

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, March 24, 1999, 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 North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, 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 March 24, 1999, commencing at 8:30 a.m., in the same location, the **Finance Committee** will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** receipt of the February 1999 financial statement and check register; **3)** amendment of Personnel Procedures Manual Article 2.2.C (Resignation, Retirement, or Lay-Off Sick Leave Credit); **4)** report on TRPA's ability to set up permanent trust fund for operating expenses; **5)** amendment of TRPA FY 1998-99 overall work program; **6)** allocation of FY 98-99 State Transit Assistance (STA) Funds (\$62,009) to South Lake Tahoe for operating assistance of STAGE; **7)** allocation of FY 98-99 STA funds (\$62,009) to Placer County for operating assistance of TART; **8)** allocation of up to \$50,000 from Shorezone Mitigation Fund for public education and enforcement activities related to motorized watercraft; and **9)** (member comments. (Committee: Neft, Heller, Galloway, Solaro, Bennett)

NOTICE IS FURTHER GIVEN that on March 24, 1999, 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)** status report in TSPC v. TRPA appeal; **3)** Chinquapin Homeowners Association, resolution of enforcement, Placer County APN 93-450-09; **4)** Bergeron, resolution of enforcement, El Dorado County APN 21-420-24; and **5)** member comments. (Committee: vacancy, Bresnick, Waldie, Sandoval, Miner, DeLanoy)

NOTICE IS FURTHER GIVEN that on March 24, 1999, commencing at 12:00 noon during the lunch recess, at the same location, the **Rules Committee** will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** amendment of Personnel Procedures Manual Articles 1.3 (Application, Interview, and Selection) and 2.2.C (Resignation, Retirement, or Lay-Off Sick Leave Credit); and **3)** member comments. (Committee: Solaro, Neft, Bresnick, Heller, Galloway)

NOTICE IS FURTHER GIVEN that on March 24, 1999, commencing at 12:00 noon during the lunch recess, at the same location, the **EIPIC Committee** will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** update on Regional Revenue Feasibility Analysis: Phase II; **3)** Lake Tahoe Legislative Agenda for 1999; **4)** Finance Plan for the EIP; and **5)** member comments. (Committee: vacancy, Waldie, Cole, Perock, Miner, Bennett, DeLanoy)

March 15, 1999



Jerry Wells
Deputy Executive Director

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

March 24, 1999
9:30 a.m.

All items on this agenda are action items unless otherwise noted.
Items on the agenda without a time designation may not necessarily be considered
in the order in which they appear on the agenda.

AGENDA

- 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 AGENDA
- V. APPROVAL OF MINUTES
- VI. CONSENT CALENDAR (see agenda page 3)
- VII. PROJECT REVIEW
 - A. Stateline Casino Core, Areawide Stormwater Drainage Project, Douglas County
PAGE 133
 - B. Heavenly Gondola Project, APN 028-021-02; City of South Lake Tahoe, El Dorado County, Douglas County, File No. 980644
PAGE 143
 - C. Round Hill Vacation Resort (RHVR) and RHVR/Kahle Drive Urban Stormwater Treatment Basins Linked Project Designation, Douglas County APNs 005-230-11 and 07-100-01, TRPA File No. 900469
PAGE 177
 - D. Welze, New 26 Unit Multi-Family Dwelling and Subdivision, Douglas County APN 007-050-05, File Nos. 970883 and 980089
PAGE 217

VIII. PUBLIC HEARINGS

- A. Amendment of Tahoe Vista Community Plan Boundary Line Adjustment to Include the Tahoe Vista Marina Boat Launching Facility as a Special Use Into Shorezone Tolerance District #1 of Special Area #3 **PAGE 243**
- B. Amendment of Chapter 4, Project Review and Exempt Activities, by Amending Existing Memoranda of Understanding With Sierra Pacific Power, Lahontan Regional Water Quality Control Board, and California Department of Parks and Recreation and by Adopting New Memoranda of Understanding With Tahoe Park Water Company and McKinney Water District **PAGE 255**
- C. Amendment of Code Chapter 81, Water Quality Controls, to Provide for Minor Exemptions Related to the Prohibition of Certain Watercraft in the Tahoe Region **PAGE 297**

IX. PLANNING MATTERS

- A. Discussion on Movement of the Individual Parcel Evaluation System (IPES) Line in El Dorado and Placer Counties **PAGE 313**
- B. Report by University of Nevada, Reno, Department of Geological Sciences, Seismic Activity in the Tahoe - 11:30 a.m. **PAGE 319**

X. ADMINISTRATIVE MATTERS

- C. Appointment of Nevada Lay Member and Bistate Lay Member to the Advisory Planning Commission **PAGE 321**

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee
- B. Legal Committee
 - 1. Status Report on TSPC v. TRPA Appeal
- C. Rules Committee
 - 1. Amendment of Personnel Procedures Manual, Article 1.3 (Application, Interview and Selection) and Article 2.2.C (Resignation, Retirement, or Lay-Off Sick Leave Credit) **PAGE 323**
- D. Environmental Improvement Program Implementation Committee
 - 1. Update on Regional Revenue Feasibility Analysis: Phase II
 - 2. Lake Tahoe Legislative Agenda for 1999
 - 3. Finance Plan for the Environmental Improvement Plan

XII. REPORTS

A. Executive Director Monthly Status Report

1. Status Report on Project Applications
2. Notice of Circulation, Lake Tahoe Shorezone Ordinance Amendments, Draft EIS, April 1999

