

**TRPA
GOVERNING BOARD
PACKETS**

**AUGUST
1997**

TRPA REGULAR MEETING MINUTES JULY 23, 1997

Ms. Bresnick asked if TRPA had any role in the setting of age limits for powering motorized watercraft on the Lake.

Ms. Nicolle responded that this was not within TRPA's jurisdiction. Interested members could write their legislators, however.

Ms. Bresnick asked if it was possible to have donation boxes at various places around the Lake for the public to voluntarily contribute to assist with mitigating visitor impacts. Was it worth exploring?

Ms. Nicolle explained that the bistate compact currently prohibited the Tahoe Transportation District (TTD) from charging a fee on entering and leaving the Basin. There was discussion about amending the Compact to allow the TTD to charge a Basin user fee.

Mr. Baetge responded that a professionally done feasibility study prepared in 1974 contained many methods for generating revenue. The report needed to be updated. Out of the Federal Summit, this was one of the elements to be discussed. Should updating occur, the information would be available to answer Ms. Bresnick's inquiry. Then there would need to be public hearings to really start talking about fund raising mechanisms.

Mr. Upton inquired about the method for contacting Board members about their level of participation in the Presidential Summit.


Mr. Baetge responded that the phone calls were being made now.

Mr. Upton updated the Board on his recent meeting in Baltimore at the National Association of Counties meeting and the upcoming ISTEPA authorization. The proposed bill contained a lot of information on eligibility for many programs, from bicycle trail planning to mass transit. The bill would bear a real multi-disciplinary review to see what opportunities may be offered. On another matter, he hoped staff was aware of the potential impact on electronic data processing with the upcoming year 2000.

Mr. Severson advised the Board that he was recently walking along a section of the East Shore and had come across a small bench dedicated to the memory of Gary Owen, TRPA's former legal counsel. It was very impressive, and Kay Bennett should be thanked for it.

XIV. ADJOURNMENT - The meeting adjourned at 3:15 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 documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

C-100 7/11

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, August 27, 1997, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the South Lake Tahoe City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on August 27, 1997, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of year-to-date (July 31, 1997) financial statement and July check register; 3) revisions to FY 96-97 operating budget; 4) report on mitigation fund balances; 5) release of \$150,000 in air quality mitigation funds to Placer County for the 64-acre transit center; 6) resolution allocating FY 1997-98 Local Transportation Funds (LTF) (\$149,352) to El Dorado County for community transit services; 7) resolution allocating FY 1997-98 Local Transportation Funds (LTF) (\$57,688) to the Regional Transportation Planning Agency for administration and planning; and 8) member comments. (Committee: Neft, Heller, Galloway, Bresnick, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on August 27, 1997, commencing at 8:30 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) Pershing, resolution of enforcement, 650 Blitzen, El Dorado County APN 36-611-19; 3) discussion on draft agreement between TRPA and the National Marine Manufacturers Association and personal watercraft concessionaires on process for phase-out of carbureted two-stroke engines; 4) Osherhoff/Lemelson, resolution of enforcement, Washoe County APN 122-100-11; 5) Ferris, resolution of enforcement, 3410 Edgewater, Placer County APNs 93-083-10 and -11; 6) Diekman, resolution of enforcement, 845 Stateline Avenue, South Lake Tahoe, El Dorado County APN 29-010-17; 7) show cause hearing on Executive Director determination to use project security, Tahoe Mariner, litigation settlement, Washoe County APNs 123-055-01, 123-062-01, and 123-071-24; and 8) member comments. (Committee: Miner, Cronk, Sevison, Wynn, Chairman Waldie)

NOTICE IS FURTHER GIVEN that on August 27, 1997, commencing at 12:00 noon during the lunch recess in the same location, the Retirement Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) disbursement of retirement funds to former TRPA employees; and 3) member comments. (Committee: Miner, Sevison, Solt, Baetge, Chairman Neft)

Date: August 15, 1997

By: 

Jerry Wells
Deputy Director

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe, California

August 27, 1997
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

Page
#

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, RTPA, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, RTPA, Appeal, and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 3)
- VII. PROJECT REVIEW
 - A. Elks Point Country Club, Thorne/Achard, Plan Revision to Existing Water Tank Facility, Elks Avenue Common Area, Douglas County APN 05-242-61 221
- VIII. PUBLIC HEARING (*items include action on the findings plus action on related ordinances, resolutions, environmental documents, and/or plans)
 - A. Draft Environmental Improvement Program for the Lake Tahoe Region (No Action) 235
 - B. Certification of the Final EIS for the U.S. Forest Service Lake of the Sky Facility, Placer County* 237
- IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)
 - A. Adoption of Resolution Regarding Unmet Transit Needs for Placer County 239

