North Tahoe Conference Center
Kings Beach, California

May 24, 1995

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Board Chairman John Upton called the regular May 24, 1995, meeting of the Governing Board and Advisory Planning Commission (APC) to order at 9:40 a.m. Vice Chairman Drake DeLany led in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Governing Board Members Present:
Mr. DeLany, Mr. Waldie, Dr. Miner, Mr. Sevison, Mr. Cole, Ms. Bennett, Mr. Westergard, Ms. Neft, Mr. Bradhurst, Mr. Wynn, Ms. Hagedorn, Mr. Upton

Governing Board Members Absent: Mr. Heller, Mr. Crunk, Mr. Neumann

APC Members Present:
Mr. Jepsen, Mr. Hust (10 a.m.), Mr. Hansen, Ms. Baldrina, Mr. Barham, Mr. Marlow (10 a.m.), Mr. Dodds, Mr. McCurry (at 9:50 a.m.), Mr. Caterino, Mr. Mudgett, Mr. Haen, Mr. Combs, Ms. Jamin, Mr. Thompson

APC Members Absent:
Mr. Ruben, Mr. Popoff, Mr. Joiner, Ms. Woodbeck

III. PUBLIC INTEREST COMMENTS

Mr. Donald Kornreich, Incline Village resident, commented on the following: 1) his previously submitted recommendations on future operations; 2) the tone of the recent TRPA/Conservation District mailing on BMP implementation and the importance of a positive and politically acceptable approach; and 3) the need for TRPA to respond in a more timely manner to the public’s requests for action and/or information.

IV. APPROVAL OF MINUTES

MOTION by Mr. DeLany to approve the regular April 26, 1995, meeting minutes. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells noted the following: 1) item VIII.A. continued to June at request of TRPA (Altwater Trust/Schumacher, modification of permit conditions for a multiple-use pier expansion Permit, Washoe County); 2) item X.A. (release of residential allocations in South Lake Tahoe and El Dorado County in STPUD’s service area) moved up after the hearing and action on the STPUD facilities plan KIR/RIS; 3) XII.B.2. continued (approval of Bitterbrush settlement fund expenditure for emergency access improvements); and 4) RTPA items (IX) moved up on the agenda.
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MOTION by Mr. DeLanoy to approve the agenda as discussed. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Wells distributed copies of a modified condition E. for the Incline’s Diamond Peak Ski Area Lakeview Lift Replacement. The applicant knew of the change and had no objection.

MOTION by Mr. Severson to approve the Consent Calendar. The motion carried unanimously.


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

Chairman Upton recessed the TRPA meeting and reconvened the Board as the RTPA.

A. Resolution Approving the Release of State Transit Assistance (STA) Funds ($38,018) to Placer County for TART Operation

B. Resolution Approving the Release of State Transit Assistance (STA) Funds ($38,018) to the City of South Lake Tahoe for STAGS Operation

Transportation Planner Bridget Mahern presented a summary of the two requested actions.

MOTION by Ms. Bennett to adopt Resolution No. 95-3, as recommended by the Finance Committee, approving release of STA funds to Placer County for TART Operation. The motion carried unanimously.

MOTION by Ms. Bennett to adopt Resolution No. 95-4, as recommended by the Finance Committee, approving release of STA funds to South Lake Tahoe for STAGS Operation. The motion carried unanimously.

C. Resolution Authorizing TRPA and Caltrans Agreement for Release of TRPA Optional Exchange Amounts for FY 94-95

Senior Planner Richard Wiggins presented the staff summary on the resolution.
MOTION by Mr. DeLanyo to adopt Resolution 95-5, as proposed. The motion carried unanimously.

D. Resolution Endorsing Tourism Development Master Plan and Increase in Transient Occupancy Tax in Placer County

Senior Transportation Planner Richard Wiggins explained that the requested letter (not resolution) would earmark a 2% increase in the TOT ( transient occupancy tax) for transportation projects and noted that TRPA’s involvement in recommending a tax increase was controversial. The master plan steering committee felt the TOT increase was the most readily available option to raise funds for transportation improvements in the Tahoe City/North Shore area. The Board’s action would authorize the Executive Director to send a letter of support to the Placer County Supervisors.

Mr. Westergard asked that the letter be phrased in such a way that it was clear that TRPA was not endorsing a tax.

MOTION by Mr. Severson to authorize the Chairman to sign the letter in support of the projects.

Dr. Miner objected to TRPA’s involvement in this primarily local political issue, especially if it involved endorsement of a room tax increase.

Mr. Severson explained that the issue stemmed from the fact that TRPA’s goals and objectives were consistent with what was encouraged in the plan - not how they would be paid for. It would be helpful for TRPA to offer support for the projects as consistent with TRPA’s goals. Placer County would be dealing with this issue prior to the next TRPA Board meeting.

Mr. Waldie suggested that sending a letter of endorsement was moving TRPA into a political quagmire. It was more appropriate for TRPA to stay out of issues like these. In the future he would prefer to see a draft of the letter prior to a request for Board action. He concurred with Dr. Miner’s view and would not support the proposal.

