

**TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN UPDATE COMMITTEE MEETING**

TRPA
Stateline, NV

September 28, 2011

DRAFT - REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Shute called the meeting to order at 1:10 p.m.

Members Present:

Ms. Aldean, Ms. Bresnick, Ms. Reedy, Mr. Lawrence for Mr. Robinson, Mr. Sevison, Mr. Shute

Mr. Shute gave an opening statement that this committee is an integral part of making sure the Regional Plan Update is completed by December 2012.

II. PUBLIC INTEREST COMMENTS

Ellie Waller said the last committee meeting was confusing. She had a public comment after the discussion and will send an email with her comments.

III. MINUTES

Mr. Sevison moved approval.

Motion carried.

Mr. Lawrence abstained.

III. AGENDA

- A. Discussion and Possible Action of the RPU's Environmental Impact Statement (EIS) Alternatives and the Differences Between them

Staff member John Marshall presented Discussion and Possible Action of the RPU's Environmental Impact Statement (EIS) Alternatives and the Differences Between them.

Committee Comments & Questions:

Mr. Sevison asked how the committee will know what boxes they can choose from ahead of time. You will not be able to say this box automatically doesn't fall within the

scope of the EIS.

Mr. Marshall said when we get a draft EIS and move through the final, we will be able to provide you with guidance on this.

Mr. Shute said Alternative 5 is Alternative two?

Mr. Marshall said Alternative 4 is the old Alternative 2. Alternative 5 is the old Alternative 3. Alternative 3 is a combination of the old 2 & 4.

Ms. Marchetta said to summarize at a very high level what the differences are as represented across this range; there are differences in the range of metering out new allocations. The 1987 plan identified a cap on allocations, but those were not all metered out under that plan. So, there are some remaining allocations. One key difference is the rate of metering out those allocations. Another key difference is the use of incentives versus more stringent command and control regulations. Another key difference is some of these include the reinvention of the built environment through Sustainable Community Strategy concepts from SB375 and some don't. The fourth difference is some include this simplified zoning system that we are proposing, with some additional delegation strategies pushed down to either federal or state agencies or local jurisdictions and some don't.

Ms. Reedy said we have created an Alternative 3. Was that created with the thought that there were aspects of each of those where we could have more common ground. Why did we suddenly do this change?

Mr. Marshall said it was not an unreasonable projection that this may be an alternative, combining lower allocations with incentivize redevelopment. We wanted to make sure that there was an alternative that facilitated that decision point, if that was where the Board decided on. We were uncertain looking at the alternatives and environmental analysis projecting ahead, that if the Board went in that direction, we could support it with the environmental document within the 4 Alternatives? Our conclusion was that we better make certain and add a 5th Alternative. We are not moving away from Alternative 2 as the staff proposal, but to ensure that if there was movement in the direction of a reduced allocation plus some of the major redevelopment concepts out of old Alternative 2 and new Alternative 4, that this could be supported by the environmental document. We didn't want to go out and do additional environmental documentation if that was the ultimate goal.

Ms. Bresnick asked will there be the possibility for Board members to view the administrative draft of the EIS.

Ms. Marchetta said we would not do this at a Board meeting, but would work with Board members offline in any way that you find useful and productive.

Ms. Bresnick said in order to access some of these, we need to be looking on our own at the detail of the different alternatives. Ms. Bresnick said she is not saying that she is not

in support of incentives for encouraging and promoting redevelopment. It is also important to her in terms of regulatory structure.

Ms. Marchetta said it is important that when she gave a summary of the alternatives, this is not incentives versus regulation. We have a regulatory system in place. The difference is between adding incentives and regulation, plus.

Mr. Shute said each of these 5 alternatives will be evaluated for environmental purposes as if it was selected as the project. That is an incredibly difficult job. It is important for the ultimate success of this process that this EIS covers everything that may be adopted by the Board or we are vulnerable for litigation. While we can't pick and choose everything off of this list, there are things that we can pick and choose without affecting the environmental analysis. For example, the range of TAU choices on the list does not affect the environmental impact by picking one of these, rather than picking Alternative 4. This is part of the exercise that we, as the RPU Committee, can look at this range that is being evaluated as a starting point to winnow out the issues.

No Public Comment

B. Discussion and Possible Action of Recommended Amendments to Threshold Standards

Staff member Shane Romsos presented a Discussion and Possible Action of Recommended Amendments to Threshold Standards.

Water Quality Nearshore Attached Algae

Recommendation: Adopt a new standard to reduce the abundance and distribution of attached algae in nearshore zone.

Committee Comments & Questions:

Mr. Sevison said algae changes with the season. How and when do they measure this?

Mr. Romsos said the standards are consistent with the maximum group rate of algae. It is measured during March and April of each year.

Ms. Aldean asked how our Code defines nearshore.

Mr. Romsos said we currently have a definition that identifies different zones in the nearshore and one of the products of the research being done in support of the standard and indicator review is to take a hard look at our definitions compared to Lahontan's definitions and try to have consistency. They are working toward one of the things that we would be including which is a more technically defensible definition of nearshore.

Ms. Aldean said she went online and the standard went from 1 meter to 30 meters. That takes us out to the pelagic zone. She thinks we need to be specific about what area we are talking about in terms of the desire to reduce the amount of algae growth. Do

only non-native species eat algae? She believes that minnows eat algae all the time. She is assuming we are not proposing eliminating algae entirely.

