

**TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD**

The Chateau
955 Fairway Blvd.
Incline Village, NV

March 25, 2009

TRPA
128 Market Street
Stateline, NV

March 26, 2009

REGULAR MEETING MINUTES - REVISED

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Governing Board Chair Mr. Biaggi called the meeting to order at 9:30 a.m.

Members Present:

Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. Breternitz, Ms. Montgomery, Ms. McDermid, Mr. Merrill, Mr. Miller, Ms. Ruthe, Ms. Santiago, Mr. Cashman, Mr. Cole, Mr. Sher

Absent: Mr. Yount

III. PUBLIC INTEREST COMMENTS

Wendy Wood commented on the Shorezone application process.

Bob Furwilder commented on the lack of response from TRPA on his proposed violation concerns.

Margaret Martini commented on the proposed Boulder Bay project.

Jim Allen commented on the proposed Boulder Bay project.

John Sell commented on the Regional Plan's proposed increase in density and height.

Ann Nichols commented on the proposed Boulder Bay project.

Dave McClure commented on his views on competing interests between development and environmental concerns.

Ellie Waller commented on issues that need to be addressed in the Regional Plan Update and projects.

Cora Lamendi commented on the proposed increase in density and height.

IV. APPROVAL OF AGENDA

Ms. Santiago moved approval.
Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. McDermid moved approval with clarification comments from Ms. Bresnick.
Motion carried unanimously.

VI. CONSENT CALENDAR (see Consent Calendar agenda below, for specific items)

Acting Executive Director Ms. Marchetta announced that TRPA's Finance Director, Jim Feeney was leaving the Agency.

1. Acceptance of February Monthly Financial Statement
2. Action on Lakeside Bike Trail Phases V-VII; Multi-use trail proposed by Tahoe City PUD, APN 094-090-009, ERSP2007-1035
3. Appointment of Lay Members to the APC: Mr. Greene, Mr. Tolhurst, Mr. Jepsen, Mr. Upton, Ms. Merchant, Mr. Riley, Ms. McMahon

Ms. Aldean moved approval.
Motion carried unanimously.

VII. GOVERNING BOARD MEMBER REPORTS

Mr. Biaggi stated that there is a Nevada Legislative hearing on TRPA's budget this Friday and also another hearing on March 31st.

Ms. Santiago commented on the importance of transit and requested a briefing on transit for a future Governing Board meeting. She also stated that the Community Conservation Organization will be holding a conference in Los Angeles in April.

Mr. Breternitz stated that he will not be in attendance at tomorrow's Governing Board meeting.

VIII. ADMINISTRATIVE MATTERS

A. Discussion and Appointment of TRPA Executive Director

Ms. Marchetta presented her qualifications and vision for TRPA.

Public Comment: The following members of the public commented on the potential appointment of Ms. Marchetta.

John Falk
Ellie Waller
Jim Allen
Patricia Atherton
Margaret Martini
John Sell
Santa Claus
Bea Gorman
Scott Teach
Andrew Strain
Steve Teshara
Lew Feldman
Gary Midkiff

Michael Donahoe

After Governing Board and public comment, Ms. Santiago moved to appoint Joanne Marchetta as the new Executive Director of TRPA.

Motion carried unanimously.

B. Discussion and Appointment of TRPA General Counsel

Nicole Rinke, Assistant General Counsel, presented her qualifications and interest in the position.

No Public Comment.

After Governing Board discussion, Ms. Aldean moved to appoint Nicole Rinke as the new General Counsel of TRPA, including a review in 6 months. Compensation is to be negotiated by the Board Chair.

Motion carried unanimously.

IX. PROJECTS

A. Tahoe City Transit Center Project, Placer County, California, Assessor's Parcel Number 094-180-065, TRPA File Number EIPC2008-0023

Staff member Bridget Cornell presented the background and overview of the history of the Tahoe City Transit Center project.

Brian Stewart, Placer County, presented the proposed project.

Wright Sherman, design consultant, presented the merits of the proposed design.

Governing Board Discussion:

Ms. Aldean discussed handicapped access issues.

Mr. Cole discussed pedestrian access.

Ms. Santiago discussed LOS and impacts to Fanny Bridge.

Mr. Biaggi discussed property ownership.

Mr. Sher discussed parking restrictions.

Mr. Merrill discussed increase in vehicle trips in terms of new versus captured trips. He also discussed impacts on Fanny Bridge and the Y intersection.

Ms. Bresnick discussed required findings regarding proposed water quality improvements and LOS impacts.

Ms. Santiago discussed 2.4 acre coverage reductions.

Ms. Aldean discussed parking control.

Ms. Montgomery discussed construction traffic integration.

Public Comment:

Jean stated that the community does not want to see this project located at this location.

Flavia Sordelet, League to Save Lake Tahoe, commented on their concerns with this project and the Lake of the Sky Interpretive Center project that is proposed to be located in this area on the Lakeside parcel. If these two projects were adjacent to each other they would collectively have a positive effect on BMPs and this would encourage visitors to use public transit while being educated for the environmental and natural history of the Tahoe Basin.

