

**TRPA
GOVERNING BOARD
PACKETS**

**MAY
2002**

**TAHOE REGIONAL PLANNING AGENCY (TRPA)
TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)
AND TRPA COMMITTEE MEETINGS**

NOTICE IS HEREBY GIVEN that on Tuesday, May 21, 2002, commencing at 5:30 p.m., in the conference room of the Tahoe Regional Planning Agency, 308 Dorla Court, Zephyr Cove, Nevada, the Environmental Improvement Program Implementation Committee (EIPIC) will meet. The agenda will be as follows: 1) Public interest comments (no action); 2) Approval of minutes; 3) EIP Status Report; 4) Update on Federal and State Appropriations; 5) Discussion of California Legislative Reporting Requirements; 6) Discussion on EIP Program Management Report; and, 7) Member comments. (Committee: Waldie, Cole, Perock, Miner, DeLanoy, Sevison)

NOTICE IS FURTHER HEREBY GIVEN that on Wednesday, May 22, 2002, 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.

NOTICE IS FURTHER HEREBY GIVEN that on Wednesday, May 22, 2002, following action by TRPA on the Consent Calendar, the Governing Board of the Tahoe Metropolitan Planning Organization (TMPO) will meet. The agenda is attached hereto and made a part of this notice.

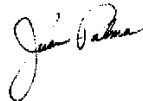
Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN that on Wednesday, May 22, 2002, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: 1) Public interest comments (no action); 2) Monthly statement; 3) First Quarter '02 Investment Report; 4) Augmentation to Fund Buoy Tagging Program 5) Discussion of Mitigation Fund Reporting Requirement; 6) Review of Current Mitigation Fund Policies; and, 7) Member comments. (Committee: Slaven, Heller, Galloway, Solaro, Plank)

NOTICE IS FURTHER GIVEN that on Wednesday, May 22, 2002, commencing at 8:30 a.m., at the same location, the TRPA Legal Committee will meet. The agenda will be as follows: 1) Public interest comments (no action); 2) Consideration of Proposed Settlement in League to Save Lake Tahoe v. TRPA, Eastern District of California, Case No. CIV-S-01-1651-EJG-PAN; 3) Resolution of Enforcement Action, Gordon Clancy, Unauthorized Tree Removal, 9955 Lake Vista Drive, Placer County, Assessor's Parcel Number 090-291-008; 4) Discussion of FY 02-03 Strategic Direction for Agency Counsel; and, 5) Member comments. (Committee: DeLanoy, Waldie, Miner, Swobe, Derringer)

NOTICE IS FURTHER GIVEN that on Wednesday, May 22, 2002, commencing at 12:00 Noon, at the same location, the TRPA Rules Committee will meet. The agenda will be as follows: 1) Public interest comments (no action); 2) Amendment of Rules of Procedure Article IX, BMP Retrofit Program; 3) Resolution to amend Article II (Governing Board Meetings), Policy 2.5(b) (Parliamentary Procedure) of the TRPA Rules of Procedure; and 4) Member comments. (Committee: Derringer, Galloway, Perock, Slaven, Swobe)

May 13, 2002



Juan Palma
Executive Director

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 GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

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

May 22, 2002
9:30 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

- I. PLEDGE OF ALLEGIANCE (5 minutes)
- II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)
- III. PUBLIC INTEREST COMMENTS - **All comments are to be limited to no more than five minutes per person.**

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard. 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 (5 minutes)
- V. APPROVAL OF MINUTES (5 minutes)
- VI. CONSENT CALENDAR (see agenda pg. 3 for specific items) (10 minutes)
- VII. REPORTS

A. Executive Director Status Report (15 minutes)

1. Monthly Status Report on Project Activities Pg. 29
2. Tahoe Transportation District/Commission Retreat Report for Comment/Review Pg. 37
3. Report on the Actions of the Nevada Legislative Commission's Committee to Continue the Review Of Programs and Activities in the Lake Tahoe Basin

B. Legal Division Monthly Status Report

(adjourn the TRPA, convene the TMPO)

VIII. MEETING OF THE TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)

A. Public Interest Comments – **All comments are to be limited to no**

more than five minutes per person.

