TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD  

South Lake Tahoe Council Chambers  
South Lake Tahoe, California  

October 23, 1996  

REGULAR MEETING MINUTES  

I. PLEDGE OF ALLEGIANCE  

Chairman John Upton called the regular October 23, 1996, meeting of the  
Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:35  
a.m. and asked Vice Chairman DeLancy to lead in the Pledge of Allegiance to the  
Flag.  

II. ROLL CALL AND DETERMINATION OF QUORUM  

Members Present:  Mr. DeLancy, Mr. Waldie, Mr. Sevison, Mr. Lee, Mr. Cole,  
Ms. Bennett, Mr. Cronk, Mr. Stewart, Ms. Neft, Mr. Hime,  
Mr. Bradhurst, Mr. Wynn (present at 10:15 a.m. during item  
IX.A.4.), Mr. Upton  

Members Absent:  Dr. Miner, Mr. Neumann  

Chairman Upton noted that Mr. Mike Lee was sitting in for Nevada Secretary of  
State Dean Heller and Mr. Bob Stewart was sitting in for the Director of the  
Nevada Department of Conservation and Natural Resources. Mr. Upton welcomed  
California Performance Auditor Nancy Woodward, who was in the audience.  

III. PUBLIC INTEREST COMMENTS  

Mr. Don Kornreich, from Incline Village, routed a copy of his October 8 memo  
to the Advisory Planning Commission (APC) and an October 23 memo to Tahoe  
Transportation District (TTD) Director Richard Hill. The latter memo was on  
the subject of a stronger TTD in the future and the need for transit and other  
improvements to improve Tahoe’s environment. The October 8 memo on the  
proposed amendment to Plan Area Statement 041 in Incline summarized his  
thoughts as a supervisor on the Nevada-Tahoe Conservation District Board; it  
did not express a District Board position.  

Ms. Carol Simms asked if there were controls on pesticide and fertilizer use  
in the Tahoe Basin. This was a crucial problem now and contributed negatively  
to the quality of the Lake. The casinos sprayed pesticides every other day;  
these were ultimately going into the Lake. She questioned which agency was  
responsible for indoor spraying and air quality.  

Chairman Upton asked Ms. Simms to provide her name to staff for a response.  

IV. APPROVAL OF MINUTES  

MOTION by Mr. DeLancy to approve the regular September 25, 1996, meeting  
minutes as submitted. The motion carried unanimously. 

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V. APPROVAL OF AGENDA

Deputy Director Jerry Wells noted that the awards presentation (item XI.A.) was scheduled for a time certain at 11:30 a.m. The Rules Committee and Capital Financing Committee would be meeting during the noon recess; the Executive Director performance evaluation (XI.C.) would take place from 1:30 to 2:00 p.m. The Shorezone Partnership Resolution (XI.B.) was scheduled for 2:00 p.m.; and the Rafter appeal (VIII.A.) would be taken up at 2:30 p.m. Staff had received a request from the applicant to continue amendment of Plan Area Statement 041 (item VII.A.); the Meadville appeal (item VIII.B.) was also to be continued, as noted in a packet memo.

MOTION by Mr. Neft to approve the agenda as modified. The motion carried unanimously.

VI. CONSENT CALENDAR

Deputy Director Jerry Wells advised that TRPA had received an October 21 request from Gerald Rye asking for a continuance of consent calendar item 2 (Thompson Commercial Modification, Placer County) to work further on his concerns relating to how commercial floor area was assigned.

Chairman Upton directed this matter be taken off consent and acted on separately.

MOTION by Mr. Hime to approve items 1 and 3 through 6 on the consent calendar. The motion carried unanimously.

(Following are items approved on the consent calendar: 1. North Lake Tahoe Fire Protection District, Land Capability Challenge, Washoe County APN 123-053-04; 3. Elizabeth Peal, Land Capability Challenge, 701 Christina Drive, Washoe County APN 126-251-12; 4. Lakeshore Trust, Pier Expansion, 1055 Lakeshore Drive, Washoe County APN 130-230-14; 5. Florsheim/Van Voorhis, Pier Expansion/Multiple Use Determination, 850 and 860 West Lake Boulevard, Placer County APNs 83-172-09 and -10; 6. Duffield, Pier Expansion/Multiple Use Determination, 797, 803, and 809 Lakeshore Boulevard, Incline Village, Washoe County APNs 122-181-01, -02, -41 and -42)

Thompson Commercial Modification, 8619 Speckled Avenue, Placer County APN 07-130-06 (consent item 2)

Mr. Severson expressed concern with taking this item off the consent calendar because the project had been in the works for a number of years. The Board had previously discussed whether the proposed warehouse use would even require commercial square footage. He would like to proceed with the request, because the issue would not likely be resolved in the near future. There were several Board members who did not feel that warehousing was a typical commercial use; as an industrial use, it should have a different sort of allocation.