Mr. Romsos said it is part of the native ecosystem of Tahoe, but it is overabundance which creates overabundance of food resources of species that may be less desirable.

Ms. Aldean said it also eliminates a food source of desirable species as well. It is a pretty delicate balance.

Mr. Romsos said there will always be algae growing in the nearshore, but it is the question of how much and whether or not we are willing to accept significant levels.

Ms. Aldean said once we establish these new standards, what are we proposing in addition to the TMDL which addresses nitrogen loading, which supports algae growth. What additional measures are being proposed to control the growth of algae in the nearshore?

Mr. Romsos said there are some collateral benefits from some of the load reductions proscribed by the TMDL. There might be some additional measures. For example, there might be remnant leach fields from old septic systems that are contributing to some of the issues on the West Shore. There might be some more capital type efforts that we could put in place to help address the algae issue.

Ms. Aldean said the standard that we are adopting 0.5 is achievable, because most of the East Shore has already achieved that standard.

Mr. Romsos says yes.

Mr. Lawrence said he has concerns whenever a new standard is adopted. You better be prepared to deal with consequences and have actions in place if the standard is not met. If there are those types of consequences, we better be sure that actions are actually achievable, implementable, feasible practices to get us to achieve a standard. His discussion with some of the researchers says this can be monitored easily, but actions are not easily identified. You can set a standard, but he is not clear that there are actually achievable practices. If there aren't achievable practices to achieve a standard, then where does this put the Agency? Will we just have another standard on the books that we are not achieving, because of climate change for instance? Are we setting ourselves up for failure?

Ms. Marchetta said this was not staff driven. We agreed to go back and look at this on the basis of expressed interest on the part of some Board members. Should we be looking at this point, at adding a nearshore threshold. Yes there is a great deal of discussion right now about mid-lake clarity, but what people actually experience is the nearshore. Recognizing that a Threshold standard is simply something that you measure. A Threshold standard itself does not put environmental benefit on the ground. How do we actually implement and achieve this? More importantly the question would be, knowing that the science is incomplete and in progress, do you as a collective body wish to adopt or add an interim standard which would drive some new

implementation measures, recognizing that because the science is incomplete, we don't know what all the source contributions are. It will be difficult to define a fully effective set of measures that can solve this. We can begin to attack it, but the question for you is do you want to set the standard or do you want to go to the issue of setting interim strategies to attack it.

Mr. Lawrence said the interim strategies to attack it, won't they come out of the TMDL implementation plan. Is it too early to tell?

Ms. Marchetta said it has been represented by the TMDL regulating agencies, or the state water agencies, that by putting in place strategies to address mid-lake clarity, you will get a collateral and beneficial effect on nearshore conditions. She doesn't know if that is measurable under the TMDL. All she has heard is that there will be some collateral benefit. If this is measurable under the TMDL, maybe we can bring that out. She doesn't think it is at this point, which is why we had this ongoing question of what exactly is happening in the nearshore. What is the right standard, based upon more complete science and what are the right strategies. If we go down this road, everyone needs to remember that this is an interim strategy.

Mr. Romsos said one of the beauties of having a map like this, is that it really does zero in on the land uses that abut that nearshore zone where actions might happen. This does really help to focus our efforts.

Mr. Sevison said he is concerned with areas along the West Shore where there is no development and the water quality on the nearshore and in the lake is terrible, when there is nothing there. There is something we don't know. The area between Tahoe City and Stateline which has been a disaster area where Caltrans has been working. They will be going down the entire shoreline next season. If nothing else, we should identify and understand it. We should give it time to let all the work settle down before we use the numbers now. If not, it won't be close to what the ultimate benefit may be.

Ms. Bresnick asked how comprehensive is the report that is coming out?

Mr. Romsos said it is conducting a full blown synthesis of existing research on nearshore information conducted in Lake Tahoe. There will be a manager's side of it also, where the managers from Lahontan and NDEP are feeding in what our existing standards are for the nearshore. It is pretty comprehensive.

Ms. Bresnick asked when this information will be out.

Mr. Romsos said the draft recommendation for standards and indicators is due out the first week of December of this year.

Ms. Bresnick asked if we have anything mid-range. If we weren't going to adopt a standard right now, is there something mid-way by monitoring this or ready to move when the science is more complete. One of the issues when looking at standards and indicators of our Thresholds, what does the science support? Here is something where science is evolving and this is a concern with everyone, and we are just adding it. Is

there some interim process that we can do if we didn't make it a standard, but where we would still be monitoring it so we might be able to adopt a standard relatively quickly.

Mr. Romsos said currently Lahontan funds the monitoring around the Basin and it has been ongoing for 11 years now, plus there were some other surveys done prior to that, as it relates to attached algae. This is something that we can incorporate into our annual reporting products as well. We can use this to identify other issues that people are concerned about, which are not currently listed as Thresholds. We will still get this type of information out, regardless if this standard is recommended to move forward or not.

Ms. Aldean said you have identified potential sources. Is the adoption of a specific standard required in order to generate the funding necessary to do the research, with respect to inventorying all the septic tanks that may still be in the ground with associated leach fields. Is this tied to our ability to get the funding to actually identify the source of these nutrients or can we find the funding to do the research, so that we don't end up placing that burden on the homeowners who may have very little to do with the decline in nearshore quality.