- B. Adoption of the FY 2003 Overall Work Program (OWP) for Transportation, Approval of Resolution (20 minutes) Pg. 45

(adjourn the TMPO, reconvene the TRPA)

IX. PLANNING MATTERS

- A. Discussion on Group Facilities; Definition & Allocation of PAOTS (30 minutes) Pg. 61

X. PROJECT REVIEW

- A. George McCall, Pier Expansion, 458 Lakeview, Douglas County, Assessor's Parcel Number 05-241-09, TRPA File No. 200834 (30 minutes) Pg. 67
- B. Lakeside Trail Phase 3, Commons Beach, Tahoe City Public Utility District, Assessor's Parcel Number 94-070-13, TRPA File Number 20020057 (20 minutes) Pg. 81
- C. Commons Beach Rehabilitation, Tahoe City Public Utility District, Assessor's Parcel Number 94-070-13, TRPA File No. 20020059 (20 minutes) Pg. 93

XI. PUBLIC HEARINGS

- A. Amendment of Tahoe Keys Master Plan to Delete Proposed Increase in the Number of Boat Slips; Adjustment in Related Mitigation Measures; and, Partial Decertification of Tahoe Keys Master Plan Final EIS (20 minutes) Pg. 113

XII. APPEALS

- A. Appeal of Executive Director's Decision, Primm Pier, El Dorado County, Assessor's Parcel Number 32-120-12, TRPA File Nos. 200105 & 200452 (60 minutes) Pg. 127
- B. Bartlett Trust/Kendrick Petty, Appeal of IPES Score, Tahoe Meadows, South Lake Tahoe, California, El Dorado County, Assessor's Parcel Number 029-101-17 (60 minutes) Pg. 153

XIII. ADMINISTRATION

- A. Office Relocation Site Selection (time certain 2:00 p.m.) (60 minutes) Pg. 161
- B. Appointment of Tom Quinn to Governing Board Committees Pg. 165
- C. Amendment of Tahoe Regional Planning Agency's Rules of Procedure, Article IX, Regarding Enforcement of BMP Violations (20 minutes) Pg. 169
- D. Amendment of Tahoe Regional Planning Agency's Rules Of Procedure, Article II (Governing Board) Pg. 179

Meetings), Policy 2.5(b) (Parliamentary Procedure) (10 minutes)

XIV. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee (5 minutes)
- B. Legal Committee (5 minutes)
- C. Local Government Committee (5 minutes)
- D. EIPIC (5 minutes)
- E. Rules Committee (5 minutes)

XV. REPORTS

- A. Governing Board Members (5 minutes)

XVI. ADJOURNMENT

CONSENT CALENDAR

| <u>Item</u> | <u>Recommendation</u> | |
|--|--------------------------|---------------|
| 1. April 2002 Financial Statement | Receipt | |
| 2. Incline Village General Improvement District Ski Beach Boat Ramp Expansion, Assessor's Parcel Number 127-280-001, TRPA File No. 20020058 | Approval with Conditions | <u>Pg. 1</u> |
| 3. Approval of Resolution Accepting RTPA's Scoring, and Support of El Dorado County Department of Transportation's Federal Transit Administration Section 5310 Grant Application | Approval | <u>Pg. 17</u> |
| 4. Augmentation to Fund Buoy Tagging Program | Approval | <u>Pg. 21</u> |
| 5. Resolution of Enforcement Action, Gordon Clancy, Unauthorized Tree Removal, 9955 Lake Vista Drive, Placer County, Assessor's Parcel Number 090-291-008 | Approval with Conditions | <u>Pg. 23</u> |
| 6. First Quarter '02 Investment Report | Approval | <u>Pg. 25</u> |

The 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

Tahoe Regional Planning Agency Governing Board Members:

| | |
|--|--------------------------------------|
| Chairman Dean Heller, Nevada Secretary of State | Hal Cole, South Lake Tahoe |
| Wayne Perock, Nev. Dept. of Conservation | Tom Quinn, Calif. Gov. Appointee |
| Appointee | Larry Sevison, Placer County |
| Vice-Chairman Dave Solaro, El Dorado County | Ronald Slaven, Calif. Gov. Appointee |
| Drake DeLanoy, Nevada Gov. Appointee | Coe Swobe, Nevada At-Large Member |
| Jon Plank, Carson City | Vacant, Presidential Appointee |
| Jerry Waldie, Calif. Senate Rules Com. Appointee | Don Miner, Douglas County |
| Jim Galloway, Washoe County | |
| Catherine J. Derringer, Calif. Assembly Spkr. | |
| Appointee | |