PAGE 333

B. Legal Division Monthly Status Report

C. Governing Board Members

XIII. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. February Financial Statement and Check Register	Receipt P. 1
2. Chinquapin Homeowners Association, Resolution of Enforcement, Placer County APN 93-450-09	Approval P. 3
3. Tahoe City Public Utility District, Forest Health Enhancement, Placer County APN 97-050-07	Approval of Findings and Conditions P. 9
4. Douglas County, Kahle Park Phase II, Gymnasium Addition Lower Kingsbury Grade and Highway 50, Douglas County APN 07-130-03 and -04, File No. 990032	Approval of Findings and Conditions P. 19
5. Pet Network of North Lake Tahoe, New Public Service Building, Animal Care Facility, 401 Village Drive, Incline Village, Washoe County APN 124-071-47, File No. 980770	<u>TO BE CONTINUED</u> P. 33
6. Massey, Existing Pier Expansion, Douglas County APN 05-051-07	Approval of Findings and Conditions P. 35
7. Robinson, The Dunes, New Single-Use Pier, Placer County APN 117-072-11	Approval of Findings and Conditions P. 51
8. Robinson, The Dunes, New Multi-Family Dwelling, Subdivision, and Modification to Shoreline Protective Structures, 6780 North Lake Boulevard, Placer County APN 117-072-11, File Nos. 980368 and 980448	Approval of Findings and Conditions P. 63
9. Bergeron, Resolution of Enforcement, 393 Fallen Leaf Road, El Dorado County APN 21-420-24	Approval P. 101
10. Wright-Violich, Expansion of Existing Pier, 510 Gonowabie Road, Washoe County APN 123-132-01, File No. 980594	Approval of Findings and Conditions P. 105

11.	Resolution Amending the TRPA FY 98-99 Overall Work Program	Adoption	P. 117
12.	Allocation of FY 98-99 State Transit Assistance (STA) Funds (\$62,009) to South Lake Tahoe for Operating Assistance of STAGE	Approval	P. 123
13.	Allocation of FY 98-99 State Transit Assistance (STA) Funds (\$62,009) to Placer County for Operating Assistance of TART	Approval	P. 127
14.	Allocation of Up to \$50,000 from Shorezone Mitigation Fund for Public Education and Enforcement Activities Related to Motorized Watercraft	Approval	P. 131

These consent calendar items are expected to be routine and non-controversial. 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 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 Stateline and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Harrah's Lake Tahoe
Stateline, Nevada

February 24, 1999

REGULAR MEETING MINUTES

I. PLEDGE OF ALEGIANCE

Chairman Larry Sevison called the regular February 24, 1999, meeting of the Governing Board of the Tahoe Regional Planning Agency to order and asked Vice Chairman Don Miner to lead in the Pledge of Allegiance.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Dr. Miner, Mr. Waldie, Mr. DeLanoy, Mr. Montgomery (for El Dorado County), Mr. Cole, Ms. Bennett, Mr. Perock, Mr. Galloway, Ms. Bresnick, Mr. Sandoval, Mr. Sevison

Members Absent: Mr. Heller, Mr. Cronk, Ms. Neft, Mr. Neumann

Chairman Sevison noted that Executive Director Jim Baetge was out on medical leave, and he and all Board members wished him a speedy recovery.

III. PUBLIC INTEREST COMMENTS

Incline resident Don Kornreich spoke in favor of a Basin user fee over a toll road as a mechanism to increase funding to address Basin impacts. Having a good public transportation system in place would be an incentive for people to get out of their cars.

IV. APPROVAL OF AGENDA

Deputy Executive Director Jerry Wells advised that the Legal Committee, which had met earlier in the day, had continued its meeting to the noon recess. Staff had no changes to the agenda.

MOTION by Dr. Miner to approve the agenda as presented. The motion carried unanimously.

V. APPROVAL OF MINUTES

MOTION by Dr. Miner to approve the regular January 27, 1999, meeting minutes. The motion carried with Mr. Cole abstaining.

VI. CONSENT CALENDAR

Mr. Galloway asked for discussion on item 4 (release of air and water quality funds to Placer County for North Shore Trolley service and for bike trail projects).

Ms. Bennett advised that the Finance Committee had recommended approval of items 1, 2, and 4.

MOTION by Dr. Miner to approve items 1, 2, 3, 5, and 6 on the consent calendar. The motion carried unanimously.

(Following are items approved on the consent calendar:

1. January Financial Statement and Check Register
 2. Revision of TRPA Operating Budget FY 98-99
 3. South Tahoe Public Utility District, A-Line Export Pipeline Relocation Project Phase III, El Dorado County
 5. Sierra Community Church, Public Service Addition, 1165 Sierra Boulevard, City of South Lake Tahoe, El Dorado County APNs 31-191-08, -12, and -19, and 31-193-04 and -05
 6. Hatter Dynamics, New Commercial Building, 932 Incline Way, Washoe APN 132-231-14)
4. Release of Placer County Air Quality Mitigation Funds (\$37,655) for North Shore Trolley Service in 1998 and \$85,000 for Bike Trail Projects Pursuant to the March 1998 Placer County Master Plan for Air and Water Quality Mitigation Funds

Mr. Galloway questioned the appropriateness of using mitigation funds for operation of a trolley service. He could support the release one time for operations but generally felt that money raised from development should not be used to support ongoing service.

Transportation planner Bridget Cornell explained that mitigation funds had previously been released for capital acquisition as a part of the trolley program. While she did not have information directly at hand on whether funds had been released for operations, last summer the program was greatly increased by the expansion of the service area from Emerald Bay to Incline. TRPA would not permit funds to be used for operations in the future.

MOTION by Dr. Miner to approve consent item 4. The motion carried unanimously.

VII. APPEAL

- A. John Graham/Charles Ebright, Appeal of Executive Director's Decision Regarding Banking of Commercial Floor Area; 3766 Montreal and 1091 Fern, City of South Lake Tahoe, El Dorado County APNs 29-342-01 and -04, TRPA File No. 980176

Associate Planner Kathy Canfield presented the summary of the appeal, which had been continued from the January meeting. The Board members' packets contained the appellant's supporting material for appealing staff's determination that there was not sufficient documentation to support the legal establishment of commercial floor area on the property. Ms. Canfield's presentation addressed several points, including the earlier TRPA recognition of two residential units on the property (site plan on page 62 of packet), the status of land coverage, the transfer of a residential right, the configuration of structures and lot lines, and the information submitted with the commercial floor area verification. Staff's position was not to dispute that materials were purchased by the public from the property but rather to question the establishment of the legal use and existence of structures prior to 1986. Staff had denied the application based on lack of evidence that the uses were legally established. The City of South Lake Tahoe identified commercial floor area on the site but had recognized outdoor storage areas as commercial. Outdoor storage areas did not meet TRPA's definition of commercial. Although the City had agreed to acquire residential development rights from the property owner, this was not pertinent since there were no residential development rights

associated with commercial property. Ms. Canfield responded to Board member questions on residential development rights, allocations, and commercial floor area.