Mr. Wells explained that this issue would be addressed as part of the 1996 threshold evaluation. That may be a more appropriate time to address the issue of requiring commercial square footage for warehouse use.
Agency Counsel R. J. Nicolle explained that the Board in the past had placed a condition on a project approval that would allow an applicant to return to the Board before finalizing a project to request a project modification if pertinent Code regulations were modified in the meantime.

Mr. Sevison suggested that having that capability in this situation may address the concern raised by the neighboring property owner.

Chairman Upton noted that the neighbor was a competitor for the commercial square footage. This really was a local government issue; Placer County had recommended approval of the allocation for Mr. Thompson.

Associate Planner Paul Nielsen explained that the responsibility for assigning commercial floor space was given to the local governments through the Community Plan process. That had occurred in this case. There currently was another application for commercial floor area before Placer County; if it were approved, there still would be sufficient floor area for Mr. Rye's application.

Chairman Upton noted that Mr. Rye was not in the audience.

**MOTION** by Mr. Sevison to approve the Thompson application with the proviso that if the rules changed in the future the matter could be addressed again. The motion carried unanimously.

VII. PUBLIC HEARING

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

Since no one from the audience wished to comment, Chairman Upton closed the hearing.

IX. PLANNING MATTERS

A. 1996 Threshold Evaluation Report

4. Recreation

Senior Planner Andrew Strain presented the Board with a report on the recreation threshold, explaining the importance of outdoor recreation as a TRPA goal. Mr. Strain summarized the recreation projects and concessions that had occurred since the 1991 threshold evaluation, the work of the Tahoe Coalition of Recreation Providers (TCORP), the status of urban recreation, the status of the recreation threshold and the high quality recreation experience goal, the result of and the need for user surveys in determining the status of the threshold, and the importance of shoreline public access. On this latter issue, the recreation threshold committee was recommending that the Governing Board adopt a policy that encouraged local governments to retain existing public access easements in rights of way currently platted for public use and to discourage the sale of these to private property owners.
Mr. Cole described such a sale in the City of South Lake Tahoe and explained the requirement that an easement, such as a 10 foot wide path, be maintained. He suggested that if the Board were to adopt such a goal it should include language "where practical." There were issues of liability, difficult topographic configurations, and other unusual circumstances.

Ms. Bennett asked that the recreation report include reference to the parking management study and public access being provided along Highway 28. The purchase of the Whittell Estate would also provide additional public access to the Lake's shore.

Ms. Neft noted it was one thing to have a list of public access sites around the Lake; it was important also that the public be advised through a map or some other means of where these access points were.

Mr. Strain explained that the California Tahoe Conservancy was currently working on a public access sign program. The proposal called for small, low-key signs along the public access, tying the level of signage to the neighborhood or population base that would be using the points of access.

Mr. Sevison, a member of the Conservancy Board, suggested that Ray Lacey provide the TRPA Board with a presentation of the Conservancy's sign program.

Ms. Bennett suggested that the Highway 28 scenic designation effort would be very interested in coordinating a similar sign program along the East Shore.

(Mr. Wynn came into the meeting at 10:15 a.m.)

The Board discussed the public v. private recreational needs, fair share capacity reserved for outdoor recreation, the concept of headroom and planning for the next 5-10 years, the importance of water as a determining factor, and the recommendations coming from the evaluation. Mr. Strain responded to Board member questions about how long headroom for additional recreation would remain a viable concept, diminution of the recreational experience because of increased access, the importance of demographics inside and outside the Basin, local recreational activities and providers, the need for more work on urban recreation impacts and needs, and the status of the bike trails around the Lake.