B. Adoption of Resolution Regarding Unmet Transit Needs for El Dorado County 239

X. PLANNING MATTERS

A. South Y Circulation Report - 11:30 a.m. 245

XI. SHOW CAUSE HEARING

A. Executive Director Determination to Use Project Security, Tahoe Mariner, Litigation Settlement, Washoe County APNs 123-055-01, 123-062-01, and 123-071-24 259

XII. ADMINISTRATIVE MATTERS

A. Appointment of a Nevada and a California Lay Member to the Advisory Planning Commission 275

B. Resolution Dissolving the Capital Financing Committee and Establishing the Environmental Improvement Program Implementation Partnership Committee (EIPIP) 277

XIII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee Report

B. Legal Committee Report

C. Rules Committee Report

D. Shorezone Policy Committee Report

E. Local Government Committee Report

F. Retirement Committee Report

XIV. REPORTS

A. Executive Director Monthly Status Report

1. Status Report on Project Applications 287

2. Notice of Preparation, Lake Tahoe Shorezone Development Cumulative Impact Analysis Draft Environmental Impact Statement 289

3. Status of Implementation of California Performance Audit Recommendations

B. Legal Division Monthly Status Report

C. Governing Board Members

XV. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. Year-to-Date Financial Statement (July 31, 1997) and July Check Register, and Revisions to FY 96-97 Operating Budget	Receipt	
2. Tahoe Keys Beach and Harbor Association, Addition of Boat Slips, Recreation, Venice Drive East; City of South Lake Tahoe, El Dorado County APN 22-210-22	Approval of Findings and Conditions	1
3. Pershing, Resolution of Enforcement, 650 Blitzen, El Dorado County APN 36-611-19	Approval	11
4. Release of \$150,000 Air Quality Mitigation Funds to Placer County for the 64-Acre Transit Center, Tahoe City	Approval	19
5. Resolution Allocating FY 1997-98 Local Transportation Funds (LTF) (\$149,352) to El Dorado County for Community Transit Services	Approval	21
6. Resolution Allocating FY 1997-98 Local Transportation funds (\$57,688) (LTF) to the Regional Transportation Planning Agency for Administration and Planning	Approval	25
7. Safeway, Inc.; Commercial Building Addition and Relocation, 7815 North Lake Boulevard, Kings Beach, Placer County APNs 117-180-08 and -09 and 117-200-46 and -47	Approval of Findings and Conditions	29
8. Tahoe Lake Elementary School, Modular Classroom Addition, 375 Grove Street, Placer County APNs 94-080-01, 94-101-02, -03, and -04	Approval of Findings and Conditions	47
9. Osherhoff/Lemelson, Resolution of Enforcement, Washoe County APN 122-100-11	Approval	57
10. Ferris, Resolution of Enforcement, 3410 Edge-water, Placer County APNs 93-083-10 and -11	Approval	59
11. Diekman, Resolution of Enforcement, 845 State-line Avenue, South Lake Tahoe, El Dorado County APN 29-010-17	Approval of Resolution, Findings, and Conditions	63
12. Sunnyside Resort, Inc., Jesse DeBusschere, New Public Parking Area, Special Use Determination, Placer County APN 084-140-26	Approval of Findings and Conditions	87
13. Mike Alexander, New Commercial Building, Plan Revision/Allocation of Commercial Floor Area, Washoe County APN 127-010-05	Approval of Findings and Conditions	99

14. Nichols, New Commercial Building, 201 and 205 Stateline Boulevard, Placer County APNs 90-304-19 and -20	Approval of Findings and Conditions	111
15. Hornblower Cruises, Waterborne Transit, Temporary Use, Ski Run Marina and Camp Richardson Marina, El Dorado County APNs 27-690-06 and 32-110-01	Approval of Findings and Conditions	125
16. Read, Appeal of IPES Score, Placer County APN 098-102-01	Approval	133
17. Serrett, New Commercial Building, 925 Tahoe Boulevard, Washoe County APN 132-231-06	Approval of Findings and Conditions	147
18. North Shore Foursquare Church Buildings, Commercial/Public Service Change in Operation, Special Use Determination, 918 Northwood Boulevard, Washoe County APN 131-110-02	Approval of Findings and Conditions	165
19. Pacific Bell, New Transmission and Receiving Facility, Special Use Determination, 961 Emerald Bay Road, El Dorado County APN 23-191-21	Approval of Findings and Conditions	183
20. Pacific Bell, New Transmission and Receiving Facility, Special Use Determination, U.S. Highway 50 at Spooner Summit, Douglas County APN 01-010-13	Approval of Findings and Conditions	193
21. Giovacchini/High Meadows Timber Harvest, Substantial Tree Removal, El Dorado County APN 30-161-03	Approval of Findings and Conditions	203
22. Riley, Land Capability Challenge, 187 Tallac Street, Douglas County APN 005-114-15	Approval	213