Mr. Romsos said he would suggest that this be a standard that would facilitate funding. The EIP is designed around reversing past wrongs to assist in attaining Threshold standards. If this were a standard it might facilitate additional funding to help better focus restoration efforts.

Ms. Aldean asked even if this is only an interim standard.

Mr. Romsos said this being an interim standard would move this forward. It would be something that is evaluated in the context of the Environmental Impact Statement for the Regional Plan Update. Resolution 82-11 always envisioned, as new information becomes available, that we have the flexibility and freedom to revisit those adopted standards and make adjustments as necessary.

Ms. Marchetta said that your question is, are we required to have a standard. We are not required to have a standard to leverage funding. There are a couple of choices here. You have the choice of an interim numeric standard or the choice of an interim management standard.

Ms. Aldean said if you have a management standard, then you are just monitoring it, and not basing your decisions on the achievement of any particular numerical standard. It is keeping an eye on the situation, reevaluating it periodically and it would still gain us access to resources so we can do an inventory of all the septic systems in the Basin.

Ms. Marchetta said it gives us an argument to seek funding.

Ms. Aldean said your compromise position would also give us an argument to seek funding.

Ms. Reedy said reality would suggest that if you set a standard and you decide later on that this standard was too low, then this Board would increase the standard. There are consequences to this and she is concerned that this could go either way. In reality it really can only get tightened over time. There has to be some caution when we set a standard interim or not.

Mr. Shute said there is consensus that there is a problem in the nearshore. The fact that we don't have all the science yet is not a good reason to do nothing. This committee will be taking a vote on how we feel about this during each one of these Thresholds. One idea is if the date for this study is fairly hard, we would have this study by December/January. Should we put this off until that study is out and then come back with a proposal. He doesn't believe that we should let this subject go.

Mr. Sevison asked if we have any longevity in this study. How many years has this been going on?

Mr. Romsos said the monitoring has been ongoing consistently for about 11 years and then there were some other efforts prior to that.

Ms. Aldean asked if they are actually looking at sources of nitrogen that contribute to the growth of the algae in the nearshore.

Mr. Romsos said they have expanded some of their investigation to look at some of the groundwater nutrients offshore.

Ms. Aldean said if we wait until December and we have a definitive set of recommendations as a result of this study and also a fairly narrowly identified list of sources which is a problem, she is reluctant to adopt a standard that may lead us to fail our mission. Unless we can identify point sources for the nitrogen that are contributing to the algae growth, what is the point? We can monitor it and if there is nothing, we would be accused of being too lax. She doesn't want to put the Agency in that position. She is in favor of waiting for the report.

Mr. Romsos said their initial recommendations are coming out in December. We still anticipate additional vetting through the executives and the public. So it is looking more like a June date for the final report.

Ms. Marchetta said the practical effect of this is what we are doing in this Regional Plan Update with respect to Threshold amendments and is likely not the last word on Threshold amendments. We are putting out our 5 year Threshold Evaluation Update and one of the components of that update will be a clear understanding that, if there is ongoing work and there is a recommendation to address a Threshold change, what is the likely schedule of this. How would we schedule this out into the future? If we go this route, we are probably not adding a Threshold amendment to this Regional Plan Update package, because we are in the mist of environmental review. We can clearly put this on a schedule so it is apparent to the Board and the public, when we bring this back. We can take the direction that we build as many known management strategies into this update as we can, related to the nearshore. We can do this without having a

Threshold standard.

Mr. Shute said we need to move along, but he doesn't want to let go of a possible interim standard.

Mr. Romsos said then we have general consensus that we let the research come forward.

Mr. Shute said that includes the clarity standard as well as the algae standard.

Ms. Marchetta said she needs to know if whether we are leaving it open to revisit or add it as part of this Regional Plan Update.

Ms. Bresnick said December is the initial recommendations and haven't yet been vetted through the necessary parties. If we revisit it in December, it that okay for this update or not.

Ms. Marchetta said we need this resolved today.

Ms. Reedy said she is in favor of setting a standard. When it comes to the number, we need to be careful. If the indication is we are in favor of adding something, is that enough for you.

Ms. Marchetta said we can take the suggestion of today's number, if you endorse that or we can use a management standard which is not numeric and would drive implementation strategies.

Ms. Reedy said could this be an interim standard that it not be made worse.

Mr. Romsos said yes, but his preference with all of our Thresholds is that we move toward numeric standards, so it is more objective in terms whether or not we are in attainment.

Ms. Aldean said she is leaning toward the management standard only because, until we identify the source of the nitrogen that is contributing to the growth of algae in the nearshore, she would prefer to identify the point source for the nitrogen and then set a numerical standard when we know exactly how we would need to address the problem.

Mr. Romsos said the management standard would be, maintain areas of pristine nature or high esthetic value as they currently exist, and try to reduce the extent of these algae outbreaks.

Ms. Aldean said yes, it can't get worse and we will try to achieve an improvement.

Ms. Marchetta said it indicates that the Board thinks this is an important issue even if it is still evolving.

Ms. Santiago said during this process, could we change this from a management

standard to a numeric standard while this is being evaluated. Is there flexibility to do that?

Ms. Bresnick said if we don't analyze it, we won't have the option of going through this process. If we analyze it and it comes out that for whatever reason the Board prefers just a management standard that can be an option. But if it is not analyzed, it won't be an option until somewhere down the road, so she would be inclined to analyze it. The Board would then have the option of either adopting it or not.