Mr. Severson explained that he would be happy to have TRPA not deal with the tax issue but rather simply endorse the projects as they related to the Goals and Policies. The Supervisors would like to know that not only was the plan consistent with the Basin plan but would assist in meeting TRPA’s goals and objectives. The County needed to know this as soon as possible.

Mr. Baetge explained that staff could draft a letter for the Chairman’s signature that supported certain elements of the plan while noting that the funding mechanism was not within TRPA’s control.

Mr. Upton urged the Board to honor Mr. Severson’s request to give the County an indication of TRPA’s support for the projects, not necessarily the funding or funding mechanism.

MOTION by Mr. DeLanyo to authorize the Chairman to sign a letter of support as described by the Chairman. The motion carried with Mr. Waldie voting in opposition to the motion.
Chairman Upton adjourned the RTPA and reconvened the TRPA Board. He noted that the next item was a joint Governing Board and Advisory Planning Commission (APC) hearing on the South Tahoe Public Utility District Future Facilities Connection Plan EIR/EIS.

VII. PUBLIC HEARING AND ADOPTION OF ORDINANCES, RESOLUTIONS, AND PLANS

A. Joint Governing Board and Advisory Planning Commission Public Hearing on the South Tahoe Public Utility District (STPUD) Future Facilities Connection Plan Final EIR/EIS

1. APC Recommendation on Finding of Technical Adequacy on Final EIR/EIS

2. Governing Board Certification of Final EIR/EIS

Mr. Rick Angelocci, Chief of the Project Review Division, presented a summary of the events leading up to the hearing, thanked all involved for the many hours of document preparation and review, and described the requested action on the environmental document, the facilities plan, and the release of allocations. The APC conducted a public hearing earlier this month and continued action to this joint hearing with the Governing Board. TRPA circulated the draft EIR/EIS in late January; the public comment period ran through March 20; and the final EIR/EIS contained the response to comments.

Chairman Upton commented on the unusual situation of having the APC meet along with the Governing Board and thanked the APC members for being present at the continued hearing on this very important issue.

Mr. Duane Wallace, Chairman of the STPUD Board, introduced members of the STPUD Board and the STPUD’s consultants and presented an overview of the document, the plant’s capacity, mitigation, and the District’s ability to handle flows under all conditions. Although paper capacity showed the District at 7.7 mgd (million gallons per day), the highest dry weather flow was 6.5 mgd, an error of over 1.2 mgd per day. A 1993 report from Montgomery/Watson rated the plant at 8.7 mgd, 1 million gallons over the paper ceiling and 2 million gallons over any experienced dry-day flows. Mr. Wallace presented detailed information on the District’s role in transportation programs and partnerships, the facilities plan proposal, collection system and plant improvements, and solutions to address previous spill occurrences. He explained that, if all the connections today were recognized and all houses were built, there would only be a 7 percent increase to the flows, less than 1 percent a year. The facility plan played a major part in providing the needed economic strength to insure a strong system of protection for the Lake.

Representatives from the District presented a video and slides describing the District’s existing facilities and operations, the proposed facilities plan and collection and export system. Staff engineer John Taal described in detail the collection and export systems, the alternatives, and past, present and future improvements. Consulting engineer Charlie Joyce, with Montgomery/Watson, discussed storm events, peak flows, spills and leaks, and spill prevention.
Board Chairman John Upton opened the Board hearing, and APC Chairman Joe Thompson opened the APC hearing on the environmental document.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, suggested the document was legally inadequate and described District problems with previous sewage spills, failure to meet earlier commitments for improvements dating back several years, and leaks from the deteriorating A-line. New problems related to the collection system, recent spills to Lake Tahoe, the inadequacy of the document and proposed mitigation based on NEPA requirements (a handout was distributed), and deterioration and spill problems with the B-line. Ms. Nason presented specific information on the inadequacies and mitigation measures and responded to APC member questions on the B-line spills, mitigation measures, past agreements between the League, California Department of Justice, and STPUD. TRPA would have a stronger position to find the document adequate if it modified the project, as permitted by the compact, such that its impacts became less than significant. This could be done by modifying the project to serve approved sewer connections and development during the current year. STPUD should bring the document back with an adequate mitigation program, including a measure to take care of the connections problem and a mitigation program that demonstrated what would happen with the B-line. Information was needed on how the B-line would be paid for, when it would be constructed, what sources were available for repairs. The League would not object to this alternative. Ms. Nason responded to APC and Board member questions about the League’s position, past agreements, different strategies used in Washington to obtain funding for improvements, the League’s recommendation not to select one of the EIS alternatives but rather an alternative permitting the development contemplated in the current building season. The District should update TRPA in November on successful completion of the emergency backup project and mitigation measures for the Al Tahoe pump station, the collection system, the B-line, and the A-line. The League would not object to a plan that served all of the building that was currently planned for this season but would require further descriptions of the proposed mitigation measures and progress on mitigation of old problems.