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GHI office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

July 23, 1997

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Drake DeLanoy called the regular July 23, 1997, meeting of the Governing Board of the Tahoe Regional Planning Agency to order at 9:30 a.m. and led in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Dr. Miner, Mr. Sevison, Ms. Crowell, Mr. Cole, Ms. Bennett, Mr. Perock, Ms. Neft, Mr. Galloway, Mr. Upton, Ms. Bresnick, Mr. Wynn (present at 9:45 a.m. during discussion on consent calendar item #8), Mr. Neumann

Members Absent: Mr. Waldie, Mr. Cronk

Chairman DeLanoy noted that Ms. Pamela Crowell was sitting in for Nevada Secretary of State Dean Heller and Mr. Wayne Perock was sitting in for the Nevada Department of Conservation in Mr. Westergard's absence.

III. PUBLIC INTEREST COMMENTS

Executive Director Jim Baetge asked that Mr. Tom Tuchmann, one of the Presidential Summit organizers, be permitted to speak to the Board on the upcoming event as soon as he arrived at the meeting. He was not yet present.

There were no other public comments.

IV. APPROVAL OF MINUTES

Mr. DeLanoy asked that page 1 of the June 1997 minutes be modified to show that Nevada Senator Harry Reid would "try" to meet all the TRPA Board members at the Presidential Summit.

MOTION by Mr. Sevison to approve the June 25, 1997, regular meeting minutes as modified. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells noted several changes: 1) continuation of VII.B. (Elks Point Country Club plan revision) at the request of the applicant; 2) continuation of the Hooks Landing appeal to August, at the request of the appellant; 3) continuation of X.A. appointment of Nevada lay member to August at the request of Douglas County.

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

VI. CONSENT CALENDAR

Mr. Wells noted that item 8 (Glenbrook Company new mooring buoys) was to be taken off the calendar and acted on separately. The Year-to-Date Financial Statement portion of item 1 was to be continued; the June check register could be acted on. Item 6 (Tahoe Keys Beach and Harbor Association additional boat slips) was to be continued to August at the request of the applicant. The Board had received two letters on item 11 (Stateline Limited Partnership new mixed use development), one in favor and one in opposition. With regard to item 12 (Heavenly Ski Resort new ski lift and runs), staff wished the Board to know that Heavenly had already contributed \$30,000 to the Coordinated Transit System (CTS). The additional \$24,000 requirement was Heavenly's proportionate share based on this project of the total commitment to CTS (approximately \$300,000 total). The \$54,000 total was this project's proportionate share.

MOTION by Dr. Miner to approve the consent calendar with changes as discussed (continuation of financial statement, removal of Glenbrook Company mooring buoys, continuation of Tahoe Keys boat slips). The motion carried unanimously.

(Following are items approved on the consent calendar: 1. June Check Register; 2. Amendment of Board Authorization for Reimbursement of Costs for Emergency Access Improvements from \$105,000 to \$132,000 (From Bitterbrush Settlement Agreement Fund), Incline Village, Washoe County; 3. Tahoe Secret Harbor, Inc., Major Structural Pier Repair, 2170 Highway 28, Carson City APN 07-011-23; 4. South Tahoe Public Utility District, Water Pump Station, Special Use Determination, Tahoe Paradise Unit #30, El Dorado County APN 34-614-071; 5. South Tahoe Public Utility District, Sewer Pump Station, Special Use Determination, Ponderosa Road, El Dorado County APN 31-285-06; 7. Douglas County Community Development Department, Uppaway and Boucher-Young Estate, Water Supply System Modification, Special Use Determination, Uppaway Estates, Douglas County APN 001-100-74; 9. Glenbrook Homeowners Association, Temporary Maintenance and Storage Yard, Special Use Determination, Old Highway 50 Near the Intersection of Pray Meadow Road, Douglas County APN 01-090-12; 10. Resolution Authorizing the Filing of Grant Applications and the Execution of Grant Agreements with the Federal Transit Administration, and Operating Administration of the U.S. Department of Transportation, for Federal Assistance Administered by the Federal Transit Administration (RTPA Resolution No. 97-11); 11. Stateline Limited Partnership, New Mixed Use Development Consisting of a Commercial Building and 16 Residential Units, 4 Calaneva Drive, Crystal Bay, Washoe County APNs 123-044-01, -09, and -10; 12. Heavenly Ski Resort, New Ski Lift (Tamarack Express) and Ski Runs, El Dorado County APN 580-102-97)