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Horizon Casino Resort Hotel
U.S. Highway 50
Stateline, Nevada

April 24, 2002

REGULAR MEETING MINUTES

I. ROLL CALL AND DETERMINATION OF QUORUM

Chairman Dean Heller called the April 24, 2002, Tahoe Regional Planning Agency (TRPA) Governing Board meeting to order at 9:35 a.m.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Conrad Montgomery led the Board in the Pledge of Allegiance to the Flag.

Members Present: Dr. Miner, Mr. Waldie, Mr. DeLanoy, Mr. Montgomery, Mr. Heller,
Mr. Davis, Mr. Plank, Mr. Slaven, Mr. Perock, Mr. Quinn,
Mr. Galloway, Ms. Derringer, Mr. Swobe, Mr. Sevison

Members Absent: Presidential Appointee Vacant

III. PUBLIC INTEREST COMMENTS - None

Mr. Dwight Steele, an alumnus of the Governing Board, stated this is a really good morning, particularly after the Supreme Court decision. He got so excited reading the opinion last night that he wears a heart monitor, and his pulse got up to 95. This is a great day for the entire country. If the decision had gone the other way, it would have really caused a lot of problems in the planning process for the rest of the country. Congratulations to John Marshall and the rest of the attorneys that worked on the case, and the Governing Board for their patience and perseverance in funding this. At last month's meeting, Chairman Heller invited him to speak. He had not prepared anything; it usually takes him about two hours to prepare for a three or four minute speech. Obviously, he didn't want to decline because he might not get invited again. During the course of his comments, he jokingly suggested that in addition to the Pledge of Allegiance to the Flag, that the Board Pledge of Allegiance to the Compact. He and his wife have drafted a Pledge of Allegiance to the Compact. The draft states, "I pledge allegiance to the Compact of California, Nevada and the United States, and to the principles for which it stands. One notion, undergirding: to save Tahoe's natural beauty, with fairest picture and inspirations for all". He hoped that the Governing Board keeps the thought in mind to do the pledge as the meetings start. From time-to-time, he has offered to do a reading of the Compact at the Governing Board meetings and retreats. He hasn't gotten an invitation to do that. He was going to read some parts of it this morning, but he has another subject he would like to talk about. He is very glad to see that Juan has started a series of articles in the local papers in

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which he is quoting the Compact. This will educate everyone. It is worth reading the Compact from time-to-time. It starts out saying, "it is found and declared that the waters of Tahoe and other resources are threatening the natural beauty, etc.". Then you get over to the second page and it talks very eloquently about the need to preserve the scenic beauty and outdoor recreation opportunities. The other subject he would like to discuss is the need for operating funds for transit. This is a subject that we have talked about a lot in the past. In the afternoon meeting of the Coalition meeting, we discussed the problem of lack of operating funds for transit and development of the Compact mandated public transportation system that, after 20 years, we still don't have. The Coalition unanimously agreed to urge the Governing Board to give a high priority to funding of operation of transit, particularly with respect to the local funding source problem, which we have been wrestling with now for five years and hopefully will be resolved one of these days. Whether the local funding sources, which are supposed to make up one third of the EIP funding, involve just a few items, it is expected that burden of these charges will fall on people who drive their automobiles here. That is quit logical. It is logical that that money should be used to improve transportation; in particular, public transportation. As you know, the Compact provides that automobile use ought to be reduced by using public transportation; that we should have a regional public transportation transit system; and when increase in capacity is needed, that it be facilities for public transportation and not for automobiles. Article IX sets up the Tahoe Transportation District to own and operate a regional transit system, which is long delayed. On the agenda, there is an item about the TTD workshop on Friday; he hoped that some of the Board members could be there; it starts at 9:00 a.m. at the Tahoe Seasons. He hopes you recognize the critical need to provide funding for operation and maintenance of transit. Getting capital funds has proved to be quit possible, but operating funds are so badly needed. He apologizes if he ran over five minutes, but let's all be very thankful for what's happening and what can happen when you guys really dig into transportation and other problems. Thank you very much.

