TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

January 22, 1997

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Drake DeLanoy called the regular January 22, 1997, meeting of the
Governing Board of the Tahoe Regional Planning Agency to order at 9:35 a.m. and
asked Vice Chairman Larry Sevison to lead in the Pledge of Allegiance to the
Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. Upton, Mr. Waldie, Dr. Miner, Mr. Sevison, Mr. Cole,
Ms. Crowell (for the Nevada Secretary of State),
Mrs. Bonnott, Mr. Cronk, Mr. Westergard, Ms. Neft,
Mr. Galloway, Mr. Wynn, Mr. DeLanoy

Members Absent: Mr. Hime, Mr. Neumann

Chairman DeLanoy welcomed new Board members Jim Galloway, from the Washoe
County Commission, and Hal Cole, from the South Lake Tahoe City Council. He
noted that Pamela Crowell was sitting in for Secretary of State Dean Heller.

III. PUBLIC INTEREST COMMENTS

Mr. Mike Dill, with Aspen Environmental Services, spoke on behalf of the Lake
Tahoe Cruises proposed relocation of the Tahoe Queen. Since the Board's
denial in December of the relocation, he had been working to revise the
project to bring it more into conformance with TRPA and other agency
requirements. The City of South Lake Tahoe on January 21 approved the
relocation to the Timber Cove with modifications as proposed, and the
applicant was continuing to work with California State Lands and Lahontan on
the proposal. Mr. Dill thanked TRPA staff for assistance over the last month.

Mr. Don Kornreich read his January 22 memo to the Board on the importance of
parking fees, the Nevada SR 28 shuttle, hiking/mountain biking trails,
sidewalks, and erosion control. (He submitted a copy of the memo for the
record.)

Mr. George Finn questioned the proposed procedure for taking public input on
personal water craft.

Chairman DeLanoy responded that the Board would be taking up personal water
craft (item XII.B.1.) later in the morning and deciding at that time how it
would proceed.

IV. APPROVAL OF MINUTES

MOTION by Mr. Upton to approve the December 20, 1996, regular meeting minutes.
The motion carried unanimously.
V. APPROVAL OF AGENDA

Deputy Director Jerry Wells suggested that, because of the number of people in the audience interested in the personal water craft issue, item XII.B.1. should be taken up early in the agenda after action on the Round Hill Square project (VII.A.). This would be followed by the related discussion on the shorezone development cumulative impact analysis (VIII.B.).

MOTION by Mr. Upton to approve the agenda with changes as proposed. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Wells noted that item 1 (Release of $40,000 from the Shorezone Mitigation Fund for Special Studies Related to the Shorezone EIS) was to be continued to the February Board meeting.

MOTION by Mr. Upton to approve the consent calendar with the continuance of item 1 as proposed. The motion carried unanimously.

(Following are items approved on the consent calendar: 2.) Wiley, Land Capability Challenge, Fairview and Mount Rose Highway, Washoe County APN 126-245-01; 3.) Smith, Pier Modification/Expansion, 1035 Lakeshore Boulevard, Incline Village, Washoe County APN 130-230-08)

VII. PROJECT REVIEW

A. Round Hill Square, Commercial Modification, 199 Highway 50, Round Hill, Douglas County APNs 05-290-03, -06, and -12

Senior Planner Lyn Barnett distributed a January 22 staff memo outlining amended conditions of approval. The proposal complied with the Round Hill Community Plan and proposed the demolition of the existing mall and construction of a new mall containing retail businesses, post office, fast food restaurant, personal services and professional offices. The project included water quality, scenic, and traffic improvements. The amended conditions related to the potential for a left-turn lane on Elks Point Road onto Highway 50 depending on NDOT's recommendation, the number of post office boxes, and overall land coverage. The project proposed no increase in commercial floor area over the current facility. Currently, there was no additional commercial square footage available for the Round Hill community plan, although staff was anticipating a future request for expansion of the project.

Executive Director Jim Baetge explained that the recommendation on the Special Project concept under the 1996 threshold evaluation proposal would provide additional coverage for projects which proposed mitigation beyond the specific project mitigation. The Board would be discussing this further in March and April as a means of achieving thresholds. The project proponent may choose to take this approach in a future project expansion.