Mr. Shute said the science will never be complete and he believes some of the confidences that have been expressed in the numbers, have provided some basis for going forward. If we have a management standard that we have talked about of non-degradation. We should ask that the analysis is done for the 0.5 standard. In the EIS we have that choice and come December/January when we have the further studies, we can look at it then.

Mr. Lawrence said he is not opposed to further analyzing this, but he would be opposed to a standard if the analysis doesn't include a very thoughtful and detailed analysis. He would like not only what a standard should be and what the number should be, but what are the sources and percentages of the contribution and if there are practical actions that can be implemented in the basin to achieve a standard.

Ms. Marchetta said what she just heard was assume this statement of a non-degradation standard, but add into our environmental analysis and the alternatives an analysis of this biomass index of less than 0.5 and consideration adoption of it, only if that analysis can be tied to source research.

The committee supported this vote unanimously.

Mr. Sevison said it is important that this motion in its entirety be recorded. He is sure that we may say down the road that we didn't understand it that way.

Ms. Marchetta said at the next committee meeting, the first agenda item will be a summary of what we heard that came out of the last committee meeting.

Water Quality Nearshore Clarity

Recommendation: Revise existing standard to increase protection of nearshore clarity.

Mr. Romsos said there is an aquatic invasive species management standard being proposed. He wants to make sure that this is something that the committee would like to see incorporated at some point.

Committee Comments & Questions:

Mr. Shute said yes the committee likes that approach.

Water Quality Deep Water Transparency:

Recommendation: Replace Secchi depth standard for winter average with annual average.

Mr. Romsos gave the committee the recommendation on this proposal. This would improve the consistency with both Nevada & California's directives, as well as move us toward consistency with TMDL objectives in terms of lake transparency.

Committee Comments & Questions:

Mr. Sevison said is this different from what currently exists.

Ms. Marchetta said what we are proposing is the change is what we measure. Right now what we measure is mid-lake clarity in winter time only. We are proposing to conform what we measure now to what the rest of the world will be measuring under the TMDL. This will be an annual average.

Mr. Romsos said that UC Davis goes out and measures twice a month and we can still go back and calculate winter average if someone was curious about what is going on winter average-wise. This is building consistency with the state's directives.

Ms. Aldean said she would not base this on a request by a Governing Board member or member of the public, she would do it. Until we have a consistent series of measurements using the new procedure, we need to measure this as there may be an improvement based on previous measurements that we have taken.

Ms. Marchetta said we can continue to measure this as we have been doing and show the results, but to be clear what is in front of you and because of the way our Threshold standard is written, it says we will measure winter time mid-lake. This is an amendment to the Threshold, because we specify what we would measure.

Ms. Aldean asked if we can just measure both which would be part of the new amendment.

Ms. Marchetta said yes. She is taking this as an endorsement of that change in the statement of the Threshold standard. We will depict both.

Water Quality Deep Water Pollutant Loading:

Recommendation: Replace existing TRPA deep water load reduction standards with TMDL pollutant reduction targets.

Mr. Romsos said this is a recommendation to replace existing TRPA deep water load reduction standards with TMDL pollutant reduction standards. This would be applied at a Regional scale and it would not have any relevance to the load allocations that are being assigned to local jurisdictions. This will help measure progress toward achieving the lake transparency standard.

Committee Comments & Questions:

Mr. Shute asked what Regional means.

Mr. Romsos said it means that the way the TMDL works is that they have identified various source categories, e.g. the urban upland source category, the atmospheric source category, the forest upland category. It is envisioned that we would have a network of fall out type monitoring going on and we could start to enumerate reduction in loads from those various source categories. We are building in consistencies with those TMDL load reduction targets at a Regional scale, not a local jurisdiction scale.

Mr. Shute asked why this table is equal or better to the existing standard.

Rob Larsen said this is because it reflects the most updated science that took 10 years and \$10 million dollars with research monitoring to better understand the pollutant sources, as well as quantify and understand the expected load reductions from various management activities.

Mr. Shute said according to the summary in the packet, it says that this would also reduce phosphorous and nitrogen loading. Is this reflected somewhere in this table?

Mr. Larsen said yes this table includes all three pollutants of concern.

Ms. Bresnick asked if we are deferring to the TMDL.

Mr. Larsen said the table reflects pollutant loading and load reductions on a Basin-wide scale by source. We require the jurisdictions on the California side of the Basin to reduce pollutants by those percentages for the urban source. We have the flexibility to adjust the baseline estimates overtime without adjusting those load reduction requirements that are in the table, because this table is based on a percentage of a baseline load.

Ms. Marchetta said if we adjust all of the jurisdictions within the State of California, then suddenly our 2016 urban upland and the local jurisdictions total doesn't add up to 10% any more, then by definition TRPA will not ever be able to achieve that 2016 interim target.

Mr. Larsen said on a jurisdiction by jurisdiction basis the requirements for each jurisdiction to reduce by 10%. If a jurisdiction has not met their 10% reduction, then yes your statement would be correct. There are four jurisdictions on the California side of the Tahoe Basin and Nevada is part of the equation as well. We are working with NDEP to implement similar accounting and tracking mechanisms so we can say at 2016, assuming that implementation is on schedule, we can assess whether or not each jurisdiction has accomplished that 10% reduction and speak to whether or not we have made progress according to the TMDL implementation plan.