Executive Director Juan Palma introduced Gretchen Gibson, who has transferred from the front office to the Compliance Division. She used to be a teacher, and we are pleased to have Gretchen helping us on the Compliance side. Mr. Jed Hammer, a recent graduate out of UNR, and has been working with Washoe County, and we care enough to steel the very best. He will be working in the Land Capability side with Tim Hagan. Also, he introduced Jerry Wells, who has been around TRPA for a long time. He has high expectations and regards for the skills and skill sets that Jerry brings to us. He asked Jerry to join he and Carl Hasty at the table, and he will make sure that Carl and Jerry provide the quality staff work for the Board, and that we provide timely answers to some of these issues that we deal with day in and day out.

IV. APPROVAL OF AGENDA

Deputy Director Carl Hasty stated that there were no changes to the agenda.

MOTION by Mr. Sevison to recommend approval of the agenda as presented. The motion carried unanimously.

V. APPROVAL OF MINUTES

Mr. DeLanoy stated that on page 14 of the minutes, the second paragraph, he wanted the following statement included, "he filed and asked that it be part of the record his personal comments in reference to the building development in California, along with the opinion of the Attorney General of the State of Nevada gave; an informal opinion; as to the fact that the information furnished to us did not meet the requirements required by the State of Nevada at

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this time. If we had not done that, we would have been going down the track for six to seven million dollars without the approval of the State of Nevada. In addition, on page 15, "which was in reference to something he came across during the Hornblower comments. Mr. Jordan Kahn pointed out that two of the three vessels of the Hornblower had been operating without a permit for two years, and he wanted it reflected that he pointed it out that he was going to do "equity" in that case. Mr. DeLanoy commented what that means to him is the boats are common carriers; we had a history here of the Tahoe Queen allegedly involved in an accident, and we can't allow that to happen.

MOTION by Dr. Miner to recommend approval of the March 27, 2002, Governing Board minutes as amended. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. Slaven requested that Consent Calendar Item Nos. 5 and 6 be pulled from the agenda. Mr. Galloway commented that the Finance Committee recommended approval on Consent Calendar Item Nos. 1, 2, 3, and 4.

MOTION by Mr. Sevison to recommend approval of Consent Calendar Item Nos. 1, 2, 3, and 4. The motion carried unanimously.

Mr. Galloway stated that the amount in Consent Calendar Item No. 5 was in question. Placer County currently does not have the \$110,155 in its funds. They do expect to have the money, and nobody is doubting that. But as a matter of principle of approving the release of funds that are not there yet, we didn't want to get into the advance approval business. The Finance Committee recommended approval of the amount they currently have in their fund to be released for this purpose, which is approximately \$24,000. In addition, on Consent Calendar Item Nos. 5 and 6, the Committee passed on a recommendation of Mr. Slaven with regards to some additional wording that he thinks should be in the standard terms and conditions of the release of these monies.

Mr. Slaven stated that he had a language change on page 29, number 2 of the Consent Calendar Item. The reason he asked for a change in the language is because when we fund something, whether it is the City or Placer County, or any awarding agency, if we fund them, there is no accountability that they have actually spent the money where they said they would. We are asking them to send us something telling us how they have spent these funds, and that they were spent properly. The second part is we are asking them to follow the laws, codes and regulations; and the third thing is if we request records, they would have them to us within 10 working days. He is not asking TRPA to police this; he is just asking for accountability.

Mr. Davis commented that 10 working days is a very short period of time. He had no problem putting a time limit on the request for records, but 10 working days is a short turnaround time. He suggested 30 days would be more realistic. Mr. Slaven was supportive of 30 days.