Flavia Sordelet commented, as a resident of Tahoe City, stated that her concerns with the project are with the traffic during the construction period.

Steve Teshara, North Lake Tahoe Resort Association, stated that they support the proposed project.

Cindy Gustafson, Tahoe City Public Utility District, stated that they support the proposed project.

Carl Hasty, Executive Director, Tahoe Transportation District, stated that they support the proposed project.

Ron Treabess stated that this project does have community support and it will provide an easy and safe connection point for all the different transit routes.

Ms. Ruthe moved approval of the findings and a finding of no significant effect. Motion carried unanimously.

Ms. Ruthe moved approval of the project. Motion carried unanimously.

X. PLANNING MATTERS

A. Shorezone Program Presentation

Executive Director Marchetta and staff member Gabby Barrett presented an overview of the Shorezone Program.

No action was required.

XI. PUBLIC HEARINGS

A. Action on Blue Boating Implementation Plan

Staff member Dennis Zabaglo presented the proposed Phase I of the Blue Boating Implementation plan.

Governing Board Discussion:

Mr. Sher discussed phasing of program and sticker requirements for boats in first year.

Mr. Cashman discussed impact of ONRW non-degradation standard on implementation plan.

Ms. Thomas discussed private launches and how they will be addressed.

Ms. Aldean discussed public outreach and transition proposal for first year.

Ms. Montgomery stated with a 2% pollution impact, why is this a priority with 43% impacts from woodstoves and 34% impacts from roads.

Mr. Cole discussed importance of linking AIS and Blue Boating inspections to

maximize benefits.

Mr. Biaggi commented on ONRW standard which is more stringent due to 2-stroke ban.

Ms. Santiago discussed ability to confirm prop pitch and engine tuning at ramps; need to have qualified certifications for these.

Mr. Merrill discussed need to focus inspections on AIS compliance requirements (no exceptions).

Mr. Breternitz discussed how education/outreach to boaters will be done, e.g., mailers, etc.; this needs to be comprehensive to all boating-related requirements.

Ms. Aldean discussed the need to advise boaters this year that tuning/prop pitch certifications may be required next year.

Ms. Bresnick commented on stickers for the first year of the Blue Boating Program and that this should not be considered mitigation. She also stated that there is no reason to not implement a fee now.

Mr. Cole discussed consideration of advancing DFI ban/fee to Phase II.

Mr. Biaggi commented that the Phase I approach is reasonable and to use education/outreach and data collection phase to development Phase II.

Mr. Sher commented that the education program is worthwhile, but he is troubled with the resolution language referring to Phase II requirements. He commented on the need to amend the resolution to focus on Phase I only.

Public Comment:

Nicole Gergans, League to Save Lake Tahoe, commented that the implementation plan is inadequate to allow for additional Shorezone development.

Ellie Waller commented on compliance issues.

Michael Donahoe, Sierra Club, commented on boat pollution issues, and the first year data gathering phase; no Shorezone permits should be issued.

Ron Grassi stated that AIS inspectors would not be qualified to inspect tuning/prop pitch and that outreach programs must be significant.

Jennifer Quashnick, Sierra Club, discussed baseline requirements for emissions.

Bob Hasset commented on his concerns with fees related to increase boating and whether the increase is assured.

Greg Guyson, Recreational Boaters Association, discussed assumptions on boating increase and pollution.

Jan Brisco, Tahoe Lakefront Owners' Association, discussed streamlining of inspection procedures and education process.

Mr. Merrill asked for a straw vote.

The straw vote carried.

Ms. Aldean moved approval of the findings as modified for the first year only, with no fees.

Motion carried unanimously.

Ms. Aldean moved adoption of the resolution with amendments.

Motion carried unanimously.

Ms. McDermid left at 4:10 p.m. on Wednesday.

Ms. Thomas left at 4:45 p.m. on Wednesday.

B. Action on Shorezone Adaptive Management Program Implementation Plan

Staff member Shane Romsos presented Phase I of the Shorezone Adaptive Management Program Implementation plan.

Governing Board Discussion:

Mr. Breternitz questioned the timeframe for making timely adjustments versus annually.

Ms. Santiago discussed including AIS mitigation program in monitoring and evaluation programs.

Ms. Bresnick discussed the Adaptive Management framework and ongoing implementation plan development following data gathering phase.

Ms. Thomas discussed technical peer review process.

Mr. Sher discussed the Adaptive Management philosophy.

Ms. Montgomery discussed staff resources to carry out the plan.

Mr. Cashman discussed the water quality standards relative to trigger points and variation of the 5-year mean.

Ms. Aldean stated she supports the proposed plan.

Public Comment:

Michael Donahoe, Sierra Club, commented that the Blue Boating Program and the Adaptive Management Program are intertwined. The Adaptive Management Plan is not a complete Shorezone plan yet, but it is focused on the Blue Boating and permitting program to start.

Jennifer Quashnick commented that baseline conditions are needed to implement the plan.

