels, solvents, lubricants, paints and other hazardous materials which are expected to be used at the resort. In addition, the plan includes a proposed emergency evacuation trail for the gondola to provide rescuers with a trail to assist guests down the mountain in the even of an emergency.

Environmental Documentation: The applicant has completed a joint Environmental Impact Report/Statement for the proposed action. The Heavenly Mountain Resort Master Plan Amendment Final EIR/EIS/EIS is before the Advisory Planning Commission for a recommendation to the Governing Board on technical adequacy and certification. Certification is defined as a finding that the Final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the TRPA Code of Ordinances, and the Rules of Procedure.

Based on the above analysis and the Final EIR/EIS/EIS, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

Staff and the EIR/EIS/EIS consultant will begin this item with a presentation and summary of the final document. If you should have any questions concerning this item, please contact Jeanne McNamara at (775)589-5252 or by email at jmcnamara@trpa.org.


B. Comment Letters Received on the Final EIR/EIS/EIS.
AN ORDINANCE AMENDING ORDIANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED; AMENDING PLAN AREA STATEMENTS 086 AND 087; AND ADOPTING THE HEAVENLY MOUNTAIN RESORT MASTER PLAN AMENDMENT, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending Plan Area Statements 086 and 087 and adopting the Heavenly Ski Resort Master Plan Amendment, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.30 The Heavenly Mountain Resort Master Plan Amendment and related amendments were the subject of an environmental impact statement (EIS), which was processed, reviewed and certified by TRPA in accordance with the substantive and procedural provisions of Article VII of the Compact, Chapter 5 of the Code, and Article VI of the Rules of Procedure.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.4 of the Code and Articles V(g) and VII(d) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the environmental thresholds as required by Article V(c) of the Compact.
1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of the Plan Area Statement 086

Subsection 6.10(2) of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated February 5, 2007, which attachment is appended hereto and incorporated herein.

Section 3.00 Amendment of the Plan Area Statement 087

Subsection 6.10(2) of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 2, dated February 5, 2007, which attachment is appended hereto and incorporated herein.

Section 4.00 Amendment of the Heavenly Mountain Resort Master Plan Amendment

Subsection 6.10 (32) of TRPA Ordinance No. 87-9, as amended, is hereby superseded and replaced as set forth in Exhibit 3, dated January 2005, which attachment is appended hereto and incorporated herein.

Section 5.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan Package adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion of this ordinance or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the Regional Plan Package, shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 6.00 Effective Date

The provisions of this ordinance shall be effective immediately upon adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held February 28, 2007, by the following vote:

Ayes:

Nays:

Abstentions:
Absent:

Julie Motamedi, Chairwoman
Tahoe Regional Planning Agency
086
HEAVENLY VALLEY NEVADA

PLAN DESIGNATION:

- **Land Use Classification**: RECREATION
- **Management Strategy**: MITIGATION
- **Special Designation**: NONE

DESCRIPTION:

**Location**: This plan area contains the portion of Heavenly Ski Resort located in the Nevada portion of the Tahoe Region. This area is located on TRPA map I-16 and the South Lake Tahoe Quadrangle.

**Existing Uses**: The predominant use of this area is downhill skiing. The Boulder Lodge facilities and parking area for the Heavenly Ski Resort are located in this Plan Area.

**Existing Environment**: The area is classified as high hazard and SEZ. The actual land coverage is high and the disturbance is high. A mitigation program is in place to offset the impacts of existing disturbance. It will continue as part of implementing the adopted master plan.

PLANNING STATEMENT: This area should continue to provide opportunities for downhill skiing. Expansion or modification of Heavenly Ski Resort should be consistent with the adopted ski area master plan.

PLANNING CONSIDERATIONS:

1. Part of the open space area of Tahoe Village Unit 2 is in this Plan Area.
2. Edgewood Creek has been extensively modified and encroached upon by downhill skiing facilities and activities; and is in need of restoration.
3. Only uses which are accessory to the ski resort or which are consistent with year-round use of the facility should be permitted in this area.
4. Existing snowmaking is a significant source of noise and presently violates the noise thresholds.