Ms. Marchetta said then if they are not on target for 10%, we are still holding them to the 21% in 2021. So you might amend this in 2021, which means we would need to

amend our Threshold standard, which we have only done 7 times in 30 years.

Mr. Larsen said yes we would need to go back and amend the Basin plan to adjust those schedules. If this target is not met, then this Board, as well as our Board, would need to make a decision whether the standard for the next 5 years needs to be adjusted.

Ms. Marchetta said she is suggesting that 2 or 3 agencies need to adopt this chart. The two states have signed on to this. To have the duplication here at TRPA, should we be adopting out year targets, so those interims can be managed within the two states. Over 30 years, our Goals & Policies have become inconsistent with our Code, simply because we make a change one place and not another place which has contributed to the inconsistency and confusion. She is raising this as an issue to the Board.

Ms. Aldean said she agrees with Joanne completely. We have committed to a five year review. We have embraced TMDL as an Agency, but the states are the ones that are enforcing this. So what we should do is just plan an oversight role. Every 5 years we evaluate the statistics and determine whether or not those numbers need to be amended according to the progress or lack of progress we are making.

Ms. Marchetta said yes, we could more easily write a policy that says we will perform our 5 years Threshold evaluation consistent with whatever the accumulated state level targets are in each source category, which achieves the same result.

Mr. Romsos said we do have currently adopted pollutant load reduction targets identified in the context of Resolution 82-11. Those are problematic because they are inconsistent with the pollutants that Lahontan and NDEP have modeled that will get us to that lake transparency goal. This is a complicated table that has lots of numbers and it might get adjusted over time. It is also getting us unhooked from those load reduction targets that are currently identified in Resolution 82-11. We are trying to move us towards adopting load reduction targets that are consistent with science. One of the things that is required as part of our Threshold evaluation, is to identify interim targets for things that are far out like old growth for example, where we know we won't meet our old growth standard in the next 5 years, but we are still required to identify interim targets. This table provides those interim targets for load reductions by source category. That is why this is so appealing and he believes that this is appropriate moving forward.

Ms. Marchetta said she is suggesting that we sit down with our two state agencies and decide what has been adopted at the state level and how can we conform this 65 year timeframe. It becomes a Threshold set of measuring sticks.

Mr. Shute asked where this table came from.

Mr. Romsos said it came directly from Lahontan's technical report.

Mr. Larsen said yes, this table has been adopted by the two states.

Mr. Shute said it looks like we will refer to this table, as it may be amended from time to

time as a point of discussion.

Ms. Marchetta said if this has been adopted, we will go forward with it.

Ms. Reedy says she has an issue with this also. Can we take a look at this one piece the next time around.

Ms. Marchetta said we would like to check with the states to make sure.

Mr. Shute says his understanding is that the two states and EPA adopted the same thing, so he would be surprised if it is a different chart in Nevada or the federal government.

Mr. Larsen said he can confirm that this chart has been adopted by both states and approved by the APA.

Ms. Marchetta said if these five year measures are immutable over the 65 years period, then she would make a recommendation to adopt this as a Threshold standard. But if this can change every few years, she believes we need to take a hard look at what we actually incorporate into a Threshold standard.

Air Quality Carbon Monoxide (8-hour):

Recommendation: Update existing 8-hour carbon monoxide standards to be consistent with NV & CA standards.

Mr. Romsos said we are updating our existing 8-hour carbon monoxide standards to be consistent with Nevada and California standards. This provides more protection for existing standards and improves consistency with the strictest state standards and represents an amendment to an existing standard. He is trying to be conservative when adopting new standards where state air and water quality standards exist and where we can refer to those.

Air Quality Carbon Monoxide (1-hour):

Recommendation: Do not adopt new 1-hour Carbon Monoxide standard.

Mr. Romsos said we recommend you do not adopt the 1-hour carbon monoxide standard, because TRPA is already required to demonstrate compliance with state and federal air and water quality standards. Because of our directive to report on attainment status of state and federal standards, we will do this as part of our regular reporting.

Committee Comments & Questions:

Mr. Shute asked what is the harm in having this as a TRPA standard.

Mr. Romsos said there is no harm, but is more of another standard that is on our books

that we track and maintain. This has more to do with human health. Currently TRPA's standard is consistent with the national standard of 9 parts per million. The proposal would move it from 9 to 6 parts per million. For the 1-hour standard we would not put forward a 1-hour standard. We would report where we are relative to the state standards. He asked if this recommendation is okay.

Affirmative committee votes – 6

Air Quality Particulate Matter 10 & 2.5

Recommendation: Replace existing standards for wood smoke and suspended soil particles with measureable State and Federal particulate matter standards.

Mr. Romsos said this is a pollutant that affects human health and can affect Regional haze levels. Our recommendation is to replace existing standards for wood smoke and suspended soil particles with measureable state and federal particulate matter standards. This would effectively address issues associated with wood smoke and suspended soil particles and is measureable, implementable and enforceable. A baseline for our current wood smoke and suspended soil particles has been established.

Committee Questions & Comments:

Ms. Aldean said if we are proposing to adopt this new standard, why would we have an alternative that doesn't impose stricter wood stove emission standards. Stricter wood stove emission is in the no project and it also appears in Alternative 5.

Mr. Marshall said this is the recommended standard. We tried to build the no project using Alternative 5.

Ms. Aldean said she thinks it is a matter of degree. To what extent do we have to control wood stove emissions to reach this new standard. This suggests that there is a measurable contribution, so why in any of the alternatives do we say it is not relevant.