Mr. Duane Wallace responded to Ms. Nason’s comments about previous requests for federal funding and the status of plant capacity and maintenance standards.

Mr. Harold Singer, Executive Officer with the Lahontan Regional Water Quality Control Board, explained the APC and Board consideration today was focused on the capability of the plant to handle increased flows, not an authorization of the increased flows. This would come after the Board’s environmental thresholds evaluation in 1996. Mr. Singer addressed Lahontan’s role in water quality regulation and noted Lahontan had previously limited flows at the plant. Although Lahontan recognized the 7.7 mgd capacity of the plant in prior permits, it had limited flows to the plant at something less. The Regional Board in June would consider allowing an increase in flow up to the 7.7 mgd; he would be recommending approval of that permit. The question today was whether STPUD had the capability of collecting, treating, and exporting 7.7 mgd. Lahontan had evaluated the plan from a dry- and wet-weather perspective and believed STPUD had the physical capability of collecting, treating, and exporting 7.7 mgd. Although Lahontan had analyzed the physical capabilities of the plant, it recognized that operations were dependent on
maintenance commitments, training, staffing, and STPUD Board and management perspective and attitude. These were changeable and could be adjusted. Lahontan felt TRPA should look at the plant's physical capabilities.

Mr. Singer explained that earlier this year, STPUD had experienced a number of discharges from the system. From the collection system point of view, it was apparent that STPUD's response was less than perfect. Upgraded communications and training were needed and were now being provided. Some portions of the system did need some improvement to give increased response times; STPUD had proposed some of these. He would be asking the Lahontan Regional Board in July to take some action as a result of the spills - mainly in the area of the imposition of civil liabilities and possibly additional operation changes. As far as what was learned from the operations standpoint, it was clear that the emergency retention basins (RRB) worked as designed and that flows were stored while the District fixed the problems. The export facilities did need to be replaced; they were showing deterioration. The Regional Board had recommended that STPUD be in line for loans to help financially with replacement of the export system. He would in October be asking the Regional Board to consider an enforcement order to put the District under a firm time schedule for all tasks necessary to get replacement of the export system. The Regional Board in June would be considering amendment of the waste discharge requirements for STPUD to acknowledge the 7.7 mgd and to remove the existing limitation on use of the facilities. STPUD would be required to come back to Lahontan with a future plan for potential need-of-service beyond 7.7 mgd, and he would like to see STPUD five years in advance of the need to prepare for what would need to be done to provide additional service - if thresholds were met and TRPA would allow additional growth. From a technical perspective STPUD had identified and acknowledged problems and a direction where it would go. Lahontan had sufficient authority to require implementation of corrective measures. He would be recommending a compliance schedule for STPUD. Although Lahontan felt the document was technically adequate for 7.7 mgd, Lahontan would not comment on whether it was legally adequate.

(APC member McCurry left the meeting at 12:25 p.m.)

Since there were no more public comments, APC Chairman Joe Thompson closed the APC's public hearing and asked for APC discussion.

Mr. Dodds questioned whether the environmental document was legally bulletproof and could withstand legal challenge.

TRPA Legal Counsel R. J. Nicolle noted that legal staff had reviewed the document and determined it was legally adequate. There were always items through which people could punch holes, and she would have no objection if the Board or APC wished to approve a partial certification for one or two building seasons to further bulletproof the document.

Mr. Dale Sare, general counsel for STPUD, commented on the concern with the 10-year time period needed to get the export pipeline and requested the action proceed on the document as written. He felt it was legally defensible and technically adequate.
Mr. Dick Mudgett, APC lay member from Washoe County, recommended approval of the EIR/EIS with a caveat that a second surge reservoir retention basin be the highest priority. He commented on the potential for equipment problems with the export pipeline failure and suggested the only way to achieve absolute protection was to have surge protection capability.

MOTION by Mr. Mudgett that the APC approve technical adequacy for the STPUD Future Facilities Connection Plan Final EIR/EIS with the addition of the highest priority on construction being a second surge reservoir. Second by Ms. Jamin.

Ms. Jamin asked for comment on Mr. Mudgett's suggestion regarding surge protection.

Mr. Angelocci explained that, in light of what happened in 1986, STPUD was to pursue and construct an additional emergency retention basin (ERB). Lahontan, TRPA staff, STPUD staff, the League and the Department of Justice agreed that in lieu of this basin, however, STPUD would pursue the emergency power alternative as being a more environmentally sensitive alternative.

Mr. Jack Burnum, with Carollo Engineers, expressed concern with a surge protection ERB. This was not the way to handle surge. In both cases of the A and B lines there were surge protection systems in place.

Mr. Mudgett explained that his concern was perhaps not with the line surge but rather with the ability for emergency storage.