SPECIAL POLICIES:
1. Significant modifications of existing ski facilities may be permitted based upon a master plan for the entire ski area. The plan must demonstrate: 1) consistency with the other goals and policies of the Regional Plan and the requirements of the Compact; 2) the expansion is consistent with the availability of accommodations and infrastructures to support visitors when they are off the ski area; 3) expansion of existing parking facilities for day use of the ski area does not occur, and 4) no additional coverage, land disturbance, or removal of vegetation will result except for facilities which are located in the Heavenly Valley Creek watershed and are shown in the adopted Heavenly Ski Resort Master Plan. The master plan will assist in designing the most efficient operation with the least environmental disturbance and will direct phased development where such is appropriate. Restoration of existing disturbances shall be included in the master plan. The master plan shall also consider effects of the ski area on adjoining Plan Areas. A portion of the PAOTs assigned to the California side of Heavenly Valley may be reallocated to this Plan Area as part of the master plan process, if it is found that the increase in capacity is consistent with policy direction set forth in this PAS.

2. The Cumulative Watershed Effects Analysis shall be implemented as set forth in the adopted master plan to reduce existing disturbed areas and mitigate the effects of existing and future land coverage and disturbance.

3. Expansion of recreation facilities which require an allocation or transfer of additional PAOTs may only be permitted after the Coordinated Transit System is in operation.

4. Mitigation measures identified in the Heavenly Mountain Ski-Resort Master Plan EIR/EIS/EIS or subsequent amendment shall be implemented following adoption of the master plan or amendment and, where applicable, as part of individual projects or activities which may be approved. Implementation of the measures shall be consistent with the schedules shown in the adopted Mitigation and Monitoring Plan as amended.

5. The Heavenly Mountain Ski-Resort Master Plan shall be updated at regular five year intervals as necessary.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

Public Service
- Pipelines and power transmission (S), power generating (S), local public safety facilities (S), public utility centers (S), transmission and receiving facilities (S), transportation routes (S), and transit stations and terminals (S).

Recreation
- Cross country skiing courses (S), day use areas (A), riding and hiking trails (A), skiing facilities (A), outdoor
recreation concessions (A), snowmobile courses (S), and participant sports facilities (S).

Resource Management

Reforestation (A), regeneration harvest (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), tree farms (S), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), farm/ranch accessory structures (S), grazing (A), range pasture management (S), range improvement (S), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are no Plan Area maximum allowable densities.</td>
</tr>
</tbody>
</table>

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 55 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time.

SUMMER DAY USES 0 PAOT  WINTER DAY USES 350 1,182 PAOT  OVERNIGHT USES 0 PAOT

OTHER: Six miles of hiking trail.

ENVIRONMENTAL IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented. §

§ Amended 5/22/02


087

HEAVENLY VALLEY CALIFORNIA

PLAN DESIGNATION:

- **Land Use Classification**: RECREATION
- **Management Strategy**: MITIGATION
- **Special Designation**: NONE

DESCRIPTION:

**Location**: This plan area contains the portion of the Heavenly Ski Resort area located on the California side of the Region. It is located on TRPA maps H-17 and H-18 and the South Lake Tahoe Quadrangle.

**Existing Uses**: This Plan Area includes the existing California base facilities and several ski runs for Heavenly Ski Resort.

**Existing Environment**: Most of the area is classified as high hazard and SEZ. The land coverage is high at the base facility and low in other portions of this area. The disturbance is high in some areas. A mitigation program is in place to offset the impacts of existing disturbance. It will continue as part of implementing the adopted master plan.

PLANNING STATEMENT: This area should continue to provide downhill skiing opportunities. Expansion or modification of Heavenly Ski Resort should be consistent with the adopted ski area master plan.