Mr. Barnett explained that currently water was not being infiltrated or treated on site. The proposal called for collection and pre-treatment of
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water on the site for grease and sand removal prior to infiltration. A condition of approval would require annual reports on the effectiveness and long-term maintenance of the system. There was an opportunity for the project to get a permit from the Nevada Department of Environmental Protection to accomplish the same results - rather than to come in to TRPA with its own plan. Staff was satisfied the site would be in good shape with a long-term maintenance plan.

Mr. Gary Midkiff, the project planner and facilitator, explained that if MDOT determined a left-turn lane was necessary the project would be required to put one in. The applicant was not presently requesting any increase in commercial floor area. However, he had been working closely with Douglas County since the project’s inception to have it treated in the Special Project category. While the applicants could have done a minor face lift and limited water quality improvements, they chose instead to demolish the facility and bring it fully up to Community Plan standards. He expected to bring the project back in the future for more floor area and possible Special Project status. He hoped the benefits of the project being approved today would count towards that status - depending on what the final policies were. The project had approximately 15,000 square feet of space under lease to public service tenants; this was not available for commercial use in the Basin. He was hoping to deed restrict that space to use for public service, so that it could be freed up as commercial floor area for commercial use.

Mr. Doug Rastello, president of Roundhill Ventures, explained he had bought the property in June to rehabilitate the dilapidated mall into a state-of-the-art, new neighborhood center that was environmentally responsible. The County and TRPA were involved from the design phase in making that happen. As a result of a lot of hard work, the project being considered met the proponent’s, the County’s and TRPA’s goals. He thanked specific staff and County members for their assistance.

Mr. Rex Harold, with Division of State Lands, noted that Nevada owned the land to the north of the property. It was purchased from Stephen Bourne in October 1994, and since then the State had spent $15,000 in removal of overstocked tree stands so the area could serve as a demonstration of good defensible space and forest health practices. Since purchase, the State had experienced several problems in the area, including transients settling in and trash blowing in from the parking lot. The State did not have a regular maintenance program for the 3.74 acres and wanted to ensure that there would not be a problem with runoff and maintenance/cleanup. Hopefully a parking lot with barriers would stop the increased use of paths and trails on the site. There was a Round Hill GID easement through the property that could not be blocked. The State would be happy to work with the project proponents on solutions.

Mr. Midkiff responded he was unaware of the easement but would be happy to put a gate at the end of the parking lot to provide GID and State access. His concern was the indiscriminate travel on the property. The applicant had not pursued additional floor area at this time because of the need to keep the project and financing moving. The plan was to start demolition in the next few months, foundation work on May 1, installation of all water quality improvements, and the first phase for the Safeway Store.

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Mr. Upton noted that the fact the project was proceeding now should not work against it in the effort to obtain future commercial square footage under the Special Project concept.

Mr. Barnett explained that approval of the project now would not prevent or impede the applicant from proceeding with a plan revision in the future for additions.

Mr. Westergard asked if the applicant and staff would be willing to consult with Nevada State Lands to address the State's concerns as expressed.

Mr. Rastello concurred and noted that timing was everything, and scheduling of all that had to occur was very complex.

MOTION by Mr. Upton to approve the findings for the Round Hill Square project as set forth in the staff summary. The motion carried unanimously.

MOTION by Mr. Sevison to approve the project with conditions as modified. The motion carried unanimously.

Ms. Bennett suggested this project served as a good example of the direction the Agency had been taking over the last several years. She would like to have the Board members take a tour of the project once it was completed.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

E. Shorezone Policy Committee Report

1. Personal Water Craft

Chairman DeLancy noted that the Board would make a determination on how to proceed with this matter after initial comments by members of the Shorezone Policy Committee. It was very healthy to have the public input that had occurred with this particular item before the Agency and he thanked audience members and shorezone participants for their participation in the discussion.

Shorezone Policy Committee Chairman Roland Westergard noted that the Policy Committee on January 9, 1997, passed a motion to recommend to the Board that a regulation prohibiting the operation of two-stroke engine personal water craft be adopted immediately following the preparation of adequate environmental documentation to support the regulation. The Committee had made a commitment to get this issue to the Board within a reasonable amount of time and after extensive deliberations had made its recommendation in honor of that commitment.

