
STAFF REPORT

Date: April 19, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action: Mike Zanetell; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0026

Summary and Staff Recommendation:

Staff recommends that the Governing Board accept the proposed Settlement Agreement (Attachment A) in which Mike Zanetell ("Zanetell") agrees to pay a \$4,000 penalty to TRPA for the launching of a motorized watercraft without the proper inspections at the property located at 1141 Fallen Leaf Road, El Dorado County, California, Assessor's Parcel Number ("APN") 021-251-014 ("Gray Property").

Required Motions:

In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary:

A motion to approve the Settlement Agreement as shown in Attachment A.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background:

In September 2022, TRPA staff responded to a complaint of unauthorized watercraft launching on the Gray Property located on the east shore of Fallen Leaf Lake. During this investigation, TRPA staff discovered that Zanetell had launched his watercraft over the Gray Property without any authorization or AIS inspection. The watercraft remained in Fallen Leaf Lake over the summer of 2022 until removed at the end of the season.

After further investigation and discussion with Zanetell, TRPA staff determined the watercraft was launched on the Gray Property after being denied launching at the Fallen Leaf boat ramp because of an improper seal process. The launching occurred in violation of TRPA Code Section 63.4.1.C (Prohibiting the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee); TRPA Code Section 63.4.2.A (Requiring that all watercraft, Ancillary equipment (e.g. tow vehicle, trailer, etc.) be inspected by TRPA or its designee prior to launching into the waters of the Lake Tahoe region to detect the presence, and prevent the introduction of, aquatic invasive species; and 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.

Zanetell explained that he was concerned about the hot water from a possible decontamination damaging his boat and decided to launch over the Gray Property. Zanetell is a local contractor working on the Gray residence and is familiar with TRPA procedures and ordinances. Zanetell is taking full responsibility for the unauthorized activities and has agreed to a settlement where he will pay a penalty of \$4,000 to TRPA.

Regional Plan Compliance:

The Tahoe Regional Planning Compact Article VI (k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Contact Information:

For questions regarding this agenda item, please contact Steve Sweet, Code Compliance Program Manager, at (775) 589-5250 or ssweet@trpa.gov.

Attachments:

- A. Settlement Agreement

Attachment A

Settlement Agreement

SETTLEMENT AGREEMENT

This Settlement Agreement is made by and between Mike Zanetell (“Zanetell”) and the Tahoe Regional Planning Agency (“TRPA”). This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In September 2022, The Tahoe Regional Planning Agency (TRPA) received information and identified that Zanetell launched watercraft CF 4072 KK at Fallen Leaf Road, El Dorado County, CA, Assessor’s Parcel Number (APN) 021-251-014 (“Gray Property”) without the required boat inspection approval or at an approved launch facility in violation of the following TRPA Code of Ordinances:

1. TRPA Code Section 63.4.1.C prohibits the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee. *All launching of motorized watercraft must occur at an approved launch facility with authorized AIS inspections.*
2. TRPA Code Section 63.4.1.C All watercraft, ancillary equipment (e.g. tow vehicle, trailer, etc.) and seaplanes subject to inspection and/or decontamination pursuant to subparagraphs 63.4.1.C and 63.4.2.B shall be permitted to enter the waters of the Lake Tahoe region only if: (a) the inspection and/or decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and requirements for aquatic invasive species inspection and decontamination, and (b) following inspection and/or decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA’s standards and requirements for aquatic invasive species inspections. TRPA’s standards and requirements are found in the federally approved Lake Tahoe Regional Aquatic Invasive Species Management Plan. *Once your watercraft is removed from Lake Tahoe, the boat must be inspected at an Aquatic Invasive Species Inspection Station to obtain the proper seal attached to the motor and launched at the appropriate launch facility.*
3. 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. *The launching of watercraft or creation of a launching area on the Gray Property requires TRPA review.*

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. Zanetell shall pay TRPA \$4,000 within 30 days of Governing Board approval of this settlement agreement.

2. If Zanetell fails to comply with any of the actions required by this Settlement Agreement, Zanetell confesses to judgment against him and in favor of TRPA in the amount of \$8,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Zanetell also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$8,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided Zanetell with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.
3. Once Zanetell has fully complied with all of the terms herein, TRPA shall release Zanetell of all claims arising out of his failure to follow TRPA procedures during the activities described in this Settlement Agreement.

Zanetell has read this Settlement Agreement and understands all of its terms. Zanetell has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledges that the above-described activities constitute a violation of TRPA regulations. Zanetell agrees to comply with all applicable TRPA requirements in the future.

Signed:

Mike Zanetell

Date

Julie Regan, Executive Director
Tahoe Regional Planning Agency

Date