PLANNING CONSIDERATIONS:

1. Opportunities for year-round use of the facilities should be addressed by the master plan.
2. There are noise, traffic, and parking problems at peak ski periods in and around this Plan Area which are associated with the Heavenly Ski Resort.
3. Existing snowmaking is a significant local source of noise and presently violates the noise thresholds.
4. Visual and scenic quality is adversely affected by the older ski trails and certain lifts.
5. Heavenly Valley Creek has been placed in culverts and rerouted to accommodate ski area objectives.
6. Water quality standards are not being attained during certain periods of the year.

7. A gondola or similar lift access is encouraged between the Stateline area and the ski area, which does not result in significant adverse impacts to visual and scenic quality. Removal of the existing Tram should occur as soon as possible following opening of the gondola.

**SPECIAL POLICIES:**

1. Significant modifications or expansions of existing ski facilities may be permitted based upon a master plan for the entire ski area. The plan must demonstrate: 1) consistency with the other goals and policies of the Regional Plan and the requirements of the Compact; 2) the expansion is consistent with the availability of accommodations and infrastructure to support visitors when they are off the ski area; and 3) expansion of existing parking facilities for day use of the ski area does not occur. The master plan will assist in designing the most efficient operation with the least environmental disturbance and will direct the phased development where such is appropriate. Restoration of existing disturbances shall be included in the master plan. The master plan will also consider effects of the ski area on adjoining Plan Areas.

2. Since automobile access to and parking at ski area base facilities have been the source of many problems, new facilities shall be planned to avoid these problems. Enlargement or construction of new facilities to provide skier services on the mountain shall be consistent with the adopted master plan. Other services may be provided, but enlarged parking capacity and associated land coverage at the base facilities shall not be permitted.

3. Expansion of recreation facilities which require an allocation or transfer of additional PAOTs may only be permitted after the Coordinated Transit System is in operation.

4. Mitigation measures identified in the Heavenly Mountain Ski Resort Master Plan EIR/EIS/EIS or subsequent amendment shall be implemented following adoption of the master plan and, where applicable, as part of individual projects or activities which may be approved. Implementation of the measures shall be consistent with the schedules shown in the adopted Mitigation and Monitoring Plan.

5. The Cumulative Watershed Effects Analysis shall be implemented as set forth in the adopted master plan to reduce existing disturbed areas and mitigate the effects of existing and future land coverage and disturbance.

6. The Heavenly Mountain Ski Resort Master Plan shall be updated at regular five-year intervals as necessary.

The internal Plan Area boundary between the Heavenly Nevada and California Plan Areas shall not be used to determine compliance with the Maximum Community Noise Equivalent Level (CNEL) standards. Only non-Heavenly Plan Area boundaries shall be used.

**PERMISSIBLE USES:** Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.
**General List:** The following list of permissible uses is applicable throughout the Plan Area.

**Commercial**
- Eating and drinking places (S), outdoor amusement (S),
- general merchandise store (S), privately owned assembly and entertainment (S), amusement and recreation services (S), and secondary storage (S).

**Public Service**
- Pipelines and power transmission (S), public assembly and entertainment (S), transmission and receiving facilities (S), transit stations and terminals (S), and existing helipads (A).

**Recreation**
- Cross country skiing courses (S), day use areas (A), riding and hiking trails (A), skiing facilities (A), outdoor recreation concessions (A), and participant sports (S).

