TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe Council Chambers
South Lake Tahoe, California

April 23, 1997

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Drake DeLany called the regular April 23, 1997, meeting of the Governing Board of the Tahoe Regional Planning Agency to order at 9:30 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. DeLany, Mr. Waldie, Mr. Doughty, Mr. Sevison,
Ms. Lewis, Mr. Cole, Ms. Bennett (present at 1:30 p.m.),
Mr. Cronk, Mr. Perock, Ms. Neft, Mr. Galloway, Mr. Upton,
Ms. Bresnick

Members Absent: Mr. Neumann, Mr. Wynn

Chairman DeLany noted that Ms. Hilary Lewis was sitting in for Nevada Secretary of State Dean Heller; Mr. John Doughty was sitting in for Dr. Miner of Douglas County; and Mr. Wayne Perock was sitting in for the Nevada Department of Conservation designee, Mr. Westergard.

III. PUBLIC INTEREST COMMENTS

Mr. Gregg Lien, for the Tahoe Sierra Preservation Council and a number of private clients, discussed shoreline erosion problems caused by the high Lake levels and heavy winter storms. He showed photographs and slides demonstrating shoreline damage, increased turbidity, and decreased water quality. While recognizing that TRPA was prohibited under the Compact from addressing allocation, distribution or storage of interstate water, he asked the Board to consider what options it could in the discussions on Lake levels.

Ms. Jan Brisco, for the Tahoe Lakefront Owners Association, advised of increasing shoreline owner requests to stabilize properties damaged by wave action and urged the Board to become involved in upcoming discussions on the Truckee River Operating Agreement and potential changes in Lake level.

IV. APPROVAL OF MINUTES

MOTION by Mr. Upton to approve the March 26, 1997, regular meeting minutes as presented. The motion carried with Ms. Bresnick and Mr. Doughty abstaining.

V. APPROVAL OF AGENDA

MOTION by Mr. Upton to approve the agenda as presented and noting that item VII.E. was to be reordered and the Local Government Committee would be meeting at the lunch recess. The motion carried unanimously.
VI. CONSENT CALENDAR

MOTION by Ms. Neft to approve the consent calendar as discussed. (Discussion included continuing item 1, Pershing resolution of enforcement to the May meeting as recommended by the Legal Committee and adding a condition to item 8, Frank new commercial building). The motion carried unanimously.


VII. PUBLIC HEARING

B. Amendment of Chapter 4 (Project Review and Exempt Activities) to Adopt MOU Between TRPA and the Fulton Water Company to Exempt Certain Activities From TRPA Review

Deputy Director Jerry Wells presented a brief summary of the proposed amendment.

There were no public comments during the public hearing.

MOTION by Mr. Sevison to make the findings to amend Chapter 4 for the TRPA/Fulton Water Company MOU. The motion carried unanimously.

Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending Chapter 4 of the Tahoe Regional Planning Agency Code of Ordinances Relating to Exempt Activities; Adopting a Memorandum of Understanding With Fulton Water Company to Exempt Certain Activities of Fulton Water Company From TRPA Review; and Providing for Other Matters Properly Relating Thereto

MOTION by Mr. Sevison to adopt Ordinance No. 97-4. The motion carried unanimously.
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A. Amendment of Chapter 4, Project Review and Exempt Activities, to Amend an MOU With Placer County to Delegate Review of Signs in the North Shore Community Plan Areas

Senior Planner Gordon Barrett presented a summary of the proposed ordinance amendment.

There were no comments during the public hearing.

MOTION by Mr. Sevison to make the required findings for approval of the amendment. The motion carried unanimously.

Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended by Amending Chapter 4 of the Tahoe Regional Planning Agency Code of Ordinances Relating to Exempt Activities; Adopting a Memorandum of Understanding With Placer County to Exempt Certain Sign Activities from TRPA Review; and Providing for Other Matters Properly Relating Thereto

MOTION by Mr. Sevison to adopt Ordinance No. 97-5 as proposed. The motion carried unanimously.

C. Amendment of Plan Area Statement 102, Tahoe Keys (Residential), Special Area #1, Permissible Uses, to Add Day-Use Areas as an Allowable Use; or Amendment of Beach Recreation Definition in Chapter 18 to Add Beach Recreation as an Allowed Use to Plan Area Statements 005, 066, 068, 070B, and 102

Associate Planner John Hitchcock presented the proposal to amend the definition of "Beach Recreation" and to add Beach Recreation as an allowed use in specific Plan Area Statements.