Mr. Burnum explained that STPUD pursued emergency power instead of emergency storage because of the greater ability to accommodate flows beyond the 1986 flows and the increased ability to pump from the treatment plant to the existing ERB. The 1986 problems occurred because there was 18.5 mgd coming into the plant and an emergency pumping system that could accommodate 10.25 mgd to the ERB. The problem was compounded with a five-day power outage. As a result, STPUD increased the capacity of the emergency pumping system to the retention basin to accommodate all possible inflow.

Ms. Jamin withdrew her second based on the explanation and asked to amend the motion to recommend to the Board that the EIR/EIS be found technically adequate on the basis of the safeguards in both the physical plant and the regulatory system as presented by Lahontan.

Mr. Mudgett advised he would not accept Ms. Jamin's amendments to his motion.

Mr. Mudgett's motion died for lack of a second.

MOTION by Mr. Haen that the APC recommend the technical adequacy of the final EIR/EIS as presented. Second by Ms. Baldrica but with an amendment that would provide for a compliance schedule.

In explaining her second and her amendment, Ms. Baldrica concurred with technical adequacy but expressed concern with completion of some of the tasks
over the long term. She knew TRPA had some decision-making ability regarding allocations to be issued each year, but her comfort level would be increased with a compliance schedule included. This schedule could be negotiated over the course of the building season.

Mr. Haen advised he would not accept the second with the amendment proposed by Ms. Baldrica.

Ms. Baldrica withdrew her second of Mr. Haen’s motion.

Ms. Jamin seconded Mr. Haen’s motion to find technical adequacy of the document as presented. The motion carried with Ms. Baldrica and Mr. Mudgett voting in opposition. (Members voting in favor: Jepsen, Hust, Hansen, Barham, Marlow, Dodds, Caterino, Haen, Combs, Jamin, Thompson)

Ms. Baldrica explained she had opposed the motion because, although the document was technically adequate, given the delays in getting things on board in the past she wished to see some sort of schedule for completion of the tasks outlined. She recognized there were often funding problems, but she would like to see a commitment.

Mr. Mudgett explained he had opposed the motion because, although the document was technically adequate and there was no 100 percent guarantee on the operating plant, without the reserve storage capability to guarantee no sewage into the Lake he could not vote for the document.

APC Chairman Joe Thompson adjourned the APC meeting at 12:50 p.m.

Board Chairman Upton again thanked the APC for its attendance at the hearing and recessed the Board meeting for a lunch break until 2:15 p.m.

The Board meeting reconvened at 2:15 p.m. with the Board’s consideration of the environmental document and responses to the morning’s comments.

Mr. Bill Ziebron, with BIP Associates, primary authors of the EIR/WIS, commented the document was prepared in accordance with CEQA and TRPA code and regulations. NEPA, per se, did not apply. CEQA and TRPA’s standards were much more rigorous than NEPA. Mr. Ziebron presented information on the document’s discussion on water quality, spills, the adequacy of mitigation improvements and alternatives under the law.

The Board members, STFUD General Manager Bob Baer, and Mr. Sare discussed improvements to be accomplished in 1995, maintenance and financial commitments, plans for replacement of portions of the A-line, the past history of commitments, deferred maintenance, routing of the A-line, the environmental sensitivity of the document, and leverage to get increased mitigation.

Mr. Sare noted that TRPA had the authority to stop the STFUD at any point in time from serving new connections if it found the line was not safe or there were spills. Lahontan had the same authority and had used it in the past. If STFUD did not follow through on the documents, Lahontan could simply issue a cease and desist order and STFUD would not hook up anything new. STFUD could
report to TRPA on a semi-annual or monthly basis, if desired, on the progress of improvements.

The Board members discussed the method for measurement of plant capacity (sewer units v. flows) and a conditional certification that would allow the District to go forward for this building season based on implementation of identified mitigation measures to be accomplished in accordance with Lahontan compliance schedules. The Board members noted that this schedule would tie in closely with the 1996 evaluation and TRPA’s assessment of future building potential.

Mr. Sare concurred with a conditional certification but asked that STFUD not have to come back with a new environmental document next year.

Ms. Nicolle advised the Board it could certify a document for a limited project or for a narrower project than what was being brought forth here, but there was no such thing as a conditional certification.

Mr. Sare suggested the Board appeared to want to certify technical adequacy but also wanted to roll in Lahontan requirements that would be forthcoming and to include in the action some other reassurance that mitigation would go forward.

The Board members discussed the relationship of the document to the project and the adequacy of the document without having the mitigation measures in place.

Ms. Nicolle recommended that if the Board were going to approve a building season that it consider doing so for two years instead of one year. There also was a possibility that the Board could certify the EIS and approve a phased or partial project. Or the Board could approve a limited portion of the EIS for the limited project. If there were problems with the project, the Board could revoke the permit or not issue the next phase of the permit.

Ms. Nason suggested there did not appear to be a problem with document certification and approval of a one- to two-year permit under that documentation. A year or two years from now when considering the remaining eight- or nine-year period, the Board would need to determine whether the EIS was adequate for that period as well. Any inadequacies that appeared at that time or failure to abide by the mitigation schedule would render the document invalid.