**Resource Management**
- Reforestation (A), sanitation salvage cut (A), selection cut (A), special cut (A), thinning (A), timber stand improvement (A), tree farms (S), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A),
- farm/ranch accessory structures (S), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), prescribed fire management (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are no Plan Area maximum allowable densities.</td>
<td></td>
</tr>
</tbody>
</table>

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 55 CNEL.
**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer Day Uses</td>
<td>0 PAOT</td>
</tr>
<tr>
<td>Winter Day Uses</td>
<td>5,050 PAOT</td>
</tr>
<tr>
<td>Overnight Uses</td>
<td>4,218 PAOT</td>
</tr>
</tbody>
</table>

**OTHER:** Five miles of hiking trail.

**ENVIRONMENTAL IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented. §

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§ Amended 5/22/02
Jeanne Mcnamara

From: melissa bird [sailbirds2000@yahoo.com]
Sent: Wednesday, January 31, 2007 3:51 PM
To: Jeanne Mcnamara; mattedickinson@fs.fed.us
Subject: Re: Heavenly Mountain Resort Master Plan Amendment Final EIR/EIS/EIS Available

Jeanne

Thank you for sending me copies of the Heavenly Valley Master Plan documents. I have taken a stab at reading same and well, they are overwhelming in size and details.

I am having difficulty (not being a Heavenly Skier) in visualizing the different alternate plans including the location of the various proposed/modified lifts, theater etc.

So rather than try to nit pic the Plan details I am submitting my main concerns as follows:

1) The removal of old growth trees should not be an option. We have very few stands of older trees in the basin. It seems unfair if not very environmental to cut down one of those stands to save a corporation money on the lift design. No one consulted the residents re: the cost of BMPs but we still have that obligation to the environment. I feel the Corp can not only better handle the expense, but have a higher standard of care being on Forestry land.

2) The impact on the basin with increased snow making. I am already concerned about the priorities of our water district: "economics" rather than "conservation" as Cocking just said in today's paper. I understand they don't plan on increasing their demand for water but, if we continue with weather patterns like this winter, snow making will become critical to Heavenly Valley's success. Without a reliable source of water, they then compete with residential needs (most residences are not metered). We would then experience even harsher restrictions the rest of the year to help Heavenly make snow during the winter and STPUD make more money on metered water than on non metered.

3) The expansion of the Heavenly Valley resort footprint. They tried once before and I fully expect future attempts to open up the top and back of the mountain to residential and/or guest ski in units (take a look at Kirkwood). Once again, with less snow in future years, they will need some method to diversify their income streams. Housing/real estate is the logical next step. If their footprint is increased under the current proposals, they are just that much closer to well, lets just add....

4) At the current rate, they can't handle the demand for parking now and traffic is a mess on Ski Run/Pioneer. Cars idling from 5 minutes (for cars at the intersection) to 30 minutes or more trying to get up to the lot. What are they going to do with the increased demand. What is the city going to do with the increased traffic, what TRPA going to do about the increased pollution?

5) BMPs and remediation measures. I noticed BMP and remediation measures had been struck through on the portion I read. HaCome?

6) This does not bare directly upon the Heavenly Master Plan but, the agency is proposing a major increase in piers and buoys on the lake before determining the impact and what remediation needs to be addressed first. I fear a similar approach is being taken with Heavenly. Just because they "walk the walk and talk the talk" and pay the money does not make the plan is the right thing for the basin as a whole. I
fear the agency has taken a rather big hit in their credibility rating with the residents of the basin with the shore zone plan. Please reconsider just what you recommend for Heavenly to avoid further "black eyes" for what should be the custodian of the lake; not the mediator for money interests.

Thank you for your consideration.

M Bird
El Dorado County Resident since 1979
voting citizen since 1974
530-544-8528
Thank you for sending me the link to the FEIS and the predecessor proposed Master Plan Amendment.

I actually did take the time to skim both the original planned amendment and the final approved version. Let me summarize my observations.

Is the FEIS more comprehensive? Absolutely.

Has the revision effort required people to dig deeper into all the topics covered? Probably.

However, when you bore through all the fluff and get to the gut issues such as vegetation affected, cubic yards of dirt impacted by construction and runoff, and wildlife affected, it appears to have taken a small army of people 2 years to make changes that appear to be far more cosmetic than substantive.

It would be interesting to quantify the changes to the original planned construction, quantify the benefits resulting from these changes, and then figure out how much all of this cost us taxpayers (and don't forget to add in the costs of the small army).