Mr. Dale Sare, attorney for the appellant, described the past residential and commercial activities and uses on the four lots, the intent to transfer two residential building houses to the City for low cost housing, the City's findings regarding the commercial uses, declarations affirming previous commercial activities on the site, the history of various applications dating back to the early 1990s, the \$40,000 cost for purchase of the property from probate, the costs for clean-up and restoration of the site, abatement and the overwhelming evidence of the commercial square footage on the site and of the recognized business activities. The intent of the purchase of the property was to obtain commercial square footage and residential building rights for the purpose of obtaining a reasonable financial return and to work with the City to clean up existing polluting and nonconforming properties. His clients had spent over \$80,000 in purchase and property clean up. He asked the Board to grant the appeal and to direct staff to recognize 4,661 square feet of commercial for transfer to another lot within the City on Highway 89. His client's interest was not in residential development. The intent was for the lot to be transferred to the City, along with the two existing residential units for use as low income housing.

The Board discussed with Mr. Sare and with staff (Ms. Canfield, Mr. Angelocci, and Mr. Wells) the lot configuration and structures; the history and legality of uses over time; abatement; lack of availability of historic records for the site; Code provisions regarding transfer and recognition of commercial floor area, residential units, and land coverage; problems with the recognition and transfer of commercial as well as residential off the same property; the timing of application submittals, and staff responses. There was also discussion of previous residential transfer approvals, the precedent of recognizing outdoor equipment and parts storage as commercial floor area, and the ability of the Board to approve the appeal for only that portion of the residences that staff could define as commercial floor area.

MOTION by Dr. Miner to approve the appeal and direct staff to work with the appellant to use the City's figures in determining commercial floor area minus the outside storage areas.

Dr. Miner explained that in his estimation this would amount to approximately 850 square feet of commercial floor area that would be brought back to the Board for final approval. This would be the gross amount of 4661, less the 3796 square feet of outside accessory storage area.

Mr. Angelocci explained that with this direction the matter would not need to come back to the Board.

Agency Counsel John Marshall explained that this action was not consistent with prior action by TRPA recognizing approximately one-half of the house as residential. The Board could not total the square footage of both buildings, because it would recognize commercial floor area on a parcel for which a residential right had been transferred off. Not all of the residence could be counted because of the prior action. Staff could work with the appellant to reach a number, if the Board wished to recognize there was a legally existing business and in recognition of prior actions. It was also possible to

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reduce off that portion of the house that was transferred away, with the remainder being recognized as commercial.

Mr. Angelocci suggested that at the Board's direction the staff would use the lot line running through the house to determine the portion that would be considered commercial floor area. This would still validate the removal of the development right.

Chairman Sevison clarified that the motion was a recognition of 815 square feet of commercial less whatever was across the lot line that was transferred away as residential.

Dr. Miner concurred that this was his motion.

Mr. Wells asked for clarification on which exhibit in the packet was the one being used for the determination. The City's hand-drawn display (page 66) showed one house at 525 and one at 300 square feet. The map on page 62 was a more accurate and to-scale drawing showing two residential structures.

Chairman Sevison asked that the motion be tied to the map on page 62 and square footages of 247 and 592.

Dr. Miner concurred with using page 62 for the calculations. The motion failed on the following vote:

Ayes:	Mr. Cole, Mr. Sandoval, Mr. Montgomery, Mr. Galloway, Ms. Bennett, Dr. Miner, Ms. Bresnick, Mr. DeLanoy, Mr. Sevison
Nays:	Mr. Perock, Mr. Waldie,
Abstain:	None
Absent:	Mr. Heller, Mr. Cronk, Ms. Neft

Chairman Sevison noted that the staff denial was upheld.

The meeting recessed for a short break.

Mr. Waldie asked that the Ebright appeal be reconsidered. Although he was not convinced of the commercial floor area, he did not want the application defeated on a technicality related to the presence of only five of the seven California Board members.

MOTION by Mr. Waldie to reconsider the Ebright appeal for the reasons as stated. The motion carried unanimously. (Members absent: Heller, Cronk, Neft, Galloway [out of the room]).

MOTION by Dr. Miner to direct staff to work with the appellant to recognize and approve commercial floor area consistent with the TRPA ordinances.

Chairman Sevison suggested that the determination on the transferred amount would use 815 as the base number.

Ms. Bresnick suggested that the earlier motion was based on page 62 of the staff report because of its more accurate numbers for the square footage of the residences minus the area within the lot that had the development right transferred.

Mr. Wells agreed, noting that the display on page 62 identified the lot line in relation to the residence. This would be most helpful for staff.

Mr. Cole asked if the motion would be acknowledging that there was commercial floor area existing on the property.

Ms. Bresnick responded that she did not agree there was commercial floor area. She preferred the motion be more specific as to what was being designated as commercial floor area. Staff would have a difficult time under the ordinance coming up with anything on the site that might be commercial floor area.

Chairman Sevison asked if there was any disagreement by Board members to using the numbers on page 62 less the amount crossing the lot line for the two residential structures. There was no objection.

The motion carried with Mr. Perock voting in opposition. (Members voting in favor: Cole, Sandoval, Montgomery, Bennett, Waldie, Miner, Bresnick, DeLanoy, Sevison. Members absent: Neft, Heller, Cronk, Galloway)

VIII. PUBLIC HEARINGS

- A. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation system, Section 37.10.A, Installation of Water Quality Improvements in Vicinity of Parcels, El Dorado, Placer, and Washoe Counties

Planner Tom Sinclair provided the Board with the historical events leading up to the map's adoption, noting that in 1987 all residential areas in the Basin were evaluated for water quality improvement needs and were given scores based on the findings. The resulting map established water quality improvement scores for IPES (vacant residential) parcels. The scores represented 50 of the 1,150 total points possible under IPES. Each year the scores were reevaluated based on water quality improvement projects completed throughout the Basin as reported to TRPA by the local jurisdictions. The updated scores would affect 28 parcels below the IPES line this year. The Advisory Planning Commission recommended unanimously that the current updates be adopted.

No one wished to comment in the public hearing.

MOTION by Dr. Miner to make the findings necessary to approve amendment of the map. The motion carried unanimously. (Members absent: Cronk, Heller, Galloway, Neft)

Chairman Sevison read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Reference Map for the Individual Parcel Evaluation System Relating to the Need for Water Quality Improvements; and Providing for Other Matters Properly Relating Thereto

MOTION by Dr. Miner to adopt Ordinance No. 99-4. The motion carried unanimously.