Mr. Gregg Lien, for the Tahoe Sierra Preservation Council and the Tahoe Lakefront Owners Association, suggested that the high quality recreation experience came in areas where there was not only scenic beauty but also basic public services (restrooms, patrols). This was fine for public land, but private lands along the shoreline should be retained for private property owners. In response to litigation, Placer County would readily admit that what Placer County had in some areas was in the nature of an easement and not fee title. The situation involved private property that was originally dedicated as a highway easement. There currently was a problem with the public trespassing on private lands because the distinction between them was not clear. While signs were a great idea, it raised the question of private v. public rights. Private property rights were an important part of this discussion. The public did need a high quality recreational experience, but it should take place on public lands where all the basic services were
Agency Counsel R. J. Nicolle clarified that there were two different legal issues here. One involved the public trust area in California; the other involved easements for public streets. Many streets in California were built on easements. The laws were different for each. There also was a question of minor boundary adjustments where lines were moved by the County to eliminate an easement access without knowledge of TRPA. TRPA had requested that no more of these be approved without TRPA review.

1. Noise

Using an overhead projector, Mr. Rick Angelocci, Chief of the Project Review Division, described the single event noise standard threshold developed in 1982. This applied, as an example, to boat noise, aircraft and airport noise levels, but not to personal watercraft. The extensive use of such vehicles was not envisioned in 1982 when the threshold was established. The personal watercraft issues raised in the review of the shorezone regulations indicated that noise generated by the machines should be addressed in the noise threshold. Mr. Angelocci responded to Board member questions about abatement proceedings, enforcement of the noise standard, the need to update the noise standard and measurement parameters, and the limitation on TRPA's enforcement capability. Mr. Angelocci also described results of the Community Noise Equivalent Level (CNEL) criterion, a 24-hour measurement of noise taken at 40 sites around the Basin. Measurements were taken for various land use types from 7 a.m. to 7 p.m., 7 p.m. to 10 p.m., and 10 p.m. to 7 a.m. Mr. Angelocci responded to Board member questions on the results of the analyses and recommendations coming from the study. For the single event noise level, recommendations included implementation of a long-term single event monitoring program and addition of personal watercraft to the list of uses to be monitored. Supplemental measures would include adding a noise mitigation program to the environmental improvement program, researching personal watercraft noise, and adopting an interagency MOU for noise standard implementation. For CNEL, the recommendations included modification of certain CNEL levels for specific land uses, including personal watercraft noise impacts, and an interagency MOU for noise standard implementation.

The Board members discussed implementation of the noise programs, needed resources, costs for local governments to enforce noise standards, state adoption of the TRPA standards, use of local law enforcement entities to pursue noise violations on the water, the setting of priorities for local law enforcement agencies, and the need to involve the law enforcement agencies early on in the drafting of ordinances.

XI. ADMINISTRATIVE MATTERS

A. Building and Erosion Control Awards Presentation

Ms. Pam Drum, Environmental Education Coordinator, explained that the goal of the annual awards program was to recognize outstanding, completed projects throughout the Basin. (Framed certificates and photographs of each project were passed around to Board members; these were given to each award winner.)
Judges for the residential, commercial and public service projects included Daniel Wild, from Wild Landscape Architecture and Design in Tahoe City; Pam Atwood, a planner with South Lake Tahoe; Tom Bork, co-owner of Sun Basin Landscaping and Nursery; and Sherry Guzzi, a Tahoe City architect. Judges for the erosion control and SEZ restoration categories included Walter Auerbach, with Vail Engineering in Tahoe City; Rita Frink and Bill Hoffman, with the California Tahoe Conservancy; Jerry Tippin, with Hale Tippin Engineering in Tahoe City, and Susan Martinovich, Assistant Director of NDOT Engineering.

As each award was presented, Ms. Drum offered the certificate and asked for comments from the recipients. Following is a summary of the awards presented:

RECIPIENTS OF 1996 BUILDING AND EROSION CONTROL AWARDS

New Commercial Project
- McDonald's
  Allan Nally/McDonald's, Owner
  Vigen Associates, Architect
  Suda Construction, Gen. Contractor
  Sun Basin, Landscape Contractor

Commercial Modification
- The Nugget, Ltd.
  The Nugget, Ltd., Owner
  Lundahl & Associates, Architect
  Martin Faltyn & Darly, Struct.'l. Engineer
  JWA & Associates, Civil Engineer
  Guy Brown, Contractor

Commercial Modification
- Alpine Animal Hospital
  Kevin Willits, Owner
  J. Lee Buckingham, Architect
  Baines & Wailing Construction, Contractor
  Aspen Hollow, Landscape Design