Ms. Marchetta said there may be other management strategies that would get us to the result. For example, you could endorse the policy position that we could stop prescribed burning. Part of the purpose of the environmental document is to show differences and give you that delta between if we do this or don't do this, what is the change.

Mr. Romsos showed a table on what those standards might look like. For PM¹⁰, there are basically 4 standards to be adopted. There is one for an annual average and a 24 hour average for particulate matter 10, and 10 refers to the size of the particle. California has significantly stricter standards than Nevada as it relates to PM¹⁰.

Ms. Reedy asked are we measuring against both Nevada & California standards.

Mr. Romsos said we are recommending that we adopt the strictest standard.

Ms. Reedy said so Nevada will be going with the California standard as that is the strictest standard.

Mr. Romsos said yes, although we would still report it out to demonstrate what the Nevada & California standard is and whether or not they are meeting their own standards. TRPA standards would be consistent with California standards.

Ms. Reedy said then you would put the TRPA standards on Nevada businesses.

Ms. Marchetta said it is because we have a wood smoke standard that we know we can't measure. So we are looking for a rational standard to effectively replace it. Otherwise we will just continue to report an unknown.

Ms. Reedy said one may argue that the more appropriate standard might be the one that the nation and Nevada has, as opposed to what California has.

Mr. Romsos said the reason why he presented the graphics was to show you that in 3 or 4 of these standards, we are in attainment. It looks like Lake Tahoe could achieve the strictest standard.

Ms. Reedy said she believes this could create a problem.

Ms. Marchetta said the option is to eliminate the wood smoke standard and rely on the provision of the Compact that says we will look to the standards of the two states, recognizing that we are already in compliance with both. It makes the environmental analysis a little more difficult because we are eliminating a long standing Threshold standard, even though we have never been able to measure it.

Ms. Reedy said she would rather match it to what the states have.

Mr. Shute asked are we are talking about what is under the category of sub-regional visibility.

Mr. Romsos said it is under there and is in Resolution 82-11. It does have implications for human health as well.

Mr. Shute asked what all would be taken out of the information.

Mr. Romsos said if you look under the visibility portion, there is some language that he has crossed out, stating reduce wood smoke by 15% of 1981 base values. Identifying these as not being tied to visibility but allowing them to be independently evaluated. For PM¹⁰ we would be adopting the California standard and for PM^{2.5} the annual average would be adopting the California standard. For the PM^{2.5} 24-hour average we would be adopting the national or federal standard.

Ms. Marchetta said the Nevada delegation has told us this is a problem. The solution is to revert to the provision of the Compact that allows us to look at the two state standards and that would become the proxy replacement for this wood smoke standard.

We would be analyzing it from this point of view and would not look to that provision of the Compact or amend the Resolution 82-11 wood smoke standard, which we have never been able to measure.

Ms. Bresnick said if we do this, we would still leave the ambiguity and would have different standards. She respects the Nevada delegation's position, but she doesn't agree. She would like to keep it the way it has been presented today. If the will of the Board is to not keep it, then when you report out on the 5 year evaluation, you probably say we meet California in California and Nevada in Nevada. Is it possible that it will be worse in Nevada than in California? That leaves open the question if that satisfies the Compact, are we establishing any overall TRPA standard.

Ms. Reedy said that is in conformance with the Bi-state Compact, because it gives us the option in recognizing state rights.

Ms. Marchetta said the difference is in our 5 year review. We would be reporting against both standards and in this instance, we would say we are in compliance with both states. On a project level basis, if the project is in Nevada we would be measuring against the Nevada standard and the same for California.

Mr. Shute said he thought the whole idea of the Agency was that this is one lake.

Ms. Marchetta said it is. This has been one of those policy issues that was put on the table and where we have not been able to come up with a melded standard to replace wood smoke that both states agree on. The problem from an implementation point of view for TRPA is there is no way to measure wood smoke.

Ms. Reedy said let's not forget it is the national standard as well.

Mr. Shute said does these standards include more than wood smoke.

Mr. Romsos said yes.

Mr. Shute said the Federal Clean Air Act has standards for all of these categories. In fact, wouldn't you be interested in picking up some TMDL standards by knowing this. Some of these particles are within the size range of the TMDL particles. So this is more than just wood smoke.

Mr. Romsos said this is human health, regional haze or visibility and likely a nexus of fine sediment particle deposition into Lake Tahoe.

Ms. Marchetta said if we keep wood smoke in our 5 year report, we would report against these standards, because she can't suffer the embarrassment of reporting unknown simply because we can't measure it.

Ms. Aldean said she doesn't think there is disagreement about jettisoning the wood smoke standard, but the question is whether or not we adopt the national standard for the Basin or we force Nevada to comply with its neighbor's standard. She thinks the

Nevada delegation has been adamant about wanting to abide by its own standard, which happens to correlate with the national standard.

Mr. Sevison said he doesn't mind the Basin being under one standard even if it is the national standard, because those in California will have to adhere to the California standard regardless.

Mr. Marshall said he wouldn't recommend adopting a Threshold that is inconsistent with the applicable state standard.

Mr. Shute asked if there are any current instances where the two states are separated for Threshold purposes.

Mr. Romsos said no.

Ms. Bresnick said she would adopt the California standards as this is a special place. She doesn't see any reason why we couldn't have more stringent standards than what is national.