(Mr. Galloway came back into the meeting during staff's initial remarks on the next agenda item.)

B. Amendment of Code Chapter 81, Water Quality Controls, to Provide for Minor Exemptions Related to the Prohibition of Certain Watercraft in the Tahoe Region

Mr. Gordon Barrett, Chief of Long Range Planning, distributed a handout and used overhead projections to assist in his presentation. He summarized the Board's direction in January to look at specific exemptions for limited time extensions for watercraft powered by engines certified as meeting EPA's 2001 emission standard until October 1, 2001; for sailboats using two-stroke engines as auxiliary until 2001; and for watercraft using two-stroke outboards of 10 horsepower or less until October 1, 2001. Focusing on soluble fuel discharge estimates, the under 10 horsepower engine would discharge 548 gallons, the two-stroke auxiliary sailboat engines would discharge 248 gallons; and 2001-2005 EPA-certified watercraft would discharge 215 gallons, for a total of 1100 gallons of gas in a boating season. The Board's direction was to see what mitigation was possible to offset this significant impact. The possible mitigations reviewed by staff included increased enforcement, increased public information, a fuel/oil discharge prevention program, adding non-DFI fuel injection engines to the prohibition, restricting the use of commercial watercraft, and implementation of a buy-back programs. (More information was presented on each of these options.) Staff had over the last month been working with representatives of the National Marine Manufacturers Association (NMMA) to put together a package that all could agree on and meet everyone's needs. This had not occurred. What was presented by letter from legal counsel John Fagan, representing the NMMA, on the evening of February 23 (copy distributed to Board members) was a request for all three exemptions and three mitigation measures (free use of personal watercraft for enforcement, bilge sponges, and educational materials). Because of the requirement for findings that there be no significant impact and that there be compliance with federal and state water quality standards, staff could not support the NMMA package. Mitigation did not sufficiently offset the exemptions being requested, and at this point there was no written or verbal commitment from the plaintiffs to settle the lawsuit. It was critical that the Agency now focus its attention to the needed educational program for the upcoming boating season and that staff get back to completing the Shorezone EIS. Staff recommended retaining the ordinance as adopted and pursuing the litigation. Mr. Barrett advised that he had discussed this recommendation with Executive Director Jim Baetge yesterday evening, and Jim fully supported it. Staff wished to commence with the education and compliance program, the mailing of notices to the public for the upcoming boating season, the development of an enforcement program and hiring of personnel, and meeting with marina operators. Staff had done its best to present a mitigation program for the exemptions that the Board wanted analyzed. At this point, staff's position was that there be no action. Mr. Barrett responded to Board member questions on the efforts to reach agreement, money appropriated this fiscal year for litigation, the content of exemption discussions with the plaintiffs, engine types, plaintiff participation in assisting with mitigation, use of water quality mitigation funds or legal funds in a buy-back or mitigation program, whether earlier discussion on small-engine exemptions had included the recognition that mitigation was needed, and the significance of engine tune-ups as mitigation.

Mr. John Fagan, attorney with the firm of Hancock, Rothert and Bunshoft, representing the National Marine Manufacturers Association (NMMA), one of the plaintiffs in the

lawsuit against TRPA, expressed outrage at staff's claim that he had held up settlement by sending his letter in late. Discussions had been ongoing at the Board's direction for the last month. This was not a new proposal but something that had been discussed with staff and TRPA counsel for a month. It was improper and unfair to characterize his offer as a last-minute offer, since he had worked hard to reach settlement, and a letter sent last night to Chairman Sevison from the NMMA chairman reached out for settlement of the case. His mitigation plan was fair and reasonable and addressed concerns raised by staff. The information set forth on the Impacts overhead (02/24/99) was misleading and inaccurate and was based on estimates and assumptions contrary to the data in the record, particularly with respect to soluble fuel gallons. EPA's figures for gallons going into the Lake in a boating season would be half of TRPA's 1,111 gallons. Discharge was 550 gallons at most and less than 1 percent, not 2.2 percent as in staff's exhibit. The settlement proposal was consistent with the Board's direction and proposed an exemption until October 1, 2001, for engines that met emission certification for EPA 2001. This was common ground. The controversy began apparently with auxiliary sailboat engines, which were used at most 15 minutes motoring out and 15 minutes back. Their impact could not be close to staff's estimated 248 gallons; more likely it was 100 gallons. The extension for auxiliary sail was a no-brainer. With respect to 10 horsepower and below, half the 548 number estimated by staff would make the discharge 275 gallons. These figures were all a snapshot in time and did not reflect the fate of the hydrocarbons as they volatilized very quickly. The NMMA's mitigation program should not be dismissed so lightly, since it would resolve the lawsuit, contrary to what staff had stated. His package had proposed 1) donation of a certain number of bilge sponges; 2) assistance in development of a signage and educational program (to include information on the TRPA ordinance, what engines were prohibited and which were exempted, effective dates, and best management practices such as engine tuning, using bilge sponges, the no-wake zone); and 3) two new personal watercraft each year to be used for educational and safety purposes.

The meeting recessed for a lunch break from 12:00 to 1:15 p.m. The Legal Committee met during the lunch recess.

Attorney Larry Hoffman, representing individual concessionaires in the litigation and the boating community, suggested the focus had shifted from the concessionaire and industry interests to the boat users. For the 1999 boating industry, there likely would be three models available (Bombardier, Polaris, and Yamaha) and sufficient inventory for the concessionaires. There were hundreds and, possibly, thousands of people who owned personal watercraft at Lake Tahoe not able to convert overnight. Come June 1, 1999, there was going to be a real problem on the Lake that would need to be addressed by a major educational program. His major concern was the small boat owner who had not been given a heads-up on what was being proposed. The exemption was not open-ended; it required in 2001 that the outboard comply. This was the bare minimum amount of time to conduct an education program and to get the word out to the boating community. This was an important constituency. The Board needed to do today what it felt was right. Trying to address the 1.2 percent problem identified by staff was getting to a level where there was an error factor. Was the problem 500 gallons or 200 gallons? There simply was not a good enough handle on the problem to design such a specific mitigation program.