Committee member Steve Wynn commented on the hearings over an extended period of time, the varying attendance levels, the complexity of the issue, and the information discovered in the process. Starting in June, the manufacturers of the craft fearing a bad conclusion started a mail order campaign to Board members. The Committee received no input from the manufacturers until the last day of December. There had been an enormous amount of misinformation in the public forum. Mr. Wynn read a lengthy statement, noting initially that it summarized the facts that the Committee had discovered in the hearing process.
and formed the basis of the vote to recommend such an extraordinary measure. A copy of Mr. Wynn’s statement is attached and included with these minutes.

MOTION by Mr. Wynn that the Governing Board instruct the staff to prepare the necessary bases of fact, environmental fact and other information, to support the interim regulation and to return the basis for the regulation and the regulation itself back to the full Governing Board at the earliest possible date, hopefully in February, to prohibit the use of two-stroke personal water craft on Lake Tahoe.

Chairman DeLancy suggested there be a straw vote on the motion.

While not speaking in favor or in opposition to the motion, Mr. Sevison suggested that it was not appropriate at this time without more input for the Board to act. He opposed the motion at this time.

Mr. Wynn noted that the Governing Board Shorezone Policy Committee had had extensive public hearings over the last months; its recommendation had resulted from that input. It was now for the Board to decide if there would be a regulation or not. If the Board decided to direct the matter to the staff for creation of an interim regulation, the public and everyone else would be allowed to comment on the regulation at that time. The Board was now considering whether to send the matter back to the staff for a regulation.

Mr. George Finn asked whether the audience would have a chance to participate in the deliberations.

Executive Director Jim Baetge noted that the intent of this agenda item was a report and recommendation from the Committee to the remainder of the Board. Item VIII.B. was a public hearing on the EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis. That was an appropriate place for public comment.

Mr. Waldie suggested that the Board may wish to hold the motion in abeyance until the shorezone report was disposed of, at which time the audience could speak. This would then allow for audience participation before Board vote.

Mr. Upton commented that a straw vote on the motion would give an indication of whether the Board was supportive of an interim ban proposal. If there was not Board support for such a proposal, he would suggest that the Board move into the agendized item on personal water craft. Staff had suggested several different options.

Mr. Galloway indicated he did not feel uncomfortable with a straw vote but had a primary concern about fair process. Mr. Wynn’s presentation cited a study indicating that 35 to 40 percent of fuel that went into the Lake from personal water craft remained in the water. Without knowing if there was a rebuttal to this finding, he was uncertain how staff would prepare a regulation; this was a critical point. Things like this needed at some point to be addressed as a part of fair process and, perhaps, prior to drafting of a regulation.

Mr. Cronk questioned why, given the recommendation of the Committee, the Board could not take public comment at this time on the recommendation. The Board
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was getting caught up in the process and was missing the point. Before taking a straw vote, the Board should allow the audience in an orderly fashion to comment.

Mr. Wynn urged the Board to vote on the matter. It would be good to have a proposed regulation to work with and focus on during the hearing process. His motion was to refer back to staff for future consideration the preparation of appropriate environmental documentation to support an interim regulation. The Shoreszone Committee felt the ban would stop further pollution on the lake, but staff had to confirm, collate, and present the information in a formal way for the public’s input, along with all the information the Committee had gathered during its process over the last year. It would be helpful if the public had an official document in hand to work with. His motion today was not a ban on personal water craft; it could not be by law. He wanted a vote to see where Board members stood.

Chairman Delaney suggested that the Board hold a vote in abeyance in view of those in the audience wishing to testify on behalf of the manufacturers, the rental businesses, and the public. He favored having the representatives of the manufacturers speak first, then the rental representatives, and then individuals. He asked the varying interests to get together during the noon recess and select their spokespersons.

Executive Director Jim Baetge suggested that the Board had, in essence, delayed action on the Shoreszone Committee’s recommendation on personal water craft. What the Board was moving into now was the shorezone public hearing (item VIII.B.).