SEZ Restoration
- Lake Christopher/Trout Creek Restora.
  City of South Lake Tahoe, Owner
  USDA Natural Resource Conserva.
  Service, Design
  R.A. Nemetz Construc., Contractor
  R & K Landscaping

Recreational Group Facility
- Presbyterian Church Conference Center
  Presbyterian Church, Owner
  Loving & Campos Architects, Inc.
  H.D. Rueb, Structural Engineer
  Krump Construction, Contractor

New Residential Project
- Sierra Bouquet Condominiums
  Paul Zahler, Zahler Enterp., Owner
  Philip Gilanfar, Architect
  Woods Engineering, Struct'l. Engineer
  Erik Beyer & Associates, Civil Engineer
  Zahler Enterprises, Contractor

Erosion Control Project
- S.R. 89, Silver Tip to Rubicon Glen
  California Dept. of Transporta.
  George Barber, Design Engineer
  Jim Lorenzen, Resident/Construc. Engineer
  Burdick Excavation, Contractor

Public Service Project
- Paloma/Bakersfield Well Houses
  South Tahoe Public Utility Dist.
  Richard Solbrig, Frank Mellor, Engineers
  K G Walters, Contractor

On behalf of the Board, Chairman Upton thanked all the award recipients and complimented them for their projects. He thanked Ms. Drum and staff for their efforts.

Chairman Upton thanked Mr. Richard Costigian and Mr. Greg Portious, of the California Assembly Budget Office, for their attendance at the morning session and for their assistance on budget matters.
The meeting recessed for a lunch break at 12:00 noon.

C. Performance Evaluation of Executive Director (including closed session without action)

The closed session took place from 1:30 p.m. to 2:15 p.m. Members present: Hime, Cole, Cronk, Bradhurst, Sevison, Upton, DeLancy, Neft, Lee, Waldie, Stewart. Members absent: Wynn, Bennett, Miner, Neumann

(Mr. Hime and Ms. Neft left the meeting at the conclusion of the closed session.)

B. Resolution Recognizing the Shorezone Partnership Committee

Associate Planner Coleen Shade presented and read the resolution commending the consensus efforts of the participants in the review of regulations affecting the shorezone. Comments were presented by participants Tom Turner, Gregg Lien, and Rochelle Nason. Ms. Shade presented the stakeholders with consensus flip charts and marking pens. Participants in the program included the following: Jim Walsh and alternate Dena Schwarte, on behalf of the marinas; Leah Kaufman, for the homeowners’ associations; Jan Brisco and alternate Ron Zumbro, for the Tahoe Lakefront Property Owners; Merle Lawrence, for the tour boat operators; Drew Briner and alternate Bob Hassett, for recreational concessionaires; Tom Turner and alternate Joan Gibb, for commercial land owners; Gregg Lien and alternate Mary Gilanfarr, for the Tahoe Sierra Preservation Council; Jerry Wells, for TRPA; Bob Lynch, Jim Fry, and Mary Griggs, for the California State Lands; Ed Bittleston and Keith-Ann Marina, for Nevada State Lands; Pat O’Brien, Stafford Lair, and Russ Wickwire, for California Fish and Game; Reid Varble and alternate Pat Solberger, for Nevada Department of Wildlife; Kevin Roukey, for the Army Corps of Engineers; John Short and alternate Lauria Kemper, for Lahontan; Bob McDowell and alternate Frank Magary, for the Forest Service; Don McHealy, for both the Nevada and California State Parks; Ray Lacey and alternate Bruce Eiser, for the California Tahoe Conservancy; Rochelle Nason and Jeff Cutler, for the League to Save Lake Tahoe; Brent Allen and alternate John Reuter, for the Tahoe Research Group; Craig Miller and alternate Jim Gregory, for the boating public and yacht clubs; local governments, recreation districts represented by Steve Weiss; Sandy Combs for the Tahoe City PUD; John Falk, for the Board of Realtors; Brian Wallace and alternate Dennis Gebhardt, for the Washoe Tribe; and Dan Siegel and Rick Frank, from the California Attorney General’s office, on public access issues.

Ms. Brisco, for the Tahoe Lakefront Owners Association, thanked the Governing Board Shorezone Policy Committee for its efforts and its diligent attention to the process and the willingness to listen to the views and positions of the many stakeholders. The Partnership group was very appreciative of the Board committee’s participation.