No one wished to comment during the public hearing.

MOTION by Mr. Upton to make the findings required to amend the ordinance and Plan Area Statements as proposed. The motion carried unanimously.

Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Regional Plan of the Tahoe Regional Planning Agency as Amended; Amending "Beach Recreation" Definition in Chapter 18; Amending the Permissible Use List of Special Area #1 of Plan Area Statement 102, Tahoe Keys, to Add Beach Recreation as an Allowed Use; Amending Plan Area Statement 005, Rocky Ridge, PAS 066, Zephyr Cove, PAS 068, Round Mound, PAS 070B, Rabe, to Add Beach Recreation as an Allowed Use; and Providing for Other Matters Properly Relating Thereto

MOTION by Mr. Upton to adopt Ordinance No. 97-6 as proposed. The motion carried unanimously.
D. Amendment of Plan Area Boundary Between Plan Area 030, Mt. Rose (Conservation), and Plan Area 040, Incline Village #1 (Residential), to Expand the Urban Boundary to Include Washoe County APN 125-211-01 in Plan Area 040

Senior Planner Andrew Strain described the requested amendment to move a 1.42 acre portion of PAS 040 into PAS 030 for the purpose of development of a single family residence for year-round use.

Mr. Paul Kaleta, representing the property owner, presented his client's proposal and concurred with the staff and Advisory Planning Commission's recommendations. He had met with many of the neighboring property owners to resolve outstanding concerns.

Mr. Joe Goslin, a 20-year resident on nearby Jeffrey Court, distributed photographs of the downhill properties and expressed concern with runoff caused by melting snow and summer rains.

Mr. Jeff Cutler, from the League to Save Lake Tahoe, spoke in general opposition to expansion of urban boundaries and questioned whether a mistake was made in 1987 when the lines were drawn separating the Plan Areas.

The Board members discussed with staff and the applicant the expansion of urban boundaries, treatment of runoff, the topography of the properties and acceptance by Mr. Kaleta of a condition to rectify drainage coming from the access easement.

MOTION by Mr. Galloway to make the findings for the amendment of the boundary line between Plan Areas 030 and 040 subject to the condition that the applicant correct the present existing runoff from the public right of way on to the driveway area, subject to the satisfaction of staff review. The motion carried unanimously.

Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Regional Plan of the Tahoe Regional Planning Agency as Amended; Amending the Plan Area Overlay Maps by Amending the Plan Area Boundary Between Plan Area 030, Mount Rose, and Plan Area 040 Incline Village #1; and Providing for Other Matters Properly Relating Thereto

MOTION by Mr. Galloway to adopt Ordinance No. 97-7 as amended. The motion carried unanimously.

E. Amendment of the Environmental Thresholds, Goals and Policies, and Code Chapters to Implement Recommendations From the 1996 Threshold Evaluation

1. Environmental Thresholds

a. Noise, Amendment of Community Noise Equivalent Level (CNEL) (N-3) to Change Wilderness and Roadless Areas and
Critical Wildlife Habitat to 45 CNEL and the Commercial CNEL Category From 65 to 60 and to Amend the Tourist CNEL Category From 55 to 60 CNEL

b. Fishery
   i. Adoption of Updated In-Stream Fish Habitat Ratings
   ii. Amendment of In-Lake Prime Fish Habitat Map to Accurately Reflect Habitat Conditions
   iii. Amendment of Chapter 12 (TRPA Regional Plan Maps), Prime Fish Habitat Overlay, to Amend In-Lake Fish Habitat Map to Reflect New Mapping
   iv. Amendment of Chapter 12 (TRPA Regional Plan Maps), Stream Habitat Quality Overlay, to Reflect Rerating