Agency Counsel John Marshall didn't believe the Agency had neither the expertise nor the authority to decide questions outside the realm that it is given in the Compact. On the other hand, it is probably within the Board's discretion whether or not we allocate monies to jurisdictions or individuals or to whoever that are consistently in violation of laws; that is within your discretion as to whether or not you want to do that. Mr. Slaven is not asking TRPA to be some body that is going to determine whether or not there is some violation of a prevailing wage. But to have the ability to bring back to the Board if there is a jurisdiction or individual that

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is consistently in violation of laws, is that an entity that we want to award these mitigation dollars to. That is a different question than he was concerned with. That is more of a policy question for the Board as to whether or not they want to do that; not so much a legal question of whether they have the authority to do that.

Mr. Montgomery stated that he believes in the concept that is being proposed; there should be some way of reporting back. But being a representative of Local Government, he worries that he doesn't have input back to him as to what does that mean as far as costs; what is it going to cost each of the jurisdictions to comply with these particular requirements to put a new process into place. He was of the opinion that it would be appropriate to delay this decision at least a month so that we can come back with some information for the people who are actually going to be doing these reports and tells us what the impact is on local government.

Mr. Hasty suggested that the Board allow staff to have enough latitude to work with the local jurisdictions and come back to you and articulate to you what the reporting would look like. He was of the opinion that this issue could be solved, and suggested bringing the issue back in 30 days.

MOTION by Mr. Sevison to recommend approval of Consent Calendar Item Nos. 5 and 7. The motion carried unanimously.

Mr. Sevison was concerned with the Finance Committee recommending spending up to \$24,000 on Consent Calendar Item No. 5. He suspects that there are natural gas buses being ordered and brought in, and he is concerned that maybe they have gone forward based on staff's recommendation to approve this and taken some action at the County level to expedite getting these new buses in place. Also, these buses typically run through three jurisdictions; Washoe, Placer and El Dorado County; so it is not just Placer County that is benefiting from the air quality improvements that these buses will be providing. In light of Mr. Steele's concerns about transportation, while there is a good possibility that that could be paid back or covered in the immediate future, he believes the benefits outweigh the risk that is involved as to whether or not they are going to pay it back. It is a huge improvement in the air quality aspects of transporting people. For that reason, he suggested that we either overrule the Finance Committee or at least we postpone it a month until he can find out what the damage would be if we didn't do it.

MOTION by Mr. Sevison to reconsider Consent Calendar Item No. 5. The motion carried unanimously.

Mr. Sevison suggested the Board approve the full amount but only give what we have available at this time, and as the balance of the funds come in, they don't have to return to the Board for further approval; they can be dispersed at that time automatically. The County then knows that we are supporting the project.

The motion passed on the following votes:

Ayes: Mr. Quinn, Mr. Plank, Mr. Waldie, Mr. DeLanoy, Mr. Swobe, Mr. Montgomery,
Mr. Sevison, Mr. Heller
Nays: Mr. Perock, Mr. Davis, Dr. Miner, Ms. Derringer, Mr. Galloway, Mr. Slaven
Abstentions: None
Absent: None

TRPA REGULAR MEETING MINUTES APRIL 24, 2002

(The following are items approved on the consent calendar)

1. March 2002 Financial Statement
2. Resolution Allocating FY 2001-2002 Local Transportation Funds (\$585,603) to Placer County for TART Operations (Resolution No. 2002-8)
3. Resolution Allocating FY 2001-2002 State Transit Assistance Funds (\$96,782) to Placer County for TART Operating Assistance (Resolution No. 2002-9)
4. Resolution Allocating FY 2002-2002 State Transit Assistance Funds (\$96,782) to the City of South Lake Tahoe for STAGE Operating Assistance (Resolution No. 2002-10)

Land Capability Challenges:

7. Don and Lucy Ledoux Land Capability Challenge, 615 Alpine View Road, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 131-
8. Alexander Krueger, Land Capability Challenge, 696 Carson Court, Incline Village, Nevada, Washoe County, Assessor's Parcel Number 125-373-11)

VII. REPORTS

A. Executive Director Status Report

1. BMP Retrofit Program Presentation
2. Agenda for TTD Workshop on April 26, 2002
3. Other Issues

BMP Program Manager Matt Graham and his staff presented a slide show and handed out material on the BMP Retrofit Program and explained what his staff has been doing in the way of retrofitting existing development.