Glenbrook Company, New Mooring Buoys, Golf Links Road, Glenbrook,
Douglas County APN 01-060-07 (consent calendar item 8)

Ms. Crowell noted the Nevada Secretary of State's office had received information on eight lots in the area of this application. She requested the matter be continued to the next Board meeting.

Mr. Harold Parrish, attorney representing some of the property owners in Glenbrook, asked for a one-month continuance.

TRPA REGULAR MEETING MINUTES JULY 23, 1997

Associate Planner Jim Lawrence presented a brief summary of the request by Glenbrook Company, the littoral property owner, for two mooring buoys. The property was not in prime fish habitat, and staff recommended approval. Recent issues involved opposition by neighboring property owners because of concerns regarding impacts to private water intake lines in the vicinity. An additional condition of approval to address this required moving the buoys from the southerly to the northerly property line, away from the intake lines. Neighboring owners also were concerned about an easement and a beach rights issue. Agency counsel had determined it was not TRPA's role to determine the legality of the easement. TRPA was relying on the application statement that the applicant was the littoral property owner. The Code provided for buoys for littoral property owners.

Mr. Paul Kaleta, for the Glenbrook Company, noted evidence had been provided to TRPA that the parcel existed as a littoral parcel and that it met the Code's provision to be eligible for the accessory uses of the two buoys. Glenbrook Company had received a Nevada State Lands permit for the buoys and concurred with staff's recommendation and the added condition regarding relocation of the buoys to the northerly property line. He did not favor a continuance.

Attorney Harvey Whittemore, a partner in the property group that had purchased the interest in the Glenbrook Company with respect to the strip of land in question, opposed a continuance. The only legal question was whether this was a littoral parcel, a separate parcel. Douglas County recognized it as such; the Assessor Parcel No. was 01-090-31. He had title insurance on the property. The property had been held by the Glenbrook Company and had been transferred to Postmistress Properties. The application had been assigned to Postmistress Properties and was recorded on July 10, 1997, after this application had been filed as a part of another acquisition. The applicant still was the Glenbrook Company because it was pending. There was no question regarding ownership; the question on whether there was an easement was not an item for discussion at the TRPA Board level. Postmistress Properties and its affiliated entities had acquired all of the remaining parcels held by the Glenbrook Company, including the Glenbrook Golf Course, the meadows, and the parcels known as Yellow Jacket and Shakespeare.

Mr. Parrish noted that he had received notice of the Board's proposed action on July 9, and he had an interest in the corporation that owned one of the parcels involved. He requested a 30-day continuance so that it could be determined if all the pertinent files were complete and whether there was a legal problem with respect to recorded easements on the parcel in question. Of concern was the fact that the real party in interest was not before the Board today.

Agency Legal Counsel Rachelle Nicolle explained that the property owners were Glenbrook Company and they had assigned their rights and interest in the permit to the people who had appeared before the Board; the proper two-week notice procedures to affected property owners within 300 feet of the parcel had been followed.

Mr. Robert Daiss, an adjacent property owner, noted there were already two buoys assigned to the easement; there were two buoys in the water now. This

TRPA REGULAR MEETING MINUTES JULY 23, 1997

application would increase the number to four buoys. Also, the property was off the Nevada tax rolls. The easement was dated 1919. He requested a 30-day continuance to discuss resolution of the situation.

Mr. Lawrence explained that the original site visit showed no buoys in front of the parcel. A visit on July 22 showed one buoy that did not have a permit. Staff did not know who owned the buoy.

Mr. Parrish explained the buoy had been out there for 35 to 40 years, and a permit was not required when it was installed.

Mr. Daiss noted that the properties along the beach all drew water from the same area, and he was concerned with the impact on water quality caused by additional moored boats.

Ms. Bresnick asked what would happen if TRPA approved the application for the current applicant and the courts later found ownership in favor of the opponents.