c. Vegetation, Adoption of Late Successional/Old Growth (LSOG) Threshold

2. Code of Ordinances and Goals and Policies
   a. Amendment of Chapter 93 (Traffic and Air Quality Mitigation Program) to Make Adjustments to the Air Quality and Transportation Mitigation Requirements
   b. Amendment of Chapter 74 (Remedial Vegetation Management); Chapter 55 (Development Standards in the Backshore); Chapter 20 (Land Coverage Standards) to Include Standards for Management of Stream Environment Zone and Backshore Vegetation to Achieve and Maintain Thresholds for Vegetation, Wildlife, and Fisheries; Chapter 2 (Definitions); and Chapter 77 (Revegetation)
   c. Amendment of Chapter 6 (Findings Required) to Ensure Additional Resource Capacities Remain Available to Meet the Recreation Goals and Policies of the Regional Plan When Approving Non-Recreation Projects
   d. Future Residential, Tourist, Recreation and Commercial Allocations
      i. Amendment of Chapter VII of the Goals and Policies and Chapter 33 (Allocation of Development) to Adopt a Five-year System of Allocations of Additional Residential Development and a Ten-Year System of Allocations of Additional Commercial and Tourist Development
      ii. Amendment of Chapter 33 (Allocation of Development) to Modify the List of Recreation Uses for Which Summer Day Use PAOTs are Allocated
iii. Amendment of Chapter 33 (Allocation of Development) to Permit Conversion of Use Between Tourist and Residential

iv. Amendment of Chapter 34 (Transfer of Development) to Permit Transfers of Existing Uses into Sensitive Lands in Special Circumstances

v. Amendment of Chapter 14 (Community Plans) to Create Preferred Industrial Areas

vi. Amendment of Certain Plan Area Statements to Reduce the Number of Permissible Residential Bonus Units

vii. Amendment of Kingsbury, Meyers, Kings Beach Industrial, Tahoe Vista, and Ponderosa Community Plans and the South Y Industrial Plan Area Statement to Designate Them as Preferred Industrial Areas

e. Amendment of Chapter 82 (Water Quality Mitigation) to Adjust the Schedule of Fees

f. RIP Implementation

i. Adoption of Chapter 31 (Environmental Improvement Program) Relative to Linked Project Concept

ii. Amendment of Chapter 33 (Allocation of Development) to Delete the Public Service Five-Year List and Recreation Five-Year List

g. Amendment of Chapter 25 (Best Management Practice Requirements) Related to Extending Program to Accomplish Retrofit of Best Management Practices

h. Amendment of Chapter 26 (Sign Standards) to Require Conformance With Certain Permit Action, to Adjust the Amortization Schedule, and to Limit Exemption Policies

Principal Planner Gordon Barrett noted these threshold-related and Code and Goals and Policies items were not before the Board for action at this time but only for direction and comment. Final action was scheduled for the May meeting.

Mr. Rick Angelocci, Chief of Project Review, described the four proposed amendments to the noise threshold (wilderness and roadless areas, critical wildlife habitat areas, tourist areas, and commercial areas).

The Board members discussed the proposal and asked staff to separate out the industrial uses from the commercial areas and to develop a 65 CNEL standard for industrial uses. The Board also discussed single event noise occurrences, the 24-hour nature of casino uses and their noise impacts, and exceptions for health and safety.
X. RESOLUTIONS

B. For Former Forest Supervisor Bob Harris

Chairman DeLanyo read a resolution from the Governing Board commending Bob Harris, retired Lake Tahoe Basin Management Unit Forest Supervisor, for his service to the Tahoe Region.

MOTION by Mr. Savino to adopt Resolution No. 97-6 commending Bob Harris. The motion carried unanimously.

Mr. Harris thanked the Board members and commented on the cooperation between TRPA and the Forest Service that had existed during his time at Tahoe.

A. For Former Board Member Kevin Cole

Chairman DeLanyo presented Kevin with an engraved plaque and read a resolution commending Kevin Cole for his tenure on the Governing Board as the City’s representative from July 1994 through December 1996.

MOTION by Mr. Upton to adopt Resolution No. 97-5 commending former Board member Kevin Cole. The motion carried unanimously.

In accepting the plaque and resolution, Kevin thanked the City for allowing him to serve on TRPA and thanked his family for its support during his time on the Board. Serving on TRPA had been the single greatest honor he had received. The Board members were of the highest caliber and had a sincere desire to make the right decisions; that was never compromised. The Board members were respectful of each other, of the staff, and of the public. The staff was dedicated; Executive Director Jim Baetge’s leadership had helped the Agency move in the appropriate direction, and he urged the Board to continue to support him. The Agency’s work was incredibly important from the standpoint of protecting the environment of the Tahoe Region, while being sensitive to people impacts and needs.