Mr. Jay McKoskey, Polaris Industries, explained his previous experience with emissions technology. Polaris had DFI technology (Genesis DFI, four passenger) for 1999 that

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would meet the 2006 EPA standard. There would be no difficulty getting the machines for this summer. Polaris would make loaner boats available for enforcement on Lake Tahoe if requested. The upper end DFI was rated at 130 horsepower. Lower horsepower were carbureted, standard, conventional two-strokes. He was not certain if it was possible at this stage to install a feature on the Polaris that would maintain the engine at a lower horsepower and speed.

Ms. Jan Hall, representing Bombardier recreational products and the Personal Watercraft Industry Association, described the Association's law and order program, which since 1990 had loaned watercraft to 1,500 governmental law and order and rescue agencies across the United States. Approximately 15,000 boats had been loaned out in the last ten years across the country. Bombardier's offer of a loan of two watercraft was a part of the plaintiff mitigation effort.

Mr. Fagan explained that the loan by Bombardier was conditional on the settlement. Without his amendments, he would recommend to the NMMA that the loan offer be withdrawn. Without the amendments, he would propose that the manufacturers not provide distribution or printing of educational materials. There currently were in place law loaner programs through a subsidiary of the NMMA. The manufacturers of personal watercraft had developed the program. By contrast, the outboard motor companies had not. All law and enforcement agencies purchased their engines, and to provide free outboard engines to TRPA would potentially erode the client base. There was no companion program for outboard engines, as there were for PWC. As a response to TRPA's demand for two 150 horsepower engines for one boat; he was offering the use of two PWCs for enforcement to cover broader areas at both ends of the Lake. While the NMMA would like exemptions for two-stroke engines of ten horsepower or less and auxiliary engines on sailboats, the primary core of what NMMA wanted was an exemption until October 1, 2001, for watercraft powered by two-stroke engines that were certified as meeting EPA's 2001-2005 emission standard.

Discussion followed on level of mitigation to be provided by the industry, focusing the discussion on possible ordinance amendments and not on settlement of litigation, the level of significance of discharge, the point at which the law loaner program was raised as possible mitigation or should have been brought to TRPA's attention outside of a request for mitigation.

Ms. Pam Herndon, with Suzuki/Yamaha, noted the law loaner program was first brought into the testimony in June 1997 by the Placer County Sheriff's Department. Last year Placer County, Washoe County and Douglas County Sheriffs' Offices all had law loaner vehicles.

Mr. Richard Skaggs, a member of the Inspection and Maintenance Committee reviewing the California's SIP, discussed earlier efforts in the City of Los Angeles to study alternate fuels for two-stroke and diesel engines. The focus should be on ways to replace the oil of two-stroke engines. He presented information on a synthetic ester that lowered emissions and the results of testing programs.

Dr. Robert Cassar, a neuro-muscular-skeletal specialist with a secondary Ph.D. in nutritional medicine and chief scientist of Armstar Global Technologies, described his research in machine technology, the importance of removing oil as an engine lubricant,

the benefits of synthetic esters in lowering emissions, and the product that he had developed.

Mr. Don Capps, an owner of a cabin at Echo Lakes and of a 15 horsepower Johnson outboard motor, noted he could only access his cabin by boat or by walking. His boat was tuned for high altitude. He urged the Board to grandfather similar boats so they could continue to operate. There were a lot of boats at Echo in the same situation.

Mr. Dan Siegel, representing the California Attorney General's Office, noted that the California and Nevada AGs had recently entered the litigation on behalf of TRPA. The process being conducted today was backwards. The Board was being asked today to weaken its ordinance with the hope it would lead to dismissal of the lawsuit. What normally happened was that there was a general direction provided by the Board and based on that direction staff would hammer out a settlement agreement subject to Board ratification. The current deliberations involved TRPA being asked to give up everything before seeing what would actually materialize from the other side. The discussions today showed that the plaintiffs' offer was amorphous; there was nothing enforceable in front of the Board. If the Board were to amend its ordinance and the plaintiffs did not come through, there was nothing that could be done to guarantee the implementation of the plaintiffs' mitigation. The Attorney General did support a reasonable settlement, and there were ways in which adequate mitigation could come to the table to offset all three of the extensions. Those were not available at this point. Mr. Siegel responded to Board member questions.

Mr. Mark Sentyrz, a concessionaire owning 22 machines, explained how the ordinance would affect him and how he had purchased Bombardier Seadoo machines in response to earlier Board discussions. He no longer had a market for the recently purchased carbureted two-stroke motors which now had a cap date of October 2001. These machines were twice as expensive as the old machines and should be permitted in perpetuity. He objected to there being any consideration of adding the non-DFI fuel injection engines to the prohibition. A critical component in running clean engines was proper tuning of the machines for altitude. Mr. Sentyrz suggested that TRPA should take the money it was spending on litigation and put it into a buy-back program.

Mr. Doug Heppsily (spelling?), an owner of a five horsepower outboard motor and a representative of the Recreational Boaters of California, a nonprofit organization supported by 35,000 boating families and 190 boating organizations, spoke on the need to preserve Tahoe as a unique resource. His organization was concerned with the increasing impact on family and recreational boating caused by governmental regulations, including TRPA's, and in authorizing boating fuel that did not contain MTBE.

Mr. Jeff Collier, a member of the sailboating community at Tahoe and owner of a two-stroke inboard motor, spoke on the \$5,600 cost to upgrade the motor he used only to motor out of and back into the Keys and, occasionally, when the wind died. He had paid only \$5,500 for his boat. The last thing a sailor wanted to do was motor around. In a boating season from mid-May to mid-December, he burned between 10 and 12 gallons.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, explained the League was an intervenor in the case on TRPA's behalf because of its strong feelings about the case. TRPA had a strong case and should be careful not to do anything today that would put it on weak legal ground. With regard to proposed exemptions, she agreed with Mr. Siegel

that there may in the future be a mitigation package to justify the exemptions. To date that had not happened. What was before the Board was not even close to a mitigation package adequate to address the impacts. One thousand bilge sponges, agreement to write a brochure but not to provide it to anybody, and two years of leases for personal watercraft for enforcement were not solid mitigation that would take care of the real impacts. TRPA should not take action today that would invite lawsuits from others. She urged the Board to take up Mr. Fagan's offer to go back and negotiate in good faith a mitigation package that would work and would address what needed to be taken care of. She responded to Board member questions.