Jan Brisco, Tahoe Lakefront Owners' Association, asked about public participation opportunities; need to clearly define studies/priorities/protocols/fees and accountability for Shorezone mitigation; recommendations need to be clearly related to findings.

Ellie Waller commented that the mitigation fees need accountability.

Carl Young, League to Save Lake Tahoe, commented on the need to increase monitoring and set specific standards for air quality. The plan needs to be peer reviewed and in coordination with the science community and the required funding needs to be in place to gather the data.

Ms. Aldean moved approval of the findings.

Motion carried unanimously.

Ms. Aldean moved adoption of the resolution with amendments.

Motion carried unanimously.

C. Action on Technical Code Cleanup Amendments for the Shorezone Program

TRPA Consultant, John Marshall, presented the technical Code cleanup amendments for the Shorezone program.

Public Comment:

Jan Brisco, Tahoe Lakefront Owners' Association, asked why we are not charging mooring fees for slips. 2 year advance mooring fees is problematic; she supports other clean-up amendments.

Michael Donahoe, Sierra Club, inquired about the schedule for group 3 amendments and suggested applying fees to slips, including the Tahoe Keys.

Governing Board Discussion:

Ms. Thomas suggested adjusting the payment schedule for buoy fees in the first year.

Mr. Sher suggested calling the buoy fee a bi-annual fee versus an annual fee.

Mr. Cashman commented that these fees could be problematic.

Ms. Montgomery moved approval of the findings.

Motion carried unanimously.

Ms. Montgomery moved adoption of the Ordinance with amendments.

Motion carried unanimously.

D. Action on Chapter 79 Amendment Regarding Aquatic Invasive Species (AIS) Inspection Fee and other Amendments Related Thereto; and Action on Proposed Fee Structure/Schedule

Staff member Ted Thayer presented the proposed amendment for the inspection fee and schedule for the Aquatic Invasive Species program.

Governing Board Discussion:

Ms. McDermid commented on the centralized inspection sites and asked about operations at other.

Mr. Cashman discussed private inspections at marinas.

Ms. Aldean stated she is opposed to the \$5 fee for non-motorized and sealed craft.

Ms. Bresnick noted that there is no fee for decontamination proposed.

Public Comment:

Ellie Waller commented that we need more than 15 inspectors.

Allen Newberry, NV State Parks, submitted their recommendation on fees in writing and suggested lowering the fees.

Bob Bolton, Tahoe City PUD, supports centralized inspection stations.

Greg Reed, representing RHGID & TWSA, supports a strong inspection program.

Jan Brisco, Tahoe Lakefront Owners' Association, commented that inspections in and out of the basin should be done to preserve other lakes and the need to address unauthorized launches. She suggested an appointment approach for inspections at various locations and an annual fee approach.

Michael Donahoe, Sierra Club, commented that we need a stable funding source and to encourage non-motorized craft inspections.

Dave Roberts, TRCD, supports centralized inspection stations.

Ms. Santiago moved approval of the findings and adoption of the ordinance.
Motion carried unanimously.

Ms. Santiago moved approval of the amended fee schedule.
Motion carried unanimously.

Ms. Montgomery commented that she would like all vessels assessed a fee.

Mr. Breternitz left at 11:45 a.m.
Ms. Krause arrived at 11:45 a.m.
Mr. Sher left at noon.

E. Status Report on Buoy Enforcement Program

This item was continued.

XII. REPORTS

A. Executive Director Status Report

1. Agency Work Program Priorities for March
 - a. Forest Fuels Management Update
 - b. Aquatic Invasive Species
 - c. EIP Update
 - d. CEP Update

Ms. Marchetta gave the Executive Director's report.

B. Legal Division Status Report

1. Closed Session on Existing or Potential Litigation
2. Discussion regarding Regional Plan Advisory Group
3. BMP Enforcement Update

Ms. Aldean moved to go into closed session.
Motion carried unanimously.

Mr. Biaggi moved to go into open session.
Motion carried unanimously.

Mr. Biaggi stated in light of some of the comments that were made during the Executive Director research process, he wanted to make it clear that the Regional Plan Advisory Group is advising and assisting staff at their request only. They are not making recommendations to the Board. Additionally, this group will not have a formal lead. He thanked Ms. Bresnick for all of her efforts with this group. She will continue as a member of the group but not in a lead role.

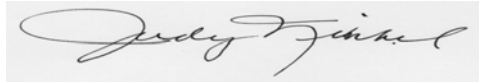
XIII. COMMITTEE REPORTS

- A. Legal Committee – no report
- B. Operations Committee – no report
- C. Public Outreach & Environmental Education Committee – no report
- D. Catastrophic Wildfire Committee – Ms. McDermid, Chair, stated that Mike Vollmer and Chief Pang gave the Committee an overview on what has been achieved in the Basin regarding the wildfire program.
- E. Local Government Committee – no report

XIV. ADJOURNMENT

Governing Board Chair Mr. Biaggi adjourned the meeting on March 26, 2009 at 12:30 p.m.

Respectfully submitted,



Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.