Mr. Marshall said the Nevada delegation can adopt a stricter standard, as there is nothing to prevent it. It is a question of policy.

Ms. Aldean said if we are correct and the majority of particulates are being generated on the California side of the Basin and if they are able achieve that standard, she suspects that Nevada will achieve that standard as well.

Ms. Marchetta said yes.

Ms. Aldean said she doesn't think it matters if both states maintain their standard, ultimately Nevada will benefit.

Mr. Shute said he agrees with Ms. Bresnick, as it is one lake.

Mr. Sevison said he won't oppose Nevada on their decision, as we are meeting both standards currently.

Ms. Marchetta asked for a straw vote for the record.

Straw vote on national standard:

Split standard – 4 committee votes

California standard – 2 committee votes

Mr. Marshall said the result of this is that you want PM¹⁰ & PM^{2.5} Threshold, but there is a difference of opinion on what it should be.

Mr. Romsos said we also agree that we are striking out the wood smoke and the suspended soil particle standard.

All committee votes affirmative

Air Quality Ozone (8-hour)

Recommendation: Do not adopt new 8-hour Ozone standard

Mr. Romsos said we do not recommend adopting a new 8-hour ozone standard because the states and the Federal government already has standards. TRPA currently has the strictest of .08 parts per million while California is .09 parts per million and Nevada is .10 and national is .12.

Committee Questions & Comments:

Ms. Aldean said with respect to the 1-hour standard, what standard are we complying with.

Mr. Romsos said TRPA currently has a 1-hour standard that has been adopted.

Ms. Aldean said so that would supersede the standard in California, Nevada and the Federal government.

Mr. Romsos said we are not proposing to change this. We just want to know if this group thinks we need to adopt a new 8-hour ozone standard?

Mr. Shute said what is the value of having an 8-hour or 24-hour standard.

Mr. Romsos said it is different exposure levels.

Mr. Marshall said it is a chronic versus an acute measurement.

Mr. Shute said if there is a longer time period that relates more to acute would be where potentially some portion of the population is being exposed to a higher risk, is that right.

Mr. Romsos said it is a difference of chronic versus acute exposure to ozone. It is known to damage lung tissue.

Ms. Aldean said is it fair to assume if we make improvements in the 1-hour standard we would be making improvements in the 8-hour standard as well.

Mr. Marshall said the reason you have acute versus a chronic standard is where there could be events that might spike ozone that you would want to see. If you have violations of that short time period your baseline chronic condition will be more an 8-hour average. This is environmental health as well.

Mr. Sevison said he was told that the source of ozone in Lake Tahoe is unusual, and most of it is produced by pine trees. Everyone who has a hot tub has an ozone generator on it to purify the water.

Mr. Romsos said ozone affects trees. It can impact their livelihood. Sources of ozone include vehicle exhaust and motorized watercraft. The development of ground level ozone is a complex atmospheric process. There is a debate among scientists about what is driving ozone concentrations here in Lake Tahoe. Ozone becomes most critical during the summer months.

Ms. Aldean said the deterioration of the ozone layer at altitude is attributed to increased incidents of skin cancer.

Ms. Bresnick said in all of our previous Threshold evaluation reports, we have been reporting out on Federal and state air and water quality standards. It is not something new. What we are doing now, but not consistently is we have had a standard and we are required to do this anyway. We are taking this out of the Threshold standards and indicators, but we still have to report out on it according to the Compact.

Mr. Romsos said we are already required to achieve these state and Federal standards and it is a question of do we need to layer on additional standards into Resolution 82-11.

Ms. Bresnick said it is important to remember that, if we are not consistently applying standards, we might want to explain this as we get to a broader audience.

Mr. Marshall said keep in mind when we add anything to Thresholds including maintaining state and Federal standards, the original plan still has to attain and maintain both. Even though you have the strictest California standard, the Regional Plan still has to attain and maintain that standard. If you memorialize it in Thresholds, sometimes it is stricter. In 1982, they thought there should be a stricter standard and then you are stuck with number in the Threshold, instead of going with what the two states are doing.

Ms. Aldean said the only 8-hour standard is in California.

Mr. Marshall said even if you have an applicable state standard, you still have to plan to attain it, but yes.

The recommendation is to not adopt the 8-hour ozone Threshold standard, but just report on it.

Affirmative committee votes – 4

Negative committee vote - 2

Wildlife – Northern Goshawk

Recommendation: Update management standard to protect most suitable habitat surrounding nest sites.

Mr. Romsos said we are recommending an update to the management standard. Currently the standard is to wrap a ½ mile radius around a known nest sight and protect that. This doesn't make sense in all instances because you are protecting urban subdivisions. The proposal is to update the management standard to protect the most suitable habitat surrounding the nest site. This is based on best available science.

Committee Questions & Comments:

Mr. Lawrence said he is supportive of this. The current Threshold standard hasn't made sense.

Mr. Sevison said one of the drawbacks has been we haven't been able to get a trail to where it needs to go, because of this habitat. Is it your opinion that this may give us the latitude to make this function better?

Ms. Marchetta said yes.

Mr. Romsos said as a biologist it depends on the situation.

Ms. Marchetta said what this does is allow you to look at best available habitat. It will make those conflicts easier to resolve.

All affirmative committee votes

Fisheries – Lake Habitat

Recommendation: Adopt lake fish habitat map per Code of Ordinances procedures. Allow for minor changes to threshold language.