Since there were no more comments from the public, Chairman Upton closed the hearing on the environmental document.

Ms. Nicolle noted the several criticisms concerning mitigation measures in the EIS; and pursuant to her meeting with the STFUD to tighten up the measures, she requested Mitigation Measure 4.3-2(b) be modified to read, "The District shall modify the current B-Line surge relief system as recommended by its consultants, John-Carelle-Engineers-and-Flow-Science—by the reconfiguration of the single relief valves and installation of a pressurized surge tank similar to that on the A-Line." Mitigation Measure 4.3-2(c) (Al Tahoe Pump Station) should be modified to read, in part, "A consultant has been hired to
study improvements to increase the reliability of the pump station. Several options will be evaluated. STFUD shall do one of the following: 4) Locking out the upstream pump station to use system storage already available; 5) Combination of the above."

Mr. Waldie asked if the EIS needed to be amended to incorporate these changes prior to certification.

Mr. Angelocci suggested that the appropriate action was for the Board to consider certification of the final EIR/EIS as amended, pursuant to the mitigation measures as read by Agency Counsel.

MOTION by Mr. Wynn to certify the final EIR/EIS for the STFUD Future Facilities Connection Plan as amended by Agency Counsel, finding that it was in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code and Article VI of the Rules of Procedure. The motion carried unanimously.

B. South Tahoe Public Utility District, Future Facilities Connection Plan

Chairman Upton opened the public hearing.

Ms. Nason, for the League to Save Lake Tahoe, commented on the March spills from the A-line and the B-line and spills of raw sewage from the collection system at several locations. Fortunately the ERB was able to store the material. The promise STFUD made in 1989 was that it would construct a new ERB; this was not done. What was being done now pursuant to an agreement was that additional emergency power was being added to the system. The mitigation to assure that there was not a spill from the ERB was five years overdue, and the significant slippage was of concern to the League. There was also slippage on repairs to the A-line to relocate it from the SEZ to a more suitable location. The League would not object to selection of an option that would permit one or two building seasons so that sewerage could be provided to already approved development. Sewerage should not go on beyond that date until TRPA had done the threshold review to decide on the amount of approved development, along with follow-up on the mitigation measures proposed today. Ms. Nason responded to Board member questions about previous agreements and earlier mitigation commitments.

Mr. Sare clarified his understanding that STFUD in two years would be coming back to review its performance under the document and not to add, subtract, or amend the document. STFUD wanted to come back for a review of its performance in two years - not to have to prepare another costly study.

Chairman Upton concurred with Mr. Sare's understanding.

Ms. Nason suggested that if STFUD had completed its mitigation measures in a timely fashion and they were demonstrated to have worked the League would not object to the adequacy of the environmental document with respect to those primary impacts for this project. The League reserved the right in two years to comment on failures, deficiencies, or changed circumstances and failure to address secondary impacts not dealt with in the 1996 threshold evaluation.
Since no one else wished to comment, Chairman Upton closed the hearing.

Mr. Angelocci summarized the required findings for approval of Alternative 3 of the Final EIR/EIS (Alternative 5 of the Montgomery Watson Future Facilities Plan) (as set forth in the May 24, 1995, memo distributed to the Board).

MOTION by Mr. Cole to make the findings outlined in the May 24, 1995, memo for approval of Alternative 3 of the Final EIR/EIS. The motion carried unanimously.

The Board recessed briefly and upon reconvening went on to other agenda items to give staff time to draft a motion for the Board's consideration relative to approval of the facilities connection plan.

VIII. PROJECT REVIEW

B. Fallen Leaf Community Service District, New Fire Station, Special Use Determination, El Dorado County APN 21-410-11

Senior Planner Lyn Barnett distributed letters in favor and in opposition to the project and presented the staff's report for the proposal to construct a new two-story fire station. There was considerable local controversy on the location of the station, and the Environmental Assessment focused on four alternative sites. Staff recommended approval with condition II. (2) (a) (xiv) modified to read, "The site plan shall include: location of 100-year flood plain boundary as verified by licensed surveyor (if applicable)." The project was likely not in the flood plain, but this could not be verified over the winter months. Lahontan had requested additional information on location of the flood plain, and this area of the Basin had not been mapped by USGS.

Mr. Chris Sauer, fire chief of the Fallen Leaf Lake Community Services District Volunteer Fire Department, commented on the need for the fire station to protect the District's equipment, for training space for fire fighters, and the need for preparedness in the affected area. Mr. Sauer responded to Board member questions.

Mr. Waldie suggested there should be an MOU with El Dorado County so that these kinds of projects could be processed at the local level.

MOTION by Ms. Bennett to make the findings required to approve the fire station. The motion carried unanimously.

MOTION by Ms. Bennett to approve the project as proposed. The motion carried unanimously.

XI. ADMINISTRATIVE MATTER

C. Appointment of Governing Board Member to Legal Committee

Mr. Upton advised that Mr. Peter Chase Naumann, the Presidential appointee to the Board, had requested appointment in a nonvoting capacity to the Legal Committee.
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MOTION by Mr. Westergard to approve Mr. Neumann's appointment as a nonvoting member of the Legal Committee. The motion carried unanimously.