VIII. Public Hearing

B. Draft EIS for the Lake Tahoe Shoreszone Development Cumulative Impact Analysis

Attorney Larry Hoffman, representing a coalition of purveyors, operators and renters of personal water craft, suggested the issues to be addressed involved a determination on the process and how to get enough information to the Board today to determine what needed to be addressed. Experience showed that, once all the facts were known, the issues tended to become focused down to much more manageable issues. Today the entire spectrum of issues was coming fast; they were big, important issues, and it was critical that the significant differences on all the facts be understood. If the Board could accomplish that in an orderly way, he would be comfortable with the resulting decision. Referring the matter back to staff for regulation drafting and substantiating environmental documentation reversed the process; he preferred to have a range of alternatives with all environmental impacts. Those alternatives would then be analyzed to reach an ultimate decision and not a preconceived decision. He would like to have all participants, scientific experts, EPA, and others bring the scientific information together prior to the Board’s decision. The Committee’s concerns appeared to focus on several factors: disturbance of the public’s tranquility, water quality, air quality, noise impacts, and safety. TRPA also needed to understand local, state, and federal authorities and regulations in this area. It was important to narrow the issues by bringing together a working group to work with staff to bring back to the Board the
players who could present the facts on the issues. This was a fair approach and could be done in an all-day Board meeting in February or March.

Mr. Westergard explained that what Mr. Hoffman was suggesting was already done by the Committee in a consensus process. The Committee made a decision based on all it had heard. He did not know that this all had to be repeated.

Mr. Hoffman responded that all Board members needed to be knowledgeable on the issues before voting. There had never been a process where the Board acted in reliance only on the recommendations of a group of the Board, particularly given the enormity of the impacts and potential consequences. He wanted to facilitate an orderly decision.

Mr. Sevison commented on the speed of the process. The Committee started out discussing and emphasizing shorezone issues such as piers and fisheries. The personal water craft issue evolved in the next phase in consideration of possible regulations on how to control them by setting standards that would make them more compatible with noise and use patterns. That was the point at which there was input from the users and commercial operators. More recently the discussion of the total ban became the dominant issue, and at that point there was more input and information. This last step had occurred fairly recently, and it was important that the Board understand that the discussion of a ban was a new issue in the spectrum of the whole range of issues.

Mr. Wynn noted that water quality was the real issue. The Committee really craved proof to counteract the other statements that it had heard. During the public process, the Committee had asked the manufacturers to provide information in this area. He wanted to know if the machines dumped fuel into Lake Tahoe or not. Information from the manufacturers themselves indicated they did. If this was true, the Agency was trapped. He wanted to know if the facts he had presented to the Board were in error.

Mr. Upton suggested there needed to be a process to review and bring all the scientific and factual information about personal water craft to the Board in some orderly form. This should be available as well for the public to deal with. This was not a February or March issue.

Mr. Baetge suggested that citing TRPA's shorezone EIS as containing all the information on all these issues was not appropriate, since the document was distributed in September 1995. The purpose of the public hearing process and everything the Board and staff had gone through in the last year and a half was to develop new information. Citing that document was not appropriate at this time. Staff recognized that new information needed to be put into the document.

Mr. Waldie noted that the motion being held in abeyance was to instruct staff on the regulatory pattern. The Committee recommended that the regulatory pattern be a ban. That could be rejected by the Board and staff could be instructed to come up with a lesser regulatory pattern or no regulatory pattern. The fact was that the Committee had spent a great deal of time on this matter and had heard a great deal of information. To put the matter off until April or May would mean the loss of a whole boating season. If the decision was to impose a ban, there would be no ordinances in effect for next
year's boating season. By putting this off if, indeed, there was detrimental pollution going into the Lake, TRPA will have permitted another year of pollution. The Board should make up its mind before the next boating season. That was the genesis of the calendar for the recommendations. The Board should take testimony on the motion to instruct staff to come up with the environmental documents to support a ban on personal watercraft in Lake Tahoe. Addressing that, the key question for the Committee was whether personal watercraft did contribute pollution through their exhaust emissions to the Lake. The Committee concluded they did and in a very severe detrimental manner. Today was the day to determine whether that information was erroneous. To put that decision off jeopardized the next year's boating season. This was too serious a question to put in jeopardy. Delaying would have consequences which the Board should take into consideration.

