

TAHOE REGIONAL PLANNING AGENCY
LEGAL COMMITTEE

Zoom

April 27, 2022

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Bruce called the meeting to order at 8:30 a.m. on April 27, 2022.

Members present: Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates, Mr. Bruce.

Members absent: None.

I. APPROVAL OF AGENDA

Mr. Marshall stated no changes to the agenda.

Mr. Bruce deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Mr. Bruce asks for approval of minutes from the March 23, 2022 Legal Committee meeting. Mr. Yeates makes the motion to approve the minutes.

Motion carried by voice vote.

III. RESOLUTION OF ENFORCEMENT ACTION: SHAN WOOLDRIDGE, SPECIALTY BOAT RENTALS LLC, UNAUTHORIZED MOORING OF A WATERCRAFT RENTAL CONCESSION IN LAKE TAHOE

Mr. Sweet made the presentation for TRPA staff. On both May 28, 2021, and June 4, 2021, TRPA Watercraft Team identified a watercraft owned and operated by Wooldridge being anchored in front of the Regan Beach area.

A corrective action was attached to the watercraft on both days requiring the owner to remove the boat from the Lake immediately and contact TRPA.

On June 4, 2021, TRPA staff discussed this issue with Wooldridge during a phone conversation. During the conversation, Wooldridge stated that he now understood the rules and agreed to remove his watercraft from the Lake.

TRPA watercraft staff also later confirmed that an additional two watercraft that had been issued corrective actions, were also owned and operated by Wooldridge but were still registered to other owners during the time of initial enforcement. These watercraft were issued corrective actions on the watercraft on May, 28, 2021, June 4, 2021, and June 16, 2021.

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After additional inspections of the area, the 3 watercraft owned and operated by Wooldridge were not removed upon receipt of TRPA's Cease and Desist notices or after discussions with Wooldridge.

The unauthorized mooring in Lake Tahoe by Wooldridge's commercial operation occurred in violation of three separate shorezone code sections:

- TRPA Code Section 82.3.1 - An activity which is not specifically exempt (pursuant to Section 82.4), qualified exempt (pursuant to Section 82.5), or a continuation of an existing use (pursuant to Section 81.6), is subject to TRPA review and approval.
- TRPA Code Section 84.10.1.A - Watercraft which remain in the shorezone or lakezone overnight shall be moored to legally existing buoys, boatlifts, boat slips, or other legally existing watercraft storage facilities.
- TRPA Code Section 84.10.2.C.4.a - Concessions shall moor on legally permitted mooring structures

TRPA made several attempts to work with Wooldridge to resolve the unauthorized mooring in Lake Tahoe including the issuance of a Notice of Violation and scheduling a show cause hearing for December 15, 2021.

TRPA received no response and therefore filed a protective Complaint for Civil Penalties and Injunctive Relief in the U.S. District Court for the Eastern District of California on December 6, 2021.

After being served with the complaint on March 27, 2022, Wooldridge contacted and met with TRPA to discuss resolution without moving forward into litigation.

Wooldridge made these decisions with clear knowledge of TRPA rules and regulations and persisted in this unauthorized activity after receiving corrective actions to remove the watercraft.

In the interest of reaching an amicable resolution, Wooldridge has agreed to the Settlement Agreement in which Wooldridge

- Shall pay a penalty of \$30,000 to TRPA pursuant to a payment schedule over the next year; and
- has agreed to follow all TRPA regulations in the future.

Upon approval of this Settlement Agreement and payment of the \$30,000, TRPA agrees to dismiss this case in the District Court.

Staff is recommending that the Governing Board approve the proposed settlement agreement.

Committee Comments & Questions

Ms. Novasel asks how staff arrived at the \$30,000 fine?

Mr. Sweet responds that it was based on the 3 boats and working with Mr. Wooldridge on a settlement in order to not go through further litigation.

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Ms. Novasel asks for clarification that the fine is \$10,000 per boat if it's based on the 3 boats?

Mr. Sweet affirms and states that it's based on past, similar violations, such as the resolution with Action Watersports in Incline wherein they paid \$30,000 to TRPA since it was their first violation for a similar activity.

Mr. Marshall adds that it's not exactly the same calculation we've done for other violations such as for trees that are typically \$5,000 per. It also depends on how long they're in the lake, etc. We also took into account ability to pay that Mr. Wooldridge may want to comment on. What we don't want to do is give a price tag for people to go out and drop a buoy for a boat for a full season at \$10,000.

Ms. Novasel states that that was her concern as well.

Mr. Wooldridge addresses the committee and states his regret that the situation has come this far in terms of fines. He admits that he got "bad word of mouth" as far as how serious TRPA would be when he received the red tags on his boats. He states he avoided the red tags and kept doing business as usual. Now that he's in this dark hole he wishes he'd followed TRPA rules. He states that the Legal Committee will not have to see him again unless he's on a TRPA approved buoy or out of Tahoe Keys Marina, on legal moorings.

Public Comment

None.

Final Committee Comments

Ms. Williamson asks staff in light of Mr. Wooldridge's comments if there is a fact sheet or if there could be a fact sheet handed out when people launch boats so that they're aware that significant penalties can attach so people know that TRPA is serious?

Mr. Marshall states that there are some boating cards but that we're really dealing here with a subset of concessionaires who TRPA does not agree that they're unaware that they're in violation of TRPA rules. Admittedly there are limited buoys on the Lake and they would like to be in business and so they choose to take the risk. TRPA is currently involved in two other lawsuits and if Mr. Wooldridge can do anything it would be to spread the word that TRPA is serious about the penalties associated with this.

Mr. Sweet adds that the corrective actions themselves are part of TRPA's education process and had Mr. Wooldridge removed the boats immediately after the first discussion, we probably would have not pursued the penalty.

Mr. Yeates made a motion to recommend approval of the settlement agreement as shown on Attachment A.

Ayes: Ms. Novasel, Mr. Rice, Ms. Williamson, Mr. Yeates, Mr. Bruce.

Motion carried.

Presentation can be found at <https://www.trpa.gov/wp-content/uploads/Legal-Committee-Apr->

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[27-2022.pdf](#)

IV. CLOSED SESSION WITH COUNSEL TO DISCUSS EXISTING AND POTENTIAL LITIGATION

Ms. Novasel makes a motion to move into closed session.

Motion carried by voice vote.

V. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 4

Mr. Marshall states that there is not direction needed.

V. COMMITTEE MEMBER COMMENTS

None.

VI. PUBLIC INTEREST COMMENTS

None.

VII. ADJOURNMENT

Ms. Novasel moved to adjourn.

Meeting adjourned at 9:11 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "K. Huston", with a long horizontal stroke extending to the right.

Katherine Huston
Paralegal

The above meeting was recorded in its entirety. Anyone wishing to listen to the recording may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or virtualmeetinghelp@trpa.gov.