Ms. Lisa O’Daly, the facilitator for the process, commented that it had been a pleasure to work for the past months on the partnership process. The group was a diverse one and had covered some of the most controversial issues to face the Tahoe Basin. These discussions had occurred in an atmosphere of overwhelming mutual respect. It was a real learning experience for everyone.
Mr. Waldie complimented the Partnership Committee and also the work of the TRPA staff members - Coleen Shade, Gabby Barrett, and Jerry Wells.

Chairman Upton complimented all participants and noted that the minutes of the Partnership meetings reflected the intensity of the discussions.

Mr. Cole, a member of the Shorezone Policy Committee, expressed his appreciation to all the consensus members. The issues addressed were historically complicated and difficult ones.

VIII. APPEALS

A. Rafton, Appeal of Executive Director Determination Regarding Land Capability, Placer County APN 117-072-08

Chairman Upton noted that there may be a problem retaining a quorum for the entire discussion. He asked the appellant if he wished to proceed today or take the matter up at a later time.

Mr. Lew Feldman, for the Raftons, noted that in light of the comments there was insufficient time to complete the matter. It would be unfair to start the discussion and have to continue the matter mid-stream, particularly since the players at the next Governing Board meeting may be different. He did not think he had much choice. Because of the significant expense incurred in bringing people to the meeting, Mr. Feldman asked that the matter be set for a time certain, perhaps early in the day. While he agreed to this postponement, he did not agree to the last postponement. He wished to preserve that issue before the next hearing.

MOTION by Mr. Cole to continue the Rafton appeal. The motion carried unanimously. (Members present: Cole, Sevison, Bradhurst, Waldie, Lee, Cronk, DeLancy, Stewart, Upton)

X. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Resolution Authorizing Executive Director to Execute a Fund Agreement with Caltrans for the Transportation Management Program

Associate Planner Bridget Cornell presented background information regarding the receipt by TRPA, as the RTPA, of the transportation demand management funds from California. The funds would be passed through and split between the South Shore Transportation Management Association and the Truckee North Tahoe Transportation Management Association. TRPA would not be getting any of the funds directly but would be passing them through to the TMAs. The resolution today would authorize the Executive Director to enter into a fund transfer agreement to permit the allocation of the funds.

MOTION by Mr. Sevison to adopt RTPA Resolution No. 96-12. The motion carried unanimously.
XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report

1. Receipt of September Financial Statement and Check Register

2. Revisions to FY 1996-97 Operating Budget

3. Amendment of personnel Policy Manual Relative to Assignment of Special Program Managers and Their Salary (Policies 3.1 and 3.2)

Finance Committee Member Kevin Cole advised that the Committee recommended receipt of both the financial statement and check register. The Committee also discussed revisions to the operating budget, which would be returning for more discussion in November. There was no action on the personnel policy manual amendments.

MOTION by Mr. Cole to receive the September financial statement and check register. The motion carried unanimously.

B. Legal Committee - no meeting

C. Capital Financing Committee Report

Committee Chairman Kevin Cole noted the group discussed the 1997 legislative packet and its revisions. While the packet initially contained proposed federal funding requests and information to be used for the upcoming federal summit, the committee decided to separate the two issues. On other matters, there was a lot of effort currently in progress on the passage of Question 12 in Nevada. Board member Wynn had been instrumental in the effort, and from all he had heard the chances of passage were good. The committee also discussed the upcoming federal summit in the spring and the verbal commitment for the President's attendance.

D. Rules Committee Report

1. Amendment of Personnel Policy Manual Relative to Assignment of Special program Managers and Their Salary (Policies 3.1 and 3.2)

Committee Chairman Bradhurst advised that the group had met and discussed a pilot program that would modify the staff organization structure. This would be before the Board next month.

E. Shorezone Policy Committee Report

Committee member Waldie noted that on October 22 the committee had conducted the first of several hearings on shorezone issues. The subject yesterday was personal watercraft. It was a very constructive and educational hearing.

F. Local Government Committee Report - no meeting
G. Performance Audit Committee Report

1. Endorsement of Interagency Cooperative Agreement, Including Participation of Nevada Audit Staff

2. Work Program Amendment Before Nevada Interim Finance Committee

Agency Special Projects Attorney Susan Scholley noted that the Board members had been provided with a confidential memo on this matter. If they had questions, they could see her. At its meeting on October 18, the committee determined that it was premature to act on the interagency agreement with the Bureau of State Audits before Nevada had approved the work program amendment. This was on the November 20 Nevada Interim Finance Committee agenda. TRPA was also directed to return to the Nevada Legislative Commission some time early in December to discuss the fact that the California Auditor’s Office felt it was not within its statutory ability to permit the participation of the Nevada Audit staff in the audit. There was also a concern expressed by some Nevadans that the requirement of the audit and the budget direction may be a unilateral amendment of the bistate compact. The Legislative Counsel Bureau staff was preparing a report to the Legislative Commission on that subject. The California Auditors were at the Agency office now.