Just an old man's opinion.

Charlie Schooler
201 S. Benjamin
858-449-2641 (Cell)
February 5, 2007

TO: Advisory Planning Commission

FROM: TRPA Staff

SUBJECT: Discussion Regarding Tahoe Transportation Commission Roles and Responsibilities

Requested Action: Review and discuss formal request from Tahoe Transportation District (District) regarding the return of Tahoe Transportation Commission (Commission) roles and responsibilities to the TTD Board of Directors. The APC is requested to consider this request and other options, such as no action, waiting until the March 9th Sub-Committee report, (see below), or any APC option and then make a recommendation to the Governing Board and the Tahoe Metropolitan Planning Organization.

Staff Recommendation: Staff recommends the APC consider the options and recommend the one that: 1.) Gives the TTC a broad representation, (Transportation, Land Use, and Environment). 2.) Allows for meeting on a regular basis and 3.) Streamlines the process.

Discussion: The Commission role was transferred to reside with the APC through a TMPO resolution in March 2006. The rationale behind the move was to improve the connection between land use and transportation. A joint District/APC workshop was held on November 3, 2006 to discuss the roles and responsibilities of the District, Commission, and the APC. The meeting was attended by multiple District board members, and the APC chair. The attached proposal (Attachment A) was developed as an outcome of the November 3rd meeting at the request of TRPA staff. TRPA Transportation staff will provide an overview of the existing transportation structure to assist with providing an informed context for a beneficial discussion on this item.

Background: The Tahoe Transportation Commission (TTC) was conceived as a policy advisory body to the Tahoe Metropolitan Planning Organization. It is designed as part of the metropolitan transportation planning process and is intended to provide staff with direct input on transportation plans and programs, offer proactive public participation though the meeting noticing requirements, and to provide the TMPO Board time necessary to address the full range of complex and interrelated transportation issues facing the Lake Tahoe Basin.

The District is currently spearheading efforts to assess the transportation institutional structure to support project delivery and the development of a regional revenue source to support transit and EIP transportation projects. A subcommittee of the District has met regarding the institutional framework, and is further refining an options proposal that will identify a potentially modified framework at the March 9th District Board meeting.
The District plans to forward a proposal to the local government committee of the TRPA Governing Board for further consideration.

If there are any questions on this item, please contact Nick Haven at (775) 588-4547.

Attachment A: TTD Request Letter
November 27, 2006

Mr. Alan Tolhurst, Chair
Advisory Planning Commission
c/o Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449

Dear Mr. Alan:

Thank you for attending the joint workshop on November 3, 2006 to discuss the issue of Tahoe Transportation District (TTD)-Tahoe Transportation Commission (TTC)-Advisory Planning Commission (APC) relations. Consistent with those discussions at our workshop, the purpose of this letter is to summarize the perspective of the TTD Board of Directors with regard to the roles and responsibilities of the TTC.

As you know, TTC responsibilities were previously a part of the duties of the TTD, until they were transferred to the APC by action of the Governing Board of the Tahoe Metropolitan Planning Organization (TMPO). Members of the TTD Board realize that they sent mixed signals to the TMPO (TRPA) staff as to whether the TTD was interested in continuing with its duties and responsibilities as the TTC. I want to assure you that the TTD has no issue with the manner in which APC members have carried out their TTC responsibilities. Rather, after a period of time without the TTC function, members of the TTD Board realize that we are now missing the policy responsibilities that give meaning to and drive the project and program implementation duties we have as the TTD.

In light of this realization, and with a renewed commitment to the quorum and other requirements of our interest in the Tahoe Transportation Commission, this letter communicates our request that the roles and responsibilities of the TTC be returned to the TTD. In this request, we seek the support the Advisory Planning Commission, as the transfer will take an action to approve by the TMPO Governing Board.