Mr. Fernando Garcia, representing Bombardier, spoke on his company's desire to solve the case. He had been asked to attend this meeting to address the technical issues. For 15 years he had dealt with a host of regulatory agencies throughout the world, and all regulations had always been based on emission standards – a number, not a technology or a color of an engine. This was the appropriate way to address the problem and was what the NMMA was proposing. The industry had been proactive in this area since 1990 and had proposed to CARB, the South Coast Air Quality Management District, and U.S. EPA an early scrappage (early retirement) program to accelerate the normal rate of turnover. All of these agencies had these programs and the industry was at their service to develop them. The industry had gone as far as it could with the program without guidance from regulating agencies. He responded to Board member questions.

Mr. Sevison closed public discussion and called a recess (3:35 p.m. – 4:05 p.m.)

Upon reconvening, Chairman Sevison explained that the Board had before it a number of exemptions and needed to decide whether mitigation as proposed was adequate. The Board needed to decide whether to vote on these exemptions and mitigation as a package or separately and should not get too far into relating its decision on whether it would settle the litigation or not. This should be dealt with separately.

The Board members addressed the significance of proper engine tuning at altitude and of an education program as sufficient mitigation to offset proposed exemptions, how to proceed on the amendments and insure there was mitigation, the requirement to have an acceptable mitigation package before adopting amendments, staff's position that the sailboat engines could be mitigated by some of the options discussed, and what the plaintiffs would provide in the way of mitigation.

MOTION by Mr. Waldie to exempt sailboats utilizing two-stroke engines as auxiliary power until October 1, 2001, with whatever mitigation was acceptable to staff.

Mr. Waldie withdrew his motion after discussion on mitigation.

MOTION by Mr. Cole to exempt sailboats using two-stroke engines provided they have bilge sponges in them.

Mr. Sevison noted that bilge sponges would not do any good in sailboats because the motors were outside the hull.

Mr. Cole withdrew his motion.

MOTION by Ms. Bennett to direct staff to explore the possibility of using water quality mitigation funds for education, for a portion of the buyback program coupled with the manufacturers' representations, and to return to the Board with options and opportunities.

Mr. Barrett explained that what would be looked at for the sailboat exemption was sponges and fuel-containment devices. He suggested that the Board authorize staff to use \$10,000 from the Shorezone Mitigation Fund. Using the Water Quality Mitigation Fund, as suggested by Ms. Bennett, had implications for local government programs. The intent would be to get the equipment from the manufacturers. If this fell apart, TRPA would take the burden on itself to offset the 248 gallon impact from sailboat engines by purchasing the sponges and containment facilities.

Mr. Cole expressed concern with using mitigation funds set aside for other programs to buy back boats or purchase sponges. Boat owners and operators should be paying these costs.

Ms. Bennett withdrew her motion.

There was extensive discussion between the Board and staff on the process and plaintiffs' position, equating effectiveness of mitigation with the various exemption options, and the need to provide direction to the public for the upcoming boating season.

Mr. Barrett suggested an option for the Board to adopt the under ten horsepower exemption and the sailboat with auxiliary engine exemption with a commitment from TRPA's budget to pay for the sponges and fuel containment equipment. The EPA 2001 exemption, which was the preferred option of the plaintiffs, would be put on hold for now with direction that this exemption could come back to the Board if the plaintiffs agreed to contribute 50 percent of the overall mitigation package. If it did not happen, the sailboats and under ten horsepower would proceed and TRPA would have to come up with the mitigation funding from its own sources.

MOTION by Mr. Galloway to approve the staff-described option and exemptions for sailboats with auxiliary engines and 10 horsepower and under engines, with TRPA paying for the mitigation package, if necessary. Staff was directed to negotiate with the plaintiffs on the EPA 2001 exemption option, and 50 percent payment of the mitigation package.

Mr. Waldie asked that the question be divided.

Mr. Galloway noted he did not wish to divide the question.

Mr. Galloway explained his motion was what staff had described: to proceed with options 2 (exempt sailboats utilizing two stroke engines as auxiliary power until October 1, 2001) and 3 (exempt watercraft using outboard two stroke engines of 10 horsepower or less until October 1, 2001). TRPA was taking the risk of backing these exemptions. However, the exemption most desired by the NMMA (exemption for watercraft powered by an engine that has been certified as meeting EPA's 2001 emission standard until October 1, 2001) was to be negotiated and at a minimum in that negotiation the plaintiffs would have to come up with half the cost of the total mitigation program for all three exemptions.

Mr. Wells explained that TRPA currently did not have the money in its budget to pay for the mitigation program. It would require a budget amendment for these extra expenses. Unless the Board was talking about taking it out of the Shorezone Mitigation Fund, which would take a separate Board action, he could not guarantee that other funds were available.

The Board members discussed whether the percentage of mitigation to be supplied by the plaintiffs should be spelled out in the motion. Mr. Galloway explained that he wanted as much as possible to recover the mitigation costs for exemptions 2 and 3. If negotiations failed, exemptions 2 and 3 would proceed.

Motion amended by Mr. Galloway that as much of the cost of exemptions 2 and 3 mitigation would be negotiated and obtained from the plaintiffs.

Mr. Barrett estimated that the cost for mitigation of exemptions 2 and 3 was approximately \$40,000. The boat was the big item. Mr. Barrett reiterated that the mitigations included 1) a full-scale enforcement boat (similar to what was used by the Sheriff); 2) additional sponges in the neighborhood of 1,000 or fuel spill containers; and 3) increased emphasis on spending for educational mailings. Mr. Barrett suggested that the three-pronged mitigation package could cover the 2001 exemption and the sailboats. He did not think it was sufficient to address the 10 horsepower exemption. His understanding of the motion was that it was for the sailboats and the 10 horsepower, not exemption 1, which was coming back in March with a commitment from the plaintiffs for as much funding as possible. The commitment of TRPA funding was in the neighborhood of \$40,000, which at this point could possibly come from the Shorezone Mitigation Fund.

Mr. Waldie spoke in opposition to the motion as setting a dangerous precedent because it would adopt an ordinance amendment without knowing where the mitigation would come from. The funds may have to come from a source that was equally as precious to someone else in the public. He was also concerned with additional pollution to the Lake.