Mr. Romsos said the recommendation is that we adopt a lake fish habitat map under our Code of Ordinance procedures. We don't see an update to a map as being something that is a Threshold update. We have this in Chapter 12 of our Code of Ordinances and we see this as being a more appropriate avenue for this update.

Ms. Marchetta said we adopted a map of a date certain. These are maps that were adopted 30 years ago. Now there is new information. The profundity of our Threshold standard is such that we can't rely upon new information.

Committee Questions & Comments:

Ms. Aldean asked if this map would be irrespective of where piers are located?

Mr. Romsos said this is the submerged substrate. It identifies where it exists. Our existing fish habitat map is pretty coarse in terms of its representation of fish habitat

distribution. This provides more resolution in terms of where it exists. If there was a prohibition on fish habitat you could use the map to identify those areas.

Ms. Aldean said we have come to the conclusion that piers are not injurious to fish. That is something that we tried to remedy in the Shorezone update and it still hasn't been remedied.

Mr. Reedy said we are moving this from a Threshold to a more easily adaptable Code of Ordinances.

Mr. Romsos said the Threshold still exists. This is a question of how do you update some of the underlying materials for the Threshold. Is it something that requires a Threshold amendment or do we do this through an amendment to the Code of Ordinances.

Ms. Reedy said should we agree to this, the map can change as science changes through the Code of Ordinances as opposed to this massive update.

Mr. Romsos said we would still need to bring this to the Board to get approval, but it is semantics in many ways. There is some minor language tweaks in this Threshold to strike out the date of the map that we are currently using. It would say that we can update maps when best available science is ready.

Ms. Bresnick said it is still a Threshold, but it is a management standard as opposed to some kind of numeric standard or tied to a specific dated map. So what we are doing in some of these changes is doing management standards and more reporting out, and our Threshold evaluations need to be really robust. Some of this will better inform us than perhaps some past Threshold evaluations in terms of where we need to be with our Threshold standards and indicators. For example, if this is still a Threshold we would be reporting out what the best available science is telling us and reporting out that our map is now up-to-date pursuant to our Code of Ordinances or our map needs to be changed pursuant to best available science.

Mr. Romsos said there is a number in the evaluation which makes it confusing for a practitioner when trying to evaluate whether or not we are achieving a numerical standard versus a management standard, because it has a numerical target. In his opinion it is a question of are we as a planning agency effectively implementing or honoring that management standard that is telling us not to degrade fish habitat. If we can demonstrate with pier projects and we are doing due diligence to insure they are mitigating there effects.

All affirmative committee votes

Soil Conservation Impervious Surface

Recommendation: Adopt new soils map per TRPA Code of Ordinance procedures.

Mr. Romsos said the recommendation is to adopt new soils map per TRPA Code of Ordinances procedures, not as a Threshold amendment. This is similar to the fish habitat map. We are not changing any of the percentage coverage values.

Committee Questions & Comments:

Ms. Bresnick said does this effectively change the Board voting requirement. If it is done through the Code of Ordinances, is it any 8 votes.

Ms. Marchetta said the vote is 4-4.

Ms. Bresnick said that in any case the vote is 4-4.

Mr. Romsos said this was originally proposed as a Threshold update and we are saying we are only updating the map.

Mr. Marshall said this is not a change from the current practice.

Mr. Romsos said this is a change only from the original proposal.

Mr. Marshall said there will be a change when we want to adopt the map. We are saying that we are not going to bring this to the Board as a Threshold amendment, but as part of the RPU.

Mr. Shute said there is no Threshold change proposed and nothing we have to do.

Mr. Romsos said are you supportive of the recommendation of pursuing this change through a Code of Ordinance procedure, and a change from the prior Threshold update.

Mr. Shute asked if in any given circumstance is there verification on a project by project basis of the soil capability despite what it says on the map, or verifying what is on the map.

Ms. Marchetta said yes that is our practice.

All affirmative committee votes

Mr. Sevison asked if this goes toward resolving the issue where we have projects being done with controversy over the soil types. He asked a question about a project and it shouldn't have been built. The reason it was built was this deferential soil type mapping where they were allowed to use the most beneficial soil map that gave them something they shouldn't have had.

Ms. Marchetta said yes this would correct that situation. Our original soils map was at a grain of differentiation of about 10 acres. Now this is taking it down to a 2 acre grain of resolution.

Vegetation Sensitive Plants:

Recommendation: Incorporate management standard into Code of Ordinances.

Mr. Romsos said this is to abandon adding a management standard for sensitive plants and incorporate that similar management standard into the context of our Code of Ordinances. If this is in front of our planners on a day-to-day basis, it would be more effectively applied. The proposal was a survey and protect type standard. The majority of these sensitive plants exist on public property, which other agencies already have applicable management standards.

Committee Questions & Comments:

Mr. Shute said there is no correlating existing Threshold standard.

Mr. Romsos said we have numeric standards for special interest plant species and that list is 5 species long. The list we are talking about is 23 species long. It becomes a challenge in terms of administering and tracking the status of all those different species.

Affirmative committee votes – 5

Abstained - 1

Noise On – Off Road Vehicles

Recommendation: Do not adopt originally proposed on and off highway vehicle noise standards. Honor State's rights to enforce.

Mr. Romsos said there is a proposal that we adopt on and off road vehicle noise standards. we are recommending that you not adopt these as originally proposed. TRPA lacks the authority to effectively evaluate attainment of these