We further request and invite a member of the APC to be appointed to join the TTD Board, when sitting as the TTC, as a voting member of the TTC, just as a member of the TTD Board sits as a voting member of the APC. In this way, the link between TTC transportation planning responsibilities will be strengthened with the overall planning responsibilities of the APC, as set forth in Public Law 96-551. Our mutual interests and goals in the coordination of land use and transportation planning can be further synchronized through our mutual review of the TMPO’s annual Overall Work Program (OWP).

In order to advance our request to the TMPO Board, we recognize that it is appropriate for this request to be discussed by the APC as an agenda item for consideration and possible recommendation to the TMPO Board. It is our understanding from TMPO/TRPA staff, that there is a potential opening on the January 2007 APC agenda for this item.
Please contact me if you have any questions or need any additional information. Representatives of the TTD plan to attend the APC meeting to address the Commission concerning this matter.

Very sincerely yours,

Michael A. Harper, FAICP
Chair, Tahoe Transportation District

cc: Members, TTD Board of Directors
    Members, Advisory Planning Commission
    Mr. Nick Haven, Transportation Programs Manager, TRPA/TMPO
    Mr. Carl Hasty, Deputy Director, TRPA
MEMORANDUM

February 7, 2007

To: Advisory Planning Commission

From: TRPA Staff

Subject: Discussion on Pathway 2007 Proposed Regional Plan Framework.

Proposed Action: Staff will present for discussion with the Advisory Planning Commission, (APC) the proposed Pathway 2007 Regional Plan Framework. Staff is not requesting an action from the APC but is looking for feedback on the proposed Regional Plan Framework.

Discussion: TRPA is proposing to launch the next phase of the place-based planning process to develop an updated Regional Plan for the Lake Tahoe Basin. Regional Planning Partners (RPP) has been contracted to assist with the development of this plan.

The Regional Plan provides a coordinated and integrated direction for the Agency’s regulatory code and implementation program that integrates the requirements of the Compact, the thresholds, other plans and legal requirements, and the public’s input.

Staff has noticed this agenda item as a planning matter for the February meeting for the APC to provide input in the proposed regional plan framework, schedule and program of work. It is anticipated that a draft regional plan document will be completed by July 2007 for public scoping by the APC and Governing Board.

Staff will begin this item with a brief presentation. Please contact John Hitchcock (jhitcock@trpa.org) at (775) 588-4547, if you have any questions regarding this matter.
February 7, 2007

To: Advisory Planning Commission

From: TRPA Staff

Subject: Discussion on Pathway 2007 Proposed Demonstration Project Program.

Proposed Action: TRPA is proposing to launch its long-anticipated Demonstration Project Program and will present a brief overview of the proposed Program. The purpose of this item is to give the APC an awareness of the Program and solicit comments on how to better improve the Program, especially for public outreach. This is an item for discussion and requires no formal action.

Background: The concept behind creating a Demonstration Project Program began with the regional visioning as part of the 2006 Place-Based Planning Process. Communities were eager to implement projects that exemplified the planning principles that they discussed during the public workshops. A presentation on the findings of Placed-Based Planning in regards to demonstration projects was made at the January APC.

TRPA has decided to pursue the program and Regional Planning Partners (RPP) has been contracted to assist with the development and implementation of this program. As noted in Attachment A, the program and criteria will be developed over the next four months in a collaborative process. The actual selection of projects would occur in the early fall.

The proposed Demonstration Program would be “kicked off” at the end of February with notifications to the interested public via press releases and mailings. Attachment A will provide the basis for a press release and an invitation to join the process. The idea is to get public participation this spring and get the word out to possible developers about the program.