Mr. Wynn asked that information be provided by the manufacturers of personal watercraft that differed from the reports and studies that found that the craft dumped at least a gallon an hour of unburned fuel defined by law by EPA as toxic poison into Lake Tahoe. This was one fact that had to be resolved.

Mr. John Fagan, attorney for the National Marine Manufacturers Association, indicated he could have as many experts as the Board wished present next month to address in a properly substantiated, evidentially sound manner the allegations of Mr. Wynn and the Shorezone Policy Committee. He was troubled by the process here. He had begun his involvement on this on November 19 with written testimony on air quality, water quality, sound issues, and public safety. That was the first time these issues had come up in the context of the draft Shorezone EIS review. He had gotten involved as soon as he had learned of these issues and had consistently offered technical experts to answer the questions posed by Mr. Wynn. His data would show that between 1.5 and 7 percent of the fuel consumed by personal watercraft stayed in the water column after it was used. It had a half life of approximately 11 days before it began to work its way out of the system. It was misleading and unfair to latch onto the 25 to 40 percent figure that had been raised here. All the facts would show that was not a fair characterization. He encouraged the Board to take his offer to have the experts who could clearly answer each and every question with proper scientific basis. A lot of technical data had been submitted along with executive summaries and citations on air quality, water quality and noise.

Mr. DeLancy asked that representatives of the manufacturers be present at the Board meeting in February in order to rebut what had been said.

Mr. Fagan indicated he would have industry representatives present to address the technical issues relating to sound, water quality, air quality, and safety and to respond with proper foundation to the questions that were very disconcerting to the Board.

Discussion followed on legal precedent, TRPA's authority in federal navigable waterways, questions on local regulatory programs that would need to be enacted pursuant to TRPA's action, the extent of factual studies on the personal watercraft, technical findings, prejudging the outcome of impact studies, and dates for an upcoming meeting.
Chairman Delaney recessed the meeting for a lunch break from 12:15 to 1:25 p.m. The Capital Financing Committee met during the lunch recess.

(Mr. John Doughty sat in during the afternoon session for Dr. Miner of Douglas County. Members present after the lunch recess: Cole, Wynn, Sevison, Galloway, Neft, Bennett, Waldie, Crowell, Cronk, Doughty, Upton, Westgard, Delaney)

Mr. Delaney advised the Board and audience that because of increasing road problems due to the snow storm he urged the public comments to be kept focused. The February Board meeting would be the 19th and not the regularly scheduled date of the 26th, because of the Sultum arguments in the Supreme Court that day. Formal action would be taken on the 19th. (Later in the meeting, the Board determined to meet at its regular time - the fourth Wednesday of the month, February 26, 9:30 a.m.)

Mr. Wynn restated that his motion would direct staff of TRPA to gather and collate appropriate environmental information that would be presented, things he had mentioned and anything else that came to staff’s attention, to be presented to the Governing Board. That information may or may not be used to support the regulation that would ban personal watercraft; however, his motion was that staff prepare an interim regulation banning personal watercraft. At the time the Board began its hearings, the Board would be listening to the evidential rebuttal information on water contamination from the other side, from staff, and anyone else who wished to testify. At that time, if the motion passed, with this public hearing, the Governing Board itself would have several options. The point was that after getting as much public input as it wished the Board could decide whether to ban personal watercraft. The point of the motion and the reason for asking staff to prepare a regulation was that by having it on the table it accomplished two things: when and if the Board was ready to act it could do so; if the Board was not prepared to act it would not be acted on. If the regulation was not prepared, the summer would be lost - even if the information next month was overwhelming. He urged that his motion be considered. It removed no option from the Board or from the public for unlimited input. As long as eight members or more felt that the matter was still to be continued or that they still needed to hear more, the issue would go on forever. He wanted to make sure that when the moment came that the Board was convinced as the committee was convinced it could act in accordance with its responsibilities and protect Lake Tahoe from what the committee believed was an imminent, major, toxic dump into the Lake. If this was not true, he would be one of the people to change his mind and vote the other way. Voting for his motion in no way precluded any extension of the debate; it just provided the option to act when the Board felt it was appropriate.