X. PLANNING MATTERS

B. Status of the Areawide Drainage Project for the Stateline Douglas County Community Plan

Senior Planner Carl Hasty advised that staff had met with the consultant Gary Midkiff and Douglas County to review in concept the plans for the drainage system. Staff had submitted a commenting letter back to the affected parties and was awaiting a response at this time.

Mr. Midkiff described the status of the preliminary engineering drawings proposed by the eight parties (Douglas County, NDOT, Caesars, First National Bank, Horizon, Park Cattle Company, Harrah's and Horizon). Staff's comments were now being reviewed by the engineers who designed the areawide system, and he would be meeting with staff in the next two weeks to discuss the environmental documentation preparation process. Mr. Midkiff discussed issues regarding prevailing wage statutes, concerns of Douglas County and NDOT regarding assessment districts, and the status of current and proposed improvements at the various casino properties. There likely would be a single NPDES permit issued for the entire areawide system and one point of discharge off Edgewood - after all properties had done their own on-site treatment.

The Board took no action.

XI. ADMINISTRATIVE MATTERS (continued)

A. Receipt of Resolutions Passed by the Nevada Legislature and Signed by the Governor of Nevada

Public Information Coordinator Pam Drum summarized the recent resolutions from the Nevada Legislature and requested their acceptance as forwarded by the Chief Clerk of the Nevada Assembly. The resolutions were the product of the Nevada Legislative Commission's Committee to Continue the Review of TRPA (the Oversight, or Interim Committee). The 22 recommendations from the committee were carried forward in the form of five bills, 13 resolutions, 1 letter to the former TRPA Chairman, and 1 letter to the chairs of the Senate Finance and Assembly Ways and Means Committees. The packet material included AJR 2, 3, 4, 5, 6, and 10, and ACR 4 and 5. Other resolutions were signed by the Governor which did not specifically request copies sent to the Board. Ms. Drum commented specifically on AB 13, the bill to authorize a $20 million general obligation bond act on the 1996 ballot.

Mr. DeLancy asked that staff send the Nevada Board members a list of the Nevada Senate Finance Committee membership.

Ms. Drum summarized AB 202, a bill to amend the Tahoe Regional Planning Compact by changing the makeup of the Governing Board on the Nevada side. This bill was recently amended and passed out of the Assembly Government Affairs Committee. The amendment would provide for removal of the Secretary of State's position from the Board to be replaced by an elected position. She
understood that the future of this bill was bleak. Ms. Drum explained that TRPA did take these resolutions very seriously, and she asked for Board member comments. It was important that the Board members be aware of the Legislature’s concerns and how the Agency was responding to the direction.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Report on Committee Meeting - Chairman Kay Bennett reported on the committee meeting.

2. Receipt of April Financial Statement and Check Register

MOTION by Ms. Bennett to receive the financial statement and check register as recommended by the Committee. The motion carried unanimously.

3. Policy on Release of Water Quality Mitigation Funds for Paving of Roads

Mr. Steve Bradhurst advised the Board of a request by a Mr. Terry Daily to use Washoe County mitigation funds to pave Amagosa Road adjacent to his parcel in Incline. The fire district required paving of the road prior to construction of a home. This road was one of only two in the Tahoe portion of the County that were unpaved. Washoe County had agreed to take responsibility for the substandard road, to pave it, and to provide for drainage and snow removal and was asking TRPA to release water quality funds for the paving in this high priority watershed. Paving of roads was a priority BMP and water quality improvement. The Forest Service had also asked the County to take responsibility for a parcel across which the drainage for the subject road parcel would cross, as well as for seven other parcels containing drainage facilities in Incline Village. The County had agreed to this. TRPA did not have a prohibition on use of water quality mitigation funds for this activity. The matter before the Board was a policy decision on use of the funds for paving a road. The project contained many beneficial water quality improvements consistent with the TRPA Code.

Mr. Wynn noted that the Finance Committee discussed this request at its earlier meeting and determined that paving the road was a fitting and proper use of the money but also wanted to make sure that it would not open the door legally and set a precedent for property owners to come in and sue TRPA retroactively because mitigation funds were not available to them. The Committee felt that future requests for road paving should be taken up on a case-by-case basis and that care and maintenance of these paved road would be taken on by the appropriate local entity. In this particular case there were seven property owners on the street.

Mr. Severson suggested that the cost in Placer County to upgrade and maintain the many roads in the same unpaved condition far exceeded the amount of Placer County's mitigation funds. He would have a difficult time in Placer County approving a similar request and would prefer that the roads be maintained by homeowner groups.
Mr. Waldie suggested that, in the event the Board approved the policy as discussed, maintenance should be done by a public entity and public access should be unlimited.