Mr. Galloway spoke in favor of the motion and the need to address the impact on boaters. The money the public was going to spend if these exemptions were not passed was ten to fifty times higher than the \$40,000 TRPA might actually recover.

The motion failed on the following vote:

Ayes:	Mr. Galloway, Ms. Bennett, Dr. Miner, Mr. Perock, Mr. Cole, Mr. Montgomery, Mr. Sevison
Nays:	Mr. Waldie, Ms. Bresnick, Mr. DeLanoy, Mr. Sandoval,
Abstain:	None
Absent:	Mr. Heller, Ms. Neft, Mr. Cronk

MOTION by Mr. Waldie to approve an exemption to October 1, 2001, for sailboats utilizing two-stroke engines. Mitigation would be the bilge sponges.

The Board discussed cost for sponges and the educational program. Mr. Barrett explained that sponges would be in the neighborhood of \$5,000 to \$10,000. Education as mitigation would be about the same. Staff would look at increasing mailings and

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printings beyond what was envisioned or go with the sponges. Either way, TRPA would commit \$5,000 to either one of those programs.

The motion carried unanimously.

Chairman Sevison suggested that exemptions on options 1 and 3 be continued until such time as appropriate mitigation could be provided.

Mr. Sentyrz spoke on the importance of an enforcement and education program. He urged the Board to eliminate the sunset clause on the engines which he operated. While the Board had addressed his initial request for an extension, it was based on his earlier testimony in 1996 that concessionaires turned over their craft every two to three years. With the craft now costing \$10,000 each, the turnover rate was not as frequent.

Mr. Wells noted that the elimination of the sunset clause was not properly noticed for this agenda.

Ms. Bresnick explained that the Board earlier made changes in large part because of the concerns brought forward by Mr. Sentyrz. He now was coming forward with a further request to permit the machines in perpetuity.

The Board members continued to discuss mitigation costs, additional exemptions to be provided upon NMMA funding of mitigation, and TRPA's planned enforcement of the ordinance.

Concessionaire Bob Hassett advised the Board he would supply a boat to TRPA for enforcement this summer if the 2001 exemption was granted. He needed the 2001 exemption because there was a chance Polaris would not have the craft available that he needed. If it did, he would go with it as he had indicated all along. Secondly, he also would like to see 10 horsepower and under exempt as well.

Mr. Barrett responded that the way he understood the offer TRPA would get two DFI outboards that would be contributed to the cost of a hull; TRPA would pay for the hull. TRPA would provide the people and fuel to operate the boat.

Mr. Steve Chilton, Chief of the Environmental Compliance Division and staff member in charge of the enforcement program, explained that for staff to be safe and effective the boat needed to have an aluminum-hulled, be 21-23 foot long, and be capable of being operated seven days a week, eight hours a day with a crew aboard. It had to be equipped correctly like a Sheriff's boat – built to patrol and built to last. This would cost \$40,000 to \$60,000. Donation of the engines would cut \$20,000 off the cost.

MOTION by Ms. Bennett to grant the exemption for item 1 (EPA 2001 emission standard) conditioned on acquisition of appropriate engines.

Chairman Sevison explained that some of the Board members wanted the two exemptions to say together as a package.

Ms. Bennett explained she was open to this in her motion. She would also like to consider a buy-back program.

Mr. Fagan explained that the only engine that would be covered in staff's first exemption (for watercraft powered by an engine that has been certified as meeting EPA's 2001 emission standard until October 1, 2001) was the Yamaha personal watercraft with a catalytic converter. A \$60,000 boat as mitigation did not balance out. He preferred that the Board exemption provide the clarity set forth in the EPA regulation, as stated in his February 23 letter.

Mr. Marshall explained that staff's analysis indicated that there were two families of engines that currently met EPA 2001 standards that were not exempt in some other provision, plus additional engines could come on line. One of the reasons the manufacturers wanted this exemption was so that they could take this ordinance and go other places with it. It would get the NMMA something other than just the engines that could be sold.

Ms. Nason, for the League, objected to reopening the factual discussions. There was a clear staff analysis showing a significant impact from each of the exemptions under discussion, and the Board had already adopted a significant exemption. If the Board wished to adopt other exemptions, it should instruct staff to go back and develop a mitigation package for later consideration by the Board. The Board should forget offers from the NMMA, since none of it was enforceable, and none of it was relevant. This was no way to settle a lawsuit.

Mr. Siegel, for the California AG, suggested there be a clean mitigation package before the Board went forward with exemptions for options 1 or 3. There was no enforceable commitment with what was being offered.

The Board discussed what direction to give to staff on further exemptions for March consideration, whether to include an exemption for up to 15 horsepower for Echo Lake, and whether the Board had properly followed the procedures for ordinance adoption.

Mr. Capps, from Echo Lakes, explained that neighbors around him had 15 horsepower engines. He was really confused now with what would and would not be permitted this season.

Mr. Barrett explained that the Board had not adopted findings or read the ordinance by title as required. The ordinance to reflect the sailboat exemption should be redrafted to reflect the Board's approval and findings needed to be made prior to adoption.

Mr. Galloway asked if, in the Board's direction to staff to negotiation exemptions 1 and 3, staff should consider a 15 horsepower exemption for Echo Lakes.

Because a straw vote showed only Board members Galloway, Miner, and Severson favored such an exemption, the matter was not pursued.

MOTION by Mr. Galloway to direct staff to pursue negotiation on exemptions 1 and 3 with the proper mitigation package.

Mr. Wells advised the Board that the same staff working on this package was also working on the shorezone EIS that was already two months late. Directing staff to continue negotiations would have an impact on completing that EIS in time for distribution in March.

Mr. Cole reminded the Board that staff had done exactly what it had been directed to do in the analysis of exemptions. It was up to the attorneys now to negotiate.

Mr. Galloway withdrew his motion.

Chairman Sevison directed that the matter be left such that if staff had a package that it felt met the intent of settling these matters and it was a good package it had the authorization to put the matter back on the agenda next month or the month after – if the proper mitigation could be defined and if there was a willingness to still deal with it.

(The meeting recessed for a break. Upon reconvening, the Board decided not to take a dinner break but to continue on and complete the agenda.)