Mr. Upton commented on the process to date relative to the pertinent governmental code sections, confidentiality requirements, the claim regarding amendment of the bistate compact, and his continuing efforts to get a bistate audit.

Ms. Scholley suggested that the California statutes did not contemplate working with another state auditor office in conducting interviews. California’s legal counsel was taking a cautious approach because it was a misdemeanor under California law to divulge information outside the Auditor’s Office. As the auditee, TRPA needed to be careful about getting into the middle of the situation. The auditee needed to be careful about trying to affect the scope or conduct of the audit. She recommended against TRPA trying to take any legal action to force bistate cooperation.

Ms. Scholley explained that the compact permitted either state to conduct an audit of TRPA; Congress also had that right. She did not feel there was any legal issue regarding whether the California or Nevada State Auditors could conduct their own audits. The only reason there was a bistate issue was because of the budget impact. That was what was drawing TRPA into the idea of bistate participation. A unilateral amendment by either state of its budget appropriations - while frustrating and extremely problematic - was not illegal and was not a unilateral amendment of the compact. While TRPA had to make its budget requests to the two states in the 2/3:1/3 formula, there was no requirement that the states fund TRPA at that same ratio. The disagreement was occurring from more of a political budget issue than a legal one.

More discussion followed among Board members on the history of the process, the position of the two states regarding the process, the Board’s hope for cooperation between the states, the potentially long-term positive results of the audit, and the need for the legislative leadership in both states to talk about their relationship as it related to TRPA.
IX. PLANNING MATTERS

A. 1996 Threshold Evaluation Report (continued)

2. Soils

Senior Planner Joe Pepi distributed a summary of the soil threshold and explained TRPA's use since the early 1970s of the Bailey land capability system to regulate land coverage for new and existing structures. Since 1989, the IPES (Individual Parcel Evaluation System) had been in effect for building on vacant residential parcels. Land coverage was important because it was the major source of urban runoff, sediment and nutrient input into the Lake and its tributaries. Staff's handout summarized allowable coverage under the capability system, the 1982 threshold, the applicable standard, and the monitoring program. Monitoring showed 43,112 acres of coverage including road network and 18,729 acres excluding the road network (including 7,973 acres of soft coverage). Theoretical allowed coverage under Bailey for the Basin totaled 10,961 acres. To deal with this excess coverage at the time of the 1991 threshold evaluation, an excess coverage mitigation fund was set up with an interim target requiring that 80 percent of the funds collected would be spent each year starting in 1993 to reduce coverage impacts. Since 1987, 238.5 acres of additional land coverage had been created through approval of 10,134 projects, and 135.4 acres of coverage had been removed or restored. The Tahoe Region was not in attainment of the threshold standard for impervious land coverage. Mr. Pepi noted possible sources of coverage removal and described several completed coverage reduction projects and recommendations from the threshold analysis. He responded to Board member questions and discussed public entity projects, the availability of funding, the process for release of funds for local entities to complete such projects, and the ability to consider the eligibility of erosion control projects as coverage retirement projects.

(Mr. Bradhurst left the meeting at 3:30 p.m. A quorum was no longer present. Members present: Severson, Waldie, Lee, Crunk, DeLandoy, Stewart, Cole, Uptown)