Mr. Wynn suggested that the Board consider a policy that would provide that the mitigation funds could be used for this purpose if the road had unlimited public access, that there be some responsible viable entity that assumed responsibility prior to release of funds, and that it be on a case-by-case review basis.

Senior Planner Carl Hasty noted that this particular road in Washoe County if paved using the County's funds would have BMP and drainage improvements. The question for the Board was the policy in general and what the criteria would be for cost-sharing. The specific request for funds to pave Amagosa Road would be coming back to the Board in June.

Committee Chairman Kay Bennett noted that the Committee had also favored some form of cost sharing.

Chairman Upton suggested that staff had the basic parameters for a policy and should present a policy statement and the specific request next month for the Board's consideration.

Mr. Bradhurst questioned why staff had to get involved in the release of county funds if the county wished to use them for improvements which were in line with the Agency's priorities.

Mr. Baetge noted that expenditure of any mitigation monies involved policy questions. If all the counties wished to use the funds to pave roads, that involved a considerable amount of money. It was really a Board policy issue, not a staff determination. The policy guidance in this discussion was helpful, but he would prefer to have something in writing.

Chairman Upton suggested the decisions would be made on a case-by-case basis and would depend, in part, on the watershed.

Mr. Hasty explained that every request for release of mitigation funds came to the Board. Once TRPA/local jurisdiction MOUs listing eligible projects were prepared and in place, the funds could be released at staff level. He was not sure if the MOU with Washoe County had been signed.

Mr. Sevison suggested it would be helpful for each jurisdiction to have a list of roads that fell into this category.

VII. PUBLIC HEARING AND ADOPTION OF ORDINANCES AND PLANS

B. South Tahoe Public Utility District, Future Facilities Connection Plan (continued)

Chairman Upton read the draft motion prepared by Agency Legal Counsel, STPUD, TRPA staff, and the League, as follows: "A motion to approve, through the November 1996 meeting of the Governing Board of the Tahoe Regional Planning Agency, Alternative 3 of the final EIR/EIS to the extent necessary to serve
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development approved during that period, subject to the following: 1) All mitigation measures identified in the final EIR/EIS, as amended, are hereby incorporated as conditions of approval; 2) Any approval to continue the implementation of Alternative 3 beyond the November 1996 meeting of the Governing Board shall be expressly conditioned upon STPUD’s demonstrated compliance with all scheduled mitigation measures in the EIR/EIS; 3) The provisions of Section 6.15(a) of the TRPA Rules of Procedure shall apply to the requirement for any additional environmental documentation.”

Ms. Nicolle explained that Section 6.15 contained the provision dealing with supplements or addenda to EIS documents. If additional environmental documentation were needed, an EIS supplement would be the way to accomplish it, not a new EIS.

Ms. Nason, for the League to Save Lake Tahoe, expressed support for the motion as read.

Agency Special Projects Attorney Susan Scholley asked for clarification regarding the impact of the motion on the 116 1996 residential allocations in the STPUD area that would be released in January of 1996. The deadline for filing applications would not be until December 31, 1996. She did not think it was the motion’s intent by referencing November 1996 to cut off the approval of those already released allocations for 1996. She asked for clarification that the action would specifically not stop approval of these allocations.

Ms. Nason, for the League, concurred with Ms. Scholley’s remarks that it was not the League’s intent to cause such allocations that were issued to become ineligible for sewer connections.

MOTION by Mr. DeLaney to approve the motion for the STPUD future facilities connection plan as read by Chairman Upton. The motion carried unanimously.

Ms. Nicolle noted that in the event in 1996 that all required mitigation had not been implemented STPUD was not authorized to continue the program and would have to demonstrate compliance. There would be no allocations for building season 1997 in the STPUD service area. It would not negate the validity of the EIR/EIS.

X. PLANNING MATTERS

A. Authorization to Release City of South Lake Tahoe and El Dorado County Residential Allocations Based on Future Connections Plan in the South Tahoe Public Utility District Service Area

Agency Special Projects Attorney Susan Scholley noted that, because Lahontan had not acted yet on the facilities plan, she recommended a partial release (71) of the 1995 allocations, with the remainder being released after Lahontan’s release of the sewer unit limitation. Staff had an oral discussion with STPUD staff and suggested 74 allocations on a conversion factor of 3 sewer units per residence. All the existing environmental documents had used 3.2, and that was the figure that was used, bringing the allocations to 71. Staff would release the remaining allocations hopefully in June once it
confirmed that Lahontan had approved the future facilities connection plan.

MOTION by Mr. Cole to make the findings for release of the 1995 building allocations as described. The motion carried unanimously.

MOTION by Mr. Cole to authorize release of the 116 residential allocations on a phased basis as discussed. The motion carried unanimously.

(Mr. Wynn left the meeting at 5:00 p.m.)

C. Draft EIR/EIS for the South Tahoe Public Utility District A-Line Pipeline Relocation Project

Mr. Rick Angelocci, Chief of the Project Review Division, introduced the document related to relocation of the A-line from the SSZ and noted the comment period would run through June 7. The purpose of this hearing was to take testimony on the draft EIS.