After the recess, Chairman Sevison explained that it was his intent that if it were appropriate staff would bring back a package that was mitigatable – if those involved could come up with one. It needed to be understood that the Agency did not have a major amount of funding to dedicate to it; funding would have to come from some other source, hopefully dovetailed into a settlement package.

For purposes of adopting the modified ordinance, Agency Counsel John Marshall advised that the findings could be made based on a commitment of up to \$5,000 of TRPA funds to be used in an appropriate manner to mitigate the impact from the sailboat extension.

MOTION by Dr. Miner to make the findings for ordinance adoption as outlined. The motion carried unanimously.

Mr. Marshall directed the Board members to the ordinance in the packet material. It was to be amended as follows: 1) the first sentence in finding 1.17 was to be deleted because the ordinance was not reviewed by the Advisory Planning Commission as this section stated; 2) technical correction to the existing ordinance (not related to the sailboat exemption) in Section 2.10, Code Subsection 81.2.E 2) the current language did not clearly cut off bolt-ons that would occur after the January 27, 1999 date – the first sentence should read, “Any watercraft powered by a two-stroke engine whose fuel is injected into the crankcase prior to entering the cylinder and the fuel injection engine was purchased before January 27, 1999, shall be prohibited commencing October 1, 2001.”; 3) technical correction to the existing ordinance and Code Section 81.2.E 3) amended to read, “Any watercraft powered by a two-stroke engine whose engine is certified by its manufacturer the Environmental Protection Agency as meeting the U.S. EPA 2006 standard or is certified by the California Air Resources Board as meeting the CARB 2001 standard shall be exempt from the prohibition; 4) the sailboat exemption under Code Section 81.2.E 4) should read, “Sailboats utilizing two stroke engines as auxiliary power shall be prohibited commencing October 1, 2001.”

Chairman Sevison read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency; Amending Chapter 81 of the Code of Ordinances Relating to the Regulation of the Operation of Motorized Watercraft

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MOTION by Dr. Miner to adopt ordinance No. 99-5. The motion carried unanimously.

Mr. Marshall noted that exemption 4) as set forth in the ordinance in the packet materials (page 109) was not a part of the ordinance (an exemption for engines certified as meeting EPA's 2001 - 2005 emission standard).

IX. SHOW CAUSE HEARING

- A. Duffield, Code Violations, Washoe County APN 12-243-03 (see next item)

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- C. Legal Committee

Committee Chairman Waldie reported on the results of the order to show cause in the Duffield matter. The order was dismissed pursuant to Rule of Procedure 9.8 (b), which stated that if no response was heard to the order to show cause the hearing was cancelled, and the Executive Director was thereafter empowered to pursue enforcement. The Duffields had not responded and the formal order to show cause hearing was not conducted. The Committee did, however, have an informal presentation by staff and by counsel for the Duffields, Mr. Larry Hoffman. The matter was now in the enforcement mode, and the Board would not see it again unless there was a settlement down the line.

X. PLANNING MATTERS

- A. Notice of Preparation and Scoping, Environmental Impact Study for Incline Village General Improvement District, Proposed Ice Rink, Parasol Foundation Building, Conference Facilities and Offices, and Other Projects on the Property Identified as Washoe County APNs 127-040-07, 127-030-02, -15, and -16

Associate Planner Kathy Canfield advised the Board that an EIS was being prepared for the property known as Incline Park. She described the property's location and the need for the EIS because of the many uses proposed for the site and potential issues related to water and air quality, traffic, and the floodplain. Staff was asking for comments in what should be included in the document. The APC had asked that the document incorporate Washoe County's development standards and also address traffic impacts. No action was requested at this time.

Mr. DeLanoy asked that there be information about the size of the conference facility and whether it would be leased to the public.

Mr. Galloway commented on a prior commitment to the ice foundation on a site for an ice rink and whether the EIS could be built around that element as a given.

Ms. Canfield noted that the cumulative effects of all possible projects needed to be addressed.

Deputy Executive Director Wells explained that this watershed involved one of the Agency's EIP projects. Staff was trying to take a more holistic approach to these

projects; IVGID was also interested in having the EIS look at all possible options, since any action would pre-commit land coverage. Because many projects were coming forward in this area, it made sense to look at them cumulatively.

Mr. Galloway asked that the required mitigation be focused on the effects of the projects themselves and not be linked with other activities or properties that IVGID had a grandfathered right to pursue. Mitigation should not be predetermined but rather should be tied to disturbance caused by the specific project.

Ms. Bennett, a member of the Conservation District Board as well as TRPA, disagreed with Mr. Galloway and noted the importance of dealing with all of the runoff coming from Incline and Third Creeks. The mitigation here needed to be tied to other activities in that watershed, since impacts would be significant.

Mr. Galloway explained the mitigation should be tied to the disturbance the project caused. If IVGID chose to do mitigation offsite, he would have no objection.

Ms. Canfield explained that IVGID was not the project proponent for the ice rink or the Parasol Foundation Building. These projects were on District property, but there were other organizations working towards those developments. It would be up to IVGID and the two other affected organizations to work out the mitigation.

Mr. Doug Doolittle, Director of Parks and Recreation for Incline Village, explained that IVGID was looking at moving its administrative offices from Southwood to this property next to the recreation center. The District's current office was undersized and did not meet ADA standards. Meeting space generally used by the community would be upstairs (6,000 square feet); administration would be downstairs. Meetings now conducted at the Chateau would move to this building, and the Chateau would be reserved for golfing-oriented activities. The intent was not that the new building be turned into a conference room for the Hyatt Hotel, although he could not now commit to what uses would be in that meeting space.

Mr. Cole asked that the long-range business and market assessment plan be available to the City of South Lake Tahoe, since it was also in the process of planning for an ice rink. He would have the Recreation Department contact IVGID.

Ms. Rochelle Nason, for the League to Save Lake Tahoe, noted the League would be submitting written comments on this as well as the following two agenda items.

Mr. Don Kornreich, from Incline Village, explained the funding for this project should become firm later this year. Most would be from private sources. The purpose of these projects was to provide recreation resources for the youth of the community and to provide a safety net for many of the needy families in Incline. The project would provide a more efficient IVGID administrative office. He hoped the EIS would force Incline and Crystal Bay to focus more on public transportation.

Mr. DeLanoy asked that the document compare the new proposal with the earlier convention center project. He was interested specifically in the size and the equipment to be furnished.