Mr. Davis suggested that if Mr. Graham had this on a video presentation on BMPs, he would offer it on the public access Channel 28 that runs 24 hours a day; seven days a week.

Mr. Palma thanked Matt and his team for doing such a great job. Mr. Palma commented that we had an open house on April 19th, and about 120 sixth graders came to tour our facilities. He thanked Pam Drum and Jill Keller for putting on an outstanding program together for the Open House. There will be a TTD Workshop on April 26, 2002. In conclusion, he congratulated John Marshall on the Supreme Court decision in *TSPC v. TRPA*.

B. Legal Division Monthly Status Report

Mr. Marshall commented that Supreme Court decision that came down yesterday is not only a great decision for TRPA, but it really has nation-wide impacts. The decision essentially ends 18 years of litigation over the litigious 1980's. It doesn't get us out of all of our takings cases, but it certainly resolves a major liability that was out there. One of the impacts for the Agency is that it frees us from a significant potential source of liability that perhaps might have jeopardized some of our state or other funding or some of the critical EIP work that is being undertaken now. Mr. Marshall gave a brief summary of the history of the case, along with the court's decision.

In addition, Mr. Marshall thanked Gary Owen, while he was alive, and Susan Scholley for putting so many years into this case; both Sue Mikanovich and Jessica Wilson, Legal

TRPA REGULAR MEETING MINUTES APRIL 24, 2002

Assistants; and, Jordan Kahn, our Assistant Agency Counsel. We have gotten tremendous support from the Nevada Attorney General Bill Frey, and California Attorney General Rick Frank, Dan Siegel, and Mary Scoonover; and our outside counsel; John Roberts wrote the brief and argued the case in front of the Supreme Court; Shute, Mihaly & Weinberger; Clem Shute, Fran Layton and Ellison Folk did a marvelous job in putting together a first draft, and getting us through the Ninth Circuit; and Richard Lazarous, who represented the Agency in the *Suitum* case, providing valuable advise to me while trying to make some of the difficult strategy calls in the case. In addition, just TRPA staff over the years in supporting the Agency and the legal team in basically getting whatever information we needed. Lastly, to the Governing Board for maintaining consistent support for this effort through the long years that it has taken us to get to this point.

Mr. Waldie commented that the Legal Committee who have been working with John for a long time on this case, and every Legal Counsel before John. As Chair of the Legal Committee, he was instructed by the Committee to make a particular reference on John's skills and professional conduct in putting together this team at a particularly critical time when this matter was being prepared to go before the Supreme Court. It was really an extraordinary job, and the consequences of this decision are so enormous in a national sense, not only in TRPA's sense but nationally, and so much credit goes to John for his organizational skills. He simply wanted to make that a part of the record during the meeting.

Mr. Heller thanked John on behalf of everyone on the past and present Governing Board. This is something that has gone through several generations of Board members here, and he appreciates the work and effort and the strength that this Board had to push and move forward and for John's help, his staff, and previous staffs, that have guided this particular issue. Jordan, John; both of you; thank you very much.

VIII. PLANNING MATTERS

A. Direction and Recommendation on Expired Exemptions from Carbureted Two-Stroke Engine Prohibitions

Board Member Jim Galloway stated that the motivation on bringing this item back was when we did the original carbureted two-cycle engine ban, we did make some exceptions, and they were temporary in nature. But we were told that staff would be doing some boating studies; additional water studies; and so forth, and we could consider whether or not these exemptions made sense later based on that data. What happened is the exemptions expired, and on the basis of the information that we had at that time, they made sense to him. Now, he would like to know unless the new studies have brought new information that shows that this exemption is more harmful then we thought it was before, he thought that they should be continued because there are some significant human impacts on this. He has some letters that will show that there are still people who feel very greatly adversely affected if they don't have these exemptions for these very small engines and very intermittent use engines.

Senior Planner Coleen Shade presented the staff summary on the direction and recommendation on the expired exemptions from carbureted two-stroke engine prohibitions, along with a brief background on the Ordinances.

Mr. Galloway commented that in his original letter, he had asked for a lot more data than staff put in the report. One of the things he was hoping to get was the boating study data; finding out how many of these small engines under 10 horsepower are actually operating on Lake Tahoe,