Using an overhead projector, Mr. Richard Solberg, Assistant Manager for the STPUD, presented a brief history of the A-line as a part of the export system, the current line location, the evaluated alternatives, and the proposed relocation route.

Mr. Rob Bruesch, with Harland, Bartholomew and Associates, the firm that prepared the environmental document, presented a summary of the studies done to determine the impacts of the various alternatives and the mitigation measures. The preferred alternative would be identified by STPUD after receipt of all comments.

Ms. Bennett reminded STPUD of the concern in the earlier discussion regarding ease of access for maintenance of the line.

There were no public comments or questions during the public hearing.

Chairman Upton closed the hearing.

D. Draft EIR/EIS for Heavenly Master Plan

Senior Planner Andrew Strain explained that the intent of the day's presentation was to brief the Board on the master plan and to seek input from the Board and the public. This was the first master plan prepared under the adopted ski area master plan guidelines adopted in 1990. The review period begun in April would be extended to July 5, 1995; the final EIR/EIS would contain the responses. The document was a joint EIR/EIS to meet the requirements of three lead agencies: El Dorado County (CEQA), TRPA (Tahoe Basin), and Forest Service (NEPA). The document contained four alternatives, all with different levels of expansion. The APC conducted a hearing on this two weeks ago.

(Mr. Bradhurst left the meeting at 5:25 p.m.)

Using a slide projector, Mr. Dennis Harmon, President of Heavenly Resort, discussed the master plan itself, the proposed facilities, Cumulative
Watershed Effects work, and the coordinated transit system. Mr. Anders Hauge, of Harland, Bartholomew and Associates, the firm that prepared the environmental document, described the results of the surveys done on the site (wildlife, fisheries, cultural, traffic, air quality and noise), the impacts and mitigation. The Board members discussed the document and asked questions of the proponents.

Chairman Upton noted there would be additional opportunities for public comment on the document. Since there were no other comments, he closed the hearing.

(Dr. Miner left the meeting at 6:05 p.m.)

Agency Counsel R. J. Nicolle noted that Stan Hansen, an APC member and Heavenly employee, was in the audience but had not participated in the discussion.

XIII. REPORTS

A. Executive Director

3. Report on Status of Ozonation Facility in Glenbrook

Executive Director Jim Baetge distributed photographs of the alternative ozonation facility sites in Glenbrook. These included photos of the original site, the meadow or Rodeo Ground site, and the shoresone site. Two alternative sites were currently being analyzed, and he had distributed a letter to the Board members earlier in the day on the status of the discussions. He was waiting to hear from the Water Cooperative on the next step in the review process.

Mr. Gary Midkiff, consultant for the Water Cooperative, explained that at the Board’s earlier direction the Cooperative had been studying the various alternatives. He summarized the discussions that had taken place since the earlier Board meeting and presented information on the various sites.

Mr. Baetge suggested that this item was on the agenda as part of his report and the level of detail being provided by Mr. Midkiff regarding the alternative sites was not appropriate at this point.

Chairman Upton thanked Mr. Midkiff for his information and expressed pleasure that the situation was being worked out.

B. Agency Counsel Monthly Status Report

Ms. Nicolle and Ms. Scholley updated the Board on the status of the Schumacher Hellman, and TSPC cases.

Ms. Scholley advised the Board that she would be on vacation in June and would not be at the meeting.
C. Governing Board Members

Ms. Bennett advised the Board that she had been working with the Forest Service and friends and family of former Agency Counsel Gary Owen for a site at Secret Harbor to place a memorial to Gary. The Nevada Assembly and Senate approved a resolution memorializing Gary last Friday, May 19.

Ms. Bennett reported on an upcoming workshop of all stakeholders to discuss preparation of a grant for scenic byway master plan funds for Highway 28.

Mr. Cole asked for clarification on ground coverage and square footage regulations as they related to ADA (Americans With Disabilities Act) requirements. TRPA should be sensitive to the requirements in reviewing projects and to address possible conflicts.

Deputy Director Jerry Wells explained that the Code contained provisions to grant transfers of land coverage for handicapped access and public safety; he would look further into the regulations. Mr. Baetge urged those concerned to contact the staff.

Mr. Upton commented on opportunities in the Cascade Watershed to bring good things together in one effort. A water company in the area was having serious problems with supply and distribution lines and needed to put something together to avoid having individual users each drill their own well. There was also a need to pave the roads and to implement erosion control projects. A potential land trade between the Forest Service and State Parks could also make a bike trail possible. Many good things could come together here and he would like to see the process formalized in some way.

Mr. Waldie commended R.J. Nicolle and Susan Scholley for their drafting assistance on the STPUD motions.

XIV. ADJOURNMENT - The meeting adjourned at 6:30 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 the TRPA office for an appointment at (702) 588-4547. In addition, written documents submitted at the meeting are available for review at TRPA, 308 Dorla Court, Zephyr Cove, Nevada.

Approved as presented 6/28/95.