Ms. Nicolle responded that the littoral parcel was permitted only two buoys, absent multiple use findings. Even if TRPA continued the matter 30 days, the legal staff would not be able to provide a definitive answer concerning the easement question. Generally, what TRPA did in a case like this was to issue the permit if it complied with the ordinances and let the parties litigate among themselves on other matters.

Mr. Sevison suggested the permit conditions should forever provide for two buoys as a maximum at any one time. There would be no additional buoys.

MOTION by Ms. Crowell that the Glenbrook Company application for new mooring buoys be delayed until the August Board meeting so that additional information could be gathered specifically as to legal questions involved in this matter. The motion failed with only Ms. Crowell voting in favor.

MOTION by Dr. Miner to approve the findings for the Glenbrook Company mooring buoys. The motion carried with Ms. Crowell voting in opposition.

MOTION by Dr. Miner to approve the Glenbrook Company application with a maximum of two buoys. The motion carried with Ms. Crowell voting in opposition.

III. PUBLIC INTEREST COMMENTS (continued)

Mr. Baetge introduced Tom Tuchmann, the western director for U.S. Secretary of Agriculture Dan Glickman. Mr. Tuchmann was the liaison with the White House in planning the Presidential Summit.

Mr. Tuchmann explained he had worked on very difficult natural resource and environmental issues around the country. It was a tribute to TRPA and the people of the Tahoe Region to have set up a number of institutions to work through the very difficult issues at Tahoe. While agreement was not reached all the time, there was good discussion on all the issues. The Tahoe Region was definitely ahead of other areas in the country in this regard, and this

TRPA REGULAR MEETING MINUTES JULY 23, 1997

was one of the reasons that the President and the Vice President had accepted Nevada Senator Reid's invitation to come to Lake Tahoe. The goals were two-fold, the first being to recognize the successes and partnerships that had taken place to date and to learn from the people of the Region. Second, the visit would recognize what the Federal Government could do to assist the Region in meeting some of its goals. It was not a question of another level of federal regulation, since institutions were already in place. The question was how to provide better assistance, whether through coordination, staff technical assistance, and/or funding. There had been two community forums with approximately 200 people in attendance each in May and June; also three workshops with four different Secretaries and Senators and Congressmen on transportation, water quality, recreation/tourism and forests, and on Friday, July 25, Vice President Gore would be in the Region to focus on getting reports back from the workshops. This visit would be more technical in nature. For the President, coming on Saturday, the visit would focus more on general and broader picture issues. The schedule had not been released yet and would not be until security clearances were completed. There was, unfortunately, limited seating at both events, and the organizers were trying to get an array of elected and agency officials, leaders from the various groups, and people from different perspectives about the Lake and the Basin. He had appreciated all of TRPA's efforts, and Executive Director Jim Baetge had been an outstanding member of the steering committee.

Mr. Baetge complimented Mr. Tuchmann working with all the groups and interests involved. This was a very positive event.

Chairman DeLanoy advised the Board of the July 22 signing of a proclamation by California Governor Pete Wilson and Nevada Governor Bob Miller. A little humor was inadvertently involved when it was realized that the photographs presented to the Governors were different in size. It was decided that the difference in size reflected the fact that two-thirds of the land in the Basin was in California, and one-third was in Nevada.

VII. PROJECT REVIEW

- A. U.S. Forest Service, Resource Management, Pioneer Hazard Reduction Project, Portions of El Dorado County and City of South Lake Tahoe, TRPA File #970017

Associate Planner Paul Nielsen presented the summary of the proposal to harvest trees from 2,000 acres on both sides of Pioneer Trail extending from Al Tahoe Boulevard to Meyers. The goal of the project was to create defensible spaces (Defensible Fuels Profile Zones, DFPZs) around urban areas. Mr. Nielsen used a display to show the area of the treatment and discussed the proposed operation, timing, timber value, and phasing of treatments.

Mr. John Swanson, Forest Service fire and vegetation management staff officer, described the proposal as important for fire protection and improvement of forest health. He responded to Board member questions on phasing of the project, timing of the work, the affected area, slash treatment, size, reintroduction of prescribed burning, planning and implementation costs, base inventory processes and requirements, previous forest health efforts on the North and East Shores, cultural inventory findings, over-the-snow work,

TRPA REGULAR MEETING MINUTES JULY 23, 1997

variations in treatment caused by topographic differences, on-going maintenance, timber sales, a future Board member tour, collaboration and partnerships, and restricting public access.