Staff proposes that a notice be issued in February inviting project proponents to self identify and be given a chance to provide input, along with local partners, into shaping the updated criteria for Demonstration Project selection. Criteria would be expected to demonstrate “net gain” environmentally and model the planning principles of smart growth and those derived through the Place-Based planning process. After finalizing the project selection criteria, the notice for solicitation for projects would be issued in June. Project selection would occur at the end of summer and project implementation would be dependent on the completeness of the application, complexity of the project and any requested Code modifications, and level of environmental analysis needed to assess the effects of the proposal.
In order to provide development incentives, TRPA is proposing to use current allocation programs for the Demonstration Program. The first major allocation program is the Special Project Commercial Floor Area Program. This current program has 187,000 sq. ft. set aside for distribution. By ordinance, the projects must be in adopted community plans or master plans and shall not be given more than 50,000 sq. ft. per project. The evaluation is based on the following criteria:

1. Priority of EIP Project.
2. Cost and Contribution Considerations.
3. Commitment Plan.
4. Transfer (of development).
5. Rehabilitation of Substandard Development.
6. Public/Private Partnerships.
7. Substantial Environmental Benefits.
8. Other Substantial Environmental Benefits.

There are other allocations TRPA can add as incentives. There are 172 Tourist Accommodation Bonus Units (TAUs) are available for assignment only to Special Projects; residential allocations and Multi-Residential Bonus Units are currently also available from the pool on a first-come, first-served basis.

Enhancements to the criteria for demonstration projects are anticipated to favor projects that would replace aging infrastructure with a well-designed mixed-use center that will benefit the local economy, provide more urban housing options for area residents of all income levels and second homeowners and implement environmental improvement projects. Projects would demonstrate quality architecture and urban design and incorporate “green building” techniques. The design would foster community interaction by providing places for community gathering, promoting “walkability” and linking to transportation options. Enough housing would be provided to activate the space; however, housing would not be the dominate project component. The project would act as a catalyst for change and provide a mix of commercial uses, housing, and social opportunities, as well as provide environmental benefits that demonstrate net gain to the environmental thresholds.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at (775) 589-5242, or via email at John Hitchcock <jhitchcock@trpa.org>, if you have any questions regarding this matter.

Attachments

A. Proposed Demonstration Program
B. Community Plan Map
The Demonstration Program was conceived as an integral part of the regional plan update process to serve a number of important objectives. The Program is to:

- Explore means of accelerating attainment of TRPA’s environmental thresholds
  Provide opportunities for revitalizing communities through concerted public and private investment
- Improve residents’ quality of life by facilitating better, more convenient community services
- Serve as testing ground for more effective, innovative regulations
  Introduce new, multi-functional pedestrian activity centers that will incorporate needed housing and will foster improved regional transportation services
- Represent a superior, transit-oriented alternative to spread-out roadside commercial development
- Enrich the Lake Tahoe region with new, inviting points of interests
  Offer early, positive, tangible results of the regional plan update process

The Demonstration Program is an essential part of understanding the regulatory structure in the basin and where improvements can be made. This is an on-going process that will begin with translating place-based vision into a basin-wide, regional vision. This process will lead through three consecutive steps: 1) Launching the Program, 2) Identifying Opportunities and 3) Shaping Potential Projects. The Demonstration Program will be pursued with the assistance of the existing Planning Working Groups who will all work together through the next phase of the process to refine the criteria and the process and to identify promising opportunities.

Critical Dates will be:

1. February 21, 2007, Planning Workshop Week #1
2. March 13, 2007, scheduled for –Planning Workshop Week #2
3. April 16-18, 2007, to be committed to Planning Workshop Week #2
4. June 18-19, 2007, earmarked for Planning Workshop Week #3
During the intensive 4-month planning period, TRPA Staff, Regional Planning Partners and the Planning Working Groups will engage in the following activities:

- Launch the Program
- Update the case studies developed during phase 1 to improve the financial feasibility of the projects and understand the local and regional code implications.
- Establish expectations and roles and responsibilities of local jurisdictions and other implementation partners.
- Develop a Net Gain Analysis in order to better understand the natural, social and financial benefits of the case study projects.
- Finalize Demonstration Program Process and Criteria.
- Shape potential projects and identify project priorities.