In recognition of Secretary Week, Deputy Director Jerry Wells and Management Support Chief Julie Frame introduced members of the Management Support Division to the Governing Board and presented them with certificates. Those presented with certificates included Judy Faylor, Receptionist; Judy DeMeola, Executive Assistant for the Environmental Compliance Division; Laurie Hockenberry, Administrative Clerk; and Judy McIntire, Executive Assistant for the Project Review Division. Roxanne Duer, Executive Assistant to the Long Range Planning Division, and Sue Mikanovich, Executive Assistant for the Legal Division, were not present. Executive Director Jim Baetge presented a Certificate of Appreciation for Professional Management to Julie Frame.

The Board members recessed for a lunch break from 12:00 noon to 1:25 p.m.

Board member Kay Bennett came into the meeting at 1:30 during Ms. Shade’s presentation.

The staff continued with its presentation on proposed changes to the thresholds, with Associate Planner Coleen Shade discussing mapping
modifications to reflect rerating of resident and migratory streams and in-Lake habitat.

Mr. Jeff Cutler, from the League to Save Lake Tahoe, commented on the fact the new maps, unlike the existing maps, did not show any prime fish spawning habitat on the East Shore of Lake Tahoe. If the new map was to be adopted, there would be a reduction in the amount of protected in-Lake spawning habitat. When the Shorezone Partnership package came to the Board, the League would recommend that the moratorium in fish spawning areas not be lifted; it appeared that there was a 50 percent reduction without a sufficiently thorough analysis. With regard to proposed increases in CNRL levels for wilderness, roadless, and critical wildlife habitat areas, such an increase would allow the potential for other noises, such as snowmobile noise, that should not be present in these areas. It was a bad policy to change the standard just because the threshold could not be achieved. If the League could come up with a proposal to address the concern, he would urge the Board to consider it.

Ms. Jan Brisco, for the Tahoe Lakefront Owners Association, noted the fish maps were very difficult to read at the current scale, particularly when it came to addressing site-by-site planning needs. The fluctuating Lake level was the big enemy here and caused the significant loss in habitat. She wanted to make sure the property owners were not unfairly burdened with the responsibility for habitat areas in the discussion of public and private projects.

Ms. Shade responded to issues raised in the discussion on spawning locations, the scale of mapping, individual site visits required for future projects, and introduction of the Lahontan cutthroat trout.

Mr. Brant Allen, with the Tahoe Research Group, noted there were 71 miles of shoreline depicted on a 12" map. Any areas with gravel substrate would not show up on the map of this scale; there were small pickets of gravel which did not lend themselves to being depicted on the map. These were areas where spawning took place.

Mr. Steve Chilton, Chief of the Environmental Compliance Division, discussed the proposed adoption of a Late Successional Old Growth Threshold and responded to Board member questions.

Mr. Jeff Cutler, for the League to Save Lake Tahoe, suggested that, unlike earlier drafts, the proposal lacked the detail needed to achieve the goal.

The staff next discussed proposed amendments to the Code and Goals and Policies. Senior Planner Carl Hasty began by passing out an April 23 memo containing EIP project examples, non-EIP examples, and how to achieve linked project status between the two. The Board discussed the importance of being able to link non-contiguous projects and being creative with each project.

Mr. Hasty summarized the vegetation protection proposals and responded to questions on the TRPA-approved plant list and the need to remain flexible in order to accommodate varying site conditions.
Mr. Steve Teshara, from the audience, noted that it was difficult for people to participate in and comment on the threshold evaluation and in particular the RIP process at this point because they were so technical; TRPA staff should do what it could to provide extra public outreach to obtain more public comment. Public and private coordination on the linked project concept was very important and needed to be fleshed out.

Mr. Baetge noted staff had spent a great deal of time on the special projects idea and wanted to keep it flexible to allow for creativity. Project packages would be dealt with on an individual basis; the safeguard was that the Board would be acting on them individually. When good ideas came forward, TRPA should be able to look at them creatively. Feedback on this approach had been generally good.

Ms. Jan Brisco, for the Tahoe Lakefront Owners Association, noted her group would be working on their concerns regarding shorezone vegetation and protection. She questioned the exact location of the backshore, potential problems in attempting to regulate backshore landscaping on private properties, the professionally maintained nature of these properties, and compliance and implementation. Cooperation was better than a big stick approach.