Ms. Bennett explained that after some additional discussion she was satisfied there would be a process for thorough public discussion. She was prepared to support the motion, knowing there would be an opportunity to have complete discussion on both sides of the issue. Support of the motion did not commit any of the Board members to a ban but initiated the process for deliberation. This issue did have very significant impacts on TRPA’s ability as a regulatory environmental agency and on its credibility as a protector of Tahoe’s water quality. This was to be done in an appropriate, reasonable, and well thought
out process. She would like to see the ordinance, but she would want to take
the appropriate time to deliberate the pros and cons.

Chairman Delaney asked that anyone who could not be available to discuss
personal watercraft issues on the 19th of February at the Governing Board
meeting be permitted to speak at this meeting.

The Board discussed dates other than February 19 to conduct a hearing, the
process itself, potential direction to staff, and options for action. After
discussion, Chairman Delaney asked for those who could not be present on
February 24 to present comments today.

Mr. Mark Denney, with the International Jet Sports Boating Association,
explained he heard of the shorezone process in September 1996, at which time
he offered assistance in providing information and support for reasonable
regulations on the Lake, consistent with TRPA's environmental and recreational
thresholds. He provided a detailed list of contact people at each
manufacturer and other appropriate entities. He had referred technical
questions on noise and air quality raised at an October meeting of the
Shorezone Policy Committee to his association and the industry. There
appeared to be a set of data from which Mr. Wynn had taken some data and
reached some conclusions. Another group, primarily users of the craft and
local business people and manufacturers, had a different take on that
information. He would make every effort to have someone present at the
upcoming public hearing to respond to questions. He urged the Board to look
at the consensus recommendations of the Shorezone Partnership Committee that
had reviewed this issue. The Shorezone Policy Committee pushed those
recommendations aside and went forward with its own recommendation. He urged
the Board to use a consensus process on this issue.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, noted that the League,
a participant on the Partnership Committee, was not a party to a Partnership
Committee consensus recommendation.

Mr. Denney responded that there was a recommendation in the Board's packet
from the Partnership Committee that excluded the League to Save Lake Tahoe.

Mr. Richard Mudgett, an Incline resident and marine surveyor, questioned why
the personal watercraft issue was separated out and pushed ahead of the
shorezone EIS process. This issue properly belonged in the shorezone
document. He had written a letter to the Board on his concern regarding
constitutional issues, the interstate commerce clauses, maritime clauses, and
equality of federal regulations. Tahoe was a federally controlled, interstate
water, and Congress could not delegate that authority. Additionally, no
navigation law enacted by a state on federal waterways was valid. Mr. Mudgett
presented technical data on the two-stroke engine emissions, the problems
encountered with extrapolating data from reports, the need for practical
demonstration, problems with separating out and regulating one type of water
craft from all motorized watercraft, and the potential for future litigation.
Mr. Mudgett responded to Mr. Wynn's questions about marine engine operations,
effects on water quality, two-cycle engines, and pollution.
The Clerk restated the motion as follows: Staff prepare environmental information and documents to be presented to the Governing Board; that information may or may not be used to support an interim regulation to ban two-stroke engine personal water craft.

Mr. Baetge explained that the key to the motion was the Board’s intent to do something in the short term before the 1997 boating season. By taking such an action the Board was directing staff to take fairly rapid movement in getting something for the Board’s consideration.

Mr. Wynn explained that after six months of discussion the Shoreszone Policy Committee felt personal water craft posed an environmental problem. If the Committee was correct, there was a danger of a major toxic spill. The Committee wanted to be prepared to act responsibly when and if the remainder of the Board was convinced.

Agency Counsel Rachelle Nicolle pointed out there was a 50-day time period once an ordinance was adopted for it to take effect. She would explore the option of an ordinance which would take effect immediately. This might shorten the time line a little. There would need to be an environmental analysis as part of anything the Board may choose to do.

Mr. Severson questioned the work load, time involved, and expense for staff to prepare environmental documentation and ordinance material for a "what if" situation. If there was in fact true justification for the Board to take some action, he preferred to short-circuit the process, instead of having staff come forward with a lot of time and expense, revised EIR, at a time when there was already a tremendous stress on the budget.