Mr. Perock noted the California and Nevada state departments owning lands in the Basin were faced with the same forest health problems and cost limitations. The State of Nevada was looking for a "blurring" of boundaries in the treatment of forest health. Hopefully, from the Presidential Summit, there could be some help for the states in managing their forests so that the same type of programs could be implemented.

Mr. Jeff Cutler, for the League to Save Lake Tahoe, urged Board approval of the project. Previous appeals filed by the League and the Sierra Club related to the project's scale and scientific disagreement over fire and fuel analysis. Because some of the project areas in the original 3,000 acre proposal seemed to be less in need of immediate treatment, the project was scaled down, and the compromise was a good one.

Mr. Philip Steinberg, a resident in the vicinity of Zone 8, displayed and described a plan of the area and photographs and expressed concern with the scale of the proposal, the size of the green trees marked for removal, the need for roads, and possible options to the project. He submitted his statement for the record and responded to Board member questions.

Mr. Swanson responded to Mr. Steinberg's comments.

Mr. Dick Thomas, chairman of the Lake Valley Fire Protection District Board, urged approval of the project, noting his Board in October of 1996 had passed a resolution asking for immediate implementation of the project because of the serious fire hazard situation and the potential risk to fire fighters and residents should a major fire occur in the area.

MOTION by Mr. Upton to make the findings for approval of the Forest Service Pioneer Trail hazard reduction project.

Mr. Cole noted that he owned property within 300 feet of the project; although the project would not increase his property value, lack of action may be a detriment. He did not feel the project would have a financial impact on him.

Ms. Nicolle noted that a quorum of California members would not be present if he did not participate in the vote. Given the importance of the issue and the fact the California conflict of interest law had an exception providing that there was no distinguishing difference between the project's effect on Mr. Cole and the public generally, Mr. Cole could vote. This was a broadscale project that would affect all the public generally.

The motion on the findings carried unanimously.

MOTION by Mr. Upton to approve the project with the July 17 staff memo containing pages 9 and 10 of the staff summary (inadvertently missing from the packet mailing) and the July 23 memo containing replacement language for condition 9 of the staff summary. The motion carried unanimously.

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

B. Legal Committee Report

1. Report on Proposed Rafton Settlement and Extension of the Statute of Limitations Until January 5, 1998, for Land Capability Appeal, Placer County APN 117-072-08

Mr. Lew Feldman, on behalf of the Raftons, noted that there had been several meetings with staff, and progress had been made to reach a mutually acceptable solution. The purpose of the presentation today was to advise the Board of an agreement to a conceptual footprint that would reduce coverage on the site and result in a view corridor and saving of several trees in the parking area. The next step was to engage an architect to undertake the elevations and complete scenic review. If the Board favored the direction being taken, he requested it extend the statute of limitations to January 5, 1998, to enable the Raftons and staff to conclude the process and bring a complete package.

Agency Counsel Rachele Nicolle advised that staff had reviewed the project and believed it would be an excellent resolution of all the issues and would eliminate the need for litigation. She recommended extension of the statute of limitations as described.

MOTION by Mr. Upton to extend the statute of limitations in the Rafton matter to January 5, 1998. The motion carried unanimously.

Chairman DeLanoy noted that the adoption of a resolution for former Board member Steve Bradhurst would be taken up after the lunch recess.

C. Governing Board Members

Board member Larry Sevison distributed and asked for Board consideration of a resolution requesting the federal agencies managing Lake Tahoe to keep protection of Tahoe's environment as a primary objective when regulating lake levels. This proposal was a response to the shoreline erosion that had taken place this last winter due to the high water levels. He would like this taken up now because it may be something that could come up in the context of the upcoming Presidential Summit. This was simply an advisory request, and he understood this would need a finding of an emergency before it could be added to the agenda.

Mr. Perock explained he had discussed the Lake's water level with Lew Dodgion, the Administrator of the Nevada Division of Environmental Protection. Mr. Dodgion did agree that water level was an issue that affected pollutants going into the Lake. Mr. Mike Turnipseed, the State Water Engineer, had indicated there was a long history at Lake Tahoe of water rights, decrees and allocations. Mr. Sevison had apparently talked with Mr. Westergard on this issue prior to the meeting, and Mr. Westergard had said he would have abstained on the matter. Based on that, he would abstain.

Agency Counsel Rachele Nicolle advised the Board that the first action to be considered was a finding of an emergency, so that the item could be added to the agenda. The substance of the resolution would come if the motion passed.