3. Stream Environment Zones (SEZs)

Senior Planner Carl Hasty explained that there were two parts to the soil conservation threshold: coverage, as presented by Mr. Pepi, and SEZ or wetlands restoration. The SEZ restoration threshold required that 25 percent of subdivided, developed or disturbed areas within the Basin and all SEZ areas outside that area be restored, for a total increase of 5 percent naturally functioning SEZ. This was approximately 1,100 acres within developed areas and 880 acres outside, for a total of 1,980 acres. The Goals and Policies also specified that 90 percent of the restoration would occur within the first 15 years of the 20-year plan. According to the 208 Water Quality Plan adopted in 1988, by 2003 there should be 1,782 restored acres. Currently there were 891 acres restored, the majority being outside of the subdivided, developed areas. This totaled 26 acres per year. Indications were that the goal would not be reached within the 15 or the 20 year targets. Approximately 3,700 acres of SEZ lands had been acquired by public entities, but analysis of the restoration potential on these lands had not been done because of limited public entity resources. This assessment was needed. It was feasible to
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accomplish the targeted restoration. In the top 12 of the 63 watersheds around the Basin, there were over 2,213 developed acres and 2,053 undeveloped acres, for a total of 4,266 acres. This included a lot of SEZ, with almost 1,600 being in public hands. There were approximately 22,000 acres of SEZ within the Basin; 5 percent of that equaled 1,100 acres, less than the 1,980 acres to be restored under the threshold. The original threshold report recommendation was for an overall increase of 5 percent. What was added during threshold adoption deliberations was the need to restore impacted SEZs outside the developed area. The information on what this would entail was never developed, however. The bottom line was to restore SEZs for purposes of water quality; interrelated with this was improvement of vegetation, wildlife, fisheries habitat, scenic, and recreation. Mr. Hasty presented more information on targeting the most effective restoration projects and programs, needed funding, recommended program and regulatory changes, impacts of and solutions for grazing in SEZs, and targeting the 10 to 12 most productive projects.

Mr. Cronk commented on the difference between this threshold analysis and the one conducted five years ago. While he recognized the importance of the statistical studies to indicate status of thresholds, the real focus should be on improving the environment and in achieving the Agency’s targets.

Executive Director Jim Baetge noted that the Environmental Improvement Program (EIP) was designed to achieve just that goal and would focus on the biggest projects with the highest payoff. There was no sense in focusing a lot of effort and time on projects that would not likely be accomplished.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, expressed support for the direction of the threshold review. With regard to Mr. Cronk’s comment on the threshold review process five years ago, as part of the Douglas County settlement of litigation, the League insisted an SEZ program be adopted and pursued by TRPA. It was a tremendous step to see the Agency make this a priority and doing it because of its commitment to water quality.

Mr. Baetge suggested that the League, through the efforts of Dan Potash, had made tremendous strides at the federal level on awareness of Tahoe issues and funding needs. The League was to be complimented for its very positive work in this area in the last funding cycle.

XIII. REPORTS

A. Executive Director Monthly Status Report

Mr. Baetge reminded the Board that the meeting in November was on Wednesday, the 20th and in December on Friday, December 20.

Mr. Wells noted that invitations for the December 20 evening holiday party had been distributed to the Board members. The Shorezone Partnership meeting was scheduled to meet October 24, with scenic being one of the discussion topics. A panel of scenic experts would be reporting on its findings and recommendations for streamlining and simplification. Board members were invited.
Mr. Baetge noted that the staff workshop on commercial/residential allocations had been postponed from this Friday to a later date.

B. Legal Division Monthly Status Report

Agency Legal Counsel R. J. Nicolle noted that Ms. Scholley had provided Board members with a memo on the status of Suitum v. TRPA, a case involving an SEZ single family parcel. The case was going to be reviewed by the Supreme Court. The plaintiffs would be filing their brief at the end of November, and TRPA would be filing its counter brief at the end of December. Oral arguments would be in January.

Ms. Scholley advised that, because Suitum was not on the Governing Board's agenda, the Legal Committee would be meeting next week to make a decision on associating special Supreme Court counsel immediately, due to the short briefing schedule. The Legal Division would be reporting on this at the November Board meeting. TRPA had received numerous offers for assistance. Because the TDR (Transfer of Development Rights) issue had national implications and significance, the case would be followed by many communities throughout the country.

Ms. Nicolle updated the Board on the status of the Cook v. TRPA case, a case where TRPA was sued by one property owner for not enforcing its ordinances relative to an adjacent property owner. In TRPA v. Barbieri, no decisions had been received as yet and, because it also involved an SEZ property, the decision could be held up pending the outcome of the Suitum case.

Ms. Nicolle advised that the Kawasaki representative had warned TRPA at yesterday's personal watercraft hearing before the Shorezone Policy Committee that the term "jet ski" was a registered trademark. TRPA would need to come up with another word for its ordinances and regulations.

C. Governing Board Members - no reports

XIV. ADJOURNMENT - The meeting adjourned at 4:40 p.m.

Respectfully submitted,

[Signature]

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 materials submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as submitted on Nov 20, 1996.