Mr. Upton suggested it was inappropriate to have staff go to a lot of work if, after hearing the merits of the issue, the Board subsequently decided the work was unnecessary. This would damage TRPA's credibility. If TRPA did adopt an ordinance, he questioned who would enforce it. He would have to take the matter up with his Board of Supervisors and the sheriff to enforce the ban. As a pure political issue, he did not know at this point where he would stand on the issue. If he were personally opposed to it, it was unlikely that the rest of his Board would feel differently. The Board may be chasing an unachievable goal here. In fairness to the process, he urged that the staff not be put to a lot of work between now and the time when the merits of the issue were heard.

Mr. Baetge noted that staff would have to prepare environmental background in any case as part of its environmental documentation. The shoreszone document would have to be updated to address personal water craft. The only question was how quickly. Staff could bring an ordinance forward in February and determine whether it was possible to do the environmental document independent of the normal preparation and circulation process. Staff was willing to evaluate whether that could be done. The other approach was to prepare an environmental document working with all the players to make sure it contained enough information to bring to the Board. To do that by February was difficult. To get even the expertise necessary would take time. If the Board wanted to have something in effect before the boating season, there was a way to accomplish that. If the Board wanted that done by February with an
Mr. Cole suggested the Board was not in a position to direct staff to propose a ban. That was a given. If the Board was not prepared now to make a decision on a ban and more information was needed, fine. That could be obtained. At that point, the Board would give direction on what the environmental document should look at and what kind of ordinance it would support. He was uncomfortable giving staff direction that was so unclear and uncertain on the issues of documentation and/or ordinance.

Mr. Galloway asked if Mr. Wynn would amend his motion to drop the request that staff prepare an ordinance and simply limit the work to assembling such information as would be helpful in supplementing the hearing process that would take place. The time to adopt an ordinance was when the Board knew what it wanted to.

More discussion followed on giving staff direction, the Shorezone Policy Committee's feeling of urgency and its recommendation, the role of the Shorezone Policy Committee in looking at all shorezone issues, problems with local government enforcement of a ban, the need for local government cooperation, whether having a regulation in place this summer was possible, and whether the motion predetermined the outcome of the studies.

The motion failed on the following vote:

Ayes: Mr. Wynn, Ms. Bennett, Mr. Waldie, Mr. Cronk, Mr. Westergard, Mr. DeLanoy
Nays: Mr. Cole, Mr. Sevison, Mr. Galloway, Ms. Neft, Ms. Crowell, Mr. Doughty, Mr. Upton
Abstain: None
Absent: Mr. Hime

Mr. Sevison suggested a motion to direct staff to correlate as much of the information gathered as possible for an easy-to-understand document as the basis for the additional hearing process.

Chairman DeLanoy indicated this could be done without a motion. He asked staff to coordinate all the information from the manufacturers, the purveyors, the public, owners of jet skis and the Shorezone Committee.

After discussing possible public hearing dates, the Board decided to conduct the hearing at the regular meeting time and date of February 26, 1997, and possibly February 27. All affected parties should plan on being present. Proponents of technical information would come forward, and information would be available in writing before the meeting and disseminated to Board members. The meeting would start at 9:30 a.m. and, if necessary, extend into the evening. Once the technical information was received at the February 26 meeting, the Board would make a determination at that meeting on how to proceed.
Deputy Director Jerry Wells reminded the Board that the closing date on receipt of public comments on the EIS was the end of January. With the Board's permission, staff wished to extend the date at least one month, at which time the Board could decide what to do with the EIS draft.

MOTION by Mr. Upton to extend the comment period on the EIS to the end of February 1997. The motion carried unanimously.

(Mr. Wynn left the meeting at 2:55 p.m., during the following item.)