Principal Planner Gordon Barrett distributed a one-page document on proposed allocations linked to environmental improvements and provided an overview of the 1996 agreements achieved by the working group on commercial, tourist, and residential allocations. The Board members discussed the need for sufficient tourist units to accommodate the large influx of visitors expected in the next ten years, the intent for staff in the upcoming work program to study some form of converting currently blighted and underutilized tourist accommodation motel units into commercial floor area, and TRPA's commitment to update the 208 water quality plan to provide for additional coverage related to implementation of BMPs. Staff had committed in the 208 plan update to address this idea and others discussed previously with Board members Cole and Upton.

(Board member Neft left the meeting at 3:35 p.m.)

Mr. Baetge concurred that the 208 plan update would be aimed at a whole series of alternatives. These amendments were not aimed at weakening environmental regulations but rather, in the interest of streamlining, in concentrating more on the larger issues. They were also aimed at allowing some things to happen that were perhaps not very important in the big picture but still provided offsets and mitigation. The coverage changes and other related issues would not come up in this threshold evaluation process but in the context of the 208 plan update.

Mr. Cole suggested that land coverage was an infill issue, particularly in the City of South Lake Tahoe where homes on small subdivided lots could not expand because no additional land coverage was permitted. If infill was to be promoted in conjunction with the offsetting benefit of sensitive lot retirement, there needed to be an incentive in the form of additional land coverage for expansions.
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The Board members discussed the need for more information on the relative buildout rates for the local jurisdictions, no reduction in the number of residential allocations for those jurisdictions which had not used their allocations, market forces, development trends, the potential impact of Governing Board modification of the allocation agreements, and the role the transfer of allocations from sensitive lots played in the recent Suitum case.

Mr. Galloway itemized Washoe County planner questions on the final form of the agreements. These related to penalties associated with transferring out of preferred industrial areas, the use of "shall" v. "may" in oversight language, latitude in implementation of penalty provisions for local jurisdiction performance, and overkill in the provisions relating to permit tracking and real-time monitoring. He agreed to provide a list of concerns to staff.

Mr. Baetge commented on the effectiveness of the group sessions to work out the agreements. Because many of the groups involved bought into the final product because of the total package, he urged caution if the Board wanted to make major changes to the agreements; additional changes may require a reconvening of the allocation groups.

The Board members discussed the problems and incentives associated with areawide BMPs for industrial area projects, building in some flexibility for projects in industrial areas, the potential for development agreements between TRPA and local governments, the correlation between BMP installation and distribution of allocations, whether the initial goals on implementation of environmental improvements were realistic, historical patterns in allocation distributions and environmental improvements, and the need for incentives and flexibility.

Senior Planner Andrew Strain summarized the proposed amendments to the recreation policies and documents and the need to maintain recreation capacity in the areas of water and sewer capacity by district and regional VMT (vehicle miles traveled) as other forms of development proceeded. The intent was to prepare a regionwide recreation plan to address the entire recreation picture. Mr. Strain also described proposed modifications to sign provisions.

Senior Planner Paul Pettersen described proposed modifications to the BMP retrofit program and proposed amendments to compliance dates to make them more realistic. Associate Planner Kevin Hill discussed the proposed water quality mitigation fee increase, and Mr. Barrett described proposed increases to the DVTB (Daily Vehicle Trip Ends) fee.

Mr. Dave McClure, developer of a Tahoe Vista warehouse storage project, commented on the commercial allocation, problems he had encountered in delays on his project because of the requirement for the county to provide an irrevocable commitment for areawide improvements, the fact he had been trying for an approval for 12 years, problems with retroactively applying coverage restrictions, and development of sufficient coverage for a storage facility.

The Board members discussed the impacts of industrial areas, penalties and incentives involved in transfers in or out of such areas for new and pre-existing uses, committee recommendations on industrial areas, and treatment of nonconforming uses.
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VIII. APPEALS

A. Meadville, Appeal of Executive Director Decision Requiring IPES Score, Placer County APN 112-220-17

Chairman DeLancy noted that this item was to be continued a month.

IX. ADMINISTRATIVE MATTERS

A. Filling Vacancy on Governing Board Committees

Chairman DeLancy noted he had appointed Ms. Bresnick to serve on the Finance and Rules Committees.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee Report

Mr. Waldie reported that the Committee earlier in the day had elected him to serve as its chairman.

A. Finance Committee Report

Deputy Director Jerry Wells reported on the outcome of the early morning meeting. The financial statement and check register were approved on the consent calendar.

Chairman DeLancy summarized the names of the committee chairs:

Finance Committee: Ms. Bennett
Legal Committee: Mr. Waldie
Capital Financing: Mr. Cronk
Rules Committee Mr. Galloway
Shorezone Policy: Mr. Westergard
Local Government: Mr. Upton

Mr. Wells explained that the Finance Committee continued until June the discussion on funding contributions to the Tahoe Region based on land ownership and the FY 96-97 operating budget revisions. Staff had contracted with a private CPA to reevaluate TRPA's financial operations and to address the audit recommendations.

C. Capital Financing Committee - no report

D. Rules Committee - no report

F. Local Government Committee

Mr. Upton noted the committee met last week and again today at noon. The committee received the affordable housing needs assessment/fair share report and supported it being sent on to the State of California, in accordance with the grant conditions. The Committee discussed the Lake Country development proposal and whether there was a need to provide affordable housing. The Committee directed staff to pursue amendments to delete the affordable housing
element of the project by reducing density requirements. The Committee was not going back on its desire to have as much affordable housing as possible in the Basin but felt this direction was appropriate in view of the particular circumstances. Final details were to be worked out between the developer and staff.

B. Legal Committee Report (continued)

Legal Committee Chairman Waldie noted that Agency Counsel Rachelle Nicolle had asked the Committee to affirm an existing policy on tolling the statute in the event something involving an immediate need came up between meetings. The Committee authorized her to proceed as in the past in consultation with the Committee chair. Small claims matters involving up to $1,000 could be solved without Legal Committee and Board action - in consultation with the Legal Committee Chairman.

F. Local Government Committee Report (continued)

Mr. Upton updated the Board on the Committee's discussion regarding future impacts on boating and enforcement agencies in coordinating the results of the June adoption of the rules regarding no-wake zones and the two-cycle engine ban. The Committee was looking at enforcement issues at state and local levels and outreach with local citizens on user data. The Shoresome Policy Committee would be meeting on May 29 in the afternoon and the Local Government Committee would meet in the morning.

Mr. Sevison noted that Agency Counsel Rachelle Nicolle would be sending a legal issues memo on motorized watercraft to appropriate local and state legal councils asking for their input prior to the next meeting.

XII. REPORTS

A. Executive Director Monthly Status Report


2. Other

Executive Director Jim Baetge reported that Tom Tuchmann, with the Department of Agriculture, was the lead coordinator on the upcoming July Presidential "Event"; numerous meetings were being held both in California and Washington. This event was not being taken lightly by the White House, with there likely being pre-events and post-events. The focus would be Lake Tahoe. He would be updating the Board by memo after more discussions with the coordinators.

Mr. Baetge updated the Board on the status of the budget. In Nevada it seemed to be going well. There was a deficit in California, however, over implementing internal and external streamlining. He would be meeting with Senator Leslie and Board member Bresnick in Sacramento at the end of the week to see about getting this money put back in the budget.
B. Legal Division Monthly Status Report

Ms. Nicolle asked the Board members to call her if they had any questions on her status memo. The majority of the current cases (Suitum, Barbieri, and TSPC) claimed that TRPA's SEZ regulations were too strict; TRPA's defense in these cases related to allocations and the value of TDRs. The Board should keep this in mind in its deliberations on the allocation programs.

C. Governing Board Members

Mr. Upton explained his discussion with Mr. Tuchmann on the Presidential event and the intent for this to be a bottoms-up effort. On the matter of motorized watercraft, Mr. Upton commented on the impact of the two-cycle engine ban, the intent to obtain more data to back up the Board's earlier action, and the impact of such a ban on individual boat owners. He had prepared a memorandum outlining his position. Assuming technology substantiated the ban, he would have no problem implementing it for rental businesses. The feasibility of imposing this on individual boat owners may be more difficult.

No other Board members wished to comment.

XIII. ADJOURNMENT - The meeting adjourned at 5:15 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 material submitted at the meeting is available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as presented on May 28, 1997.