X. PLANNING MATTERS

A. Status Report on Area-wide Drainage Project for the Stateline Douglas County Community Plan

Planning consultant Gary Middkiff distributed display maps and explained a January 21, 1997, press release from the Lake Tahoe Gaming Alliance on construction planned for the Stateline stormwater project. He described the existing and proposed improvements to be installed by private businesses. The primary elements which had not been completed included Douglas County's Lake Parkway improvements and NDOT's Highway 50 improvements in the middle of the casino core. The majority of the private business elements were in place, and all improvements (ponds and wetlands) on Park Cattle Company land (Edgewood Golf Course) were completed last fall. Harrah's completed its work in 1994, and Caesar's and Horizon completed a collection and treatment pond in 1978. In 1996 Caesar's added two new large vaults and additional pre-treatment. The two remaining private elements would rely on the design of the common facility to take all drainage to the golf course. Still remaining were the environmental documentation, pulling the permits, and installation of some of the facilities. The schedule called for the amended budget and scope to be approved by Douglas County in early February and environmental work to be completed in July or August. Once that was done the final design of the common facilities would be done and installed. Douglas County would use ISTEA funds for a large part of the Loop Road facilities, and approval for that funding was needed by September of 1997. All work would likely be completed in the 1998 season.

Ms. Bennett complimented the participants for the progress that had been made and offered to assist with any expediting that may be needed to get the work completed.

XI. ADMINISTRATIVE MATTERS

A. Assignment of Board Members

Chairman DeLancy referred Board members to the handout listing proposed committee memberships. Each committee would be electing its own chairman.

C. Resolution Amending Filing Fee Schedule

Senior Planner Paul Pettersen noted that the increase proposed by staff was equal to a 3 percent cost of living adjustment. Some new categories were added to make the process simpler for applicants.
MOTION by Mr. Sevison to adopt Resolution No. 97-1 amending filing fees as proposed and recommended by the Finance Committee. (The new fees would be effective February 15, 1997.) The motion carried unanimously.

(Members present: Sevison, Galloway, Neft, Bennett, Waldie, Crowell, Cronk, Doughty, Upton, Westergard, Cole, DeLancy)

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report

1. Receipt of November and December Financial Statements and Check Registers

MOTION by Ms. Neft to receive the December financial statement as recommended by the Finance Committee. The motion carried unanimously.

2. Use of Abandoned Securities ($3,000)

Finance Committee Chairman Bennett explained the Committee's recommendation to use abandoned securities for the purchase of computer equipment related to enhanced planning.

MOTION by Ms. Neft to approve the Finance Committee's recommendation. The motion carried unanimously.

C. Capital Financing Committee Report

Executive Director Jim Baetge explained that the legislative packet would be brought in February. There was general consensus at the noon meeting on what it would look like.

E. Legal Committee Report

Mr. DeLancy advised that the Legal Committee continued the Meadville appeal for 90 days.

D. Rules Committee Report - no meeting

E. Shorezone Policy Committee Report - earlier in day

F. Local Government Committee Report - no meeting

G. Performance Audit Committee Report

Mr. Baetge advised that staff would see a draft of the report on Friday.

XIII. REPORTS

A. Executive Director Monthly Status Report


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2. Other

Mr. Raetge noted that each Board member had been given the binder containing the Environmental Improvement Program. Staff had been working on this for approximately a year, and it was a program that would involve partnerships of all players to agree on those projects needed to happen to achieve thresholds. The program would be the subject of discussion in the next few months.

B. Legal Division Monthly Status Report

Agency Counsel Rachelle Nicolle and Special Projects Attorney Susan Scholley distributed a list of amicus briefs in the Suitum case. This case was to be argued before the Supreme Court on February 26.

Ms. Scholley updated the Board on the TSFC case and noted that mediation had ended. A status conference with the judge was scheduled for February 3. The defendants were trying to work out an agreed-on schedule with Mr. Hoffman on behalf of the plaintiffs. She would have a better idea of the schedule at the next meeting. This would proceed quickly most likely, because of the expedited schedule.

C. Governing Board Members

Mr. Galloway noted he would have difficulty attending the Shoreszone Policy Committee meetings if they were held on Tuesday; that day conflicted with his primary obligation to attend Washoe County Commission meetings. He asked that any volunteers to accept that assignment see him after the meeting.

XIV. ADJOURNMENT - The meeting adjourned at 3:05 p.m.

Respectfully submitted,

Julie D. Frame
Clerk to the Governing Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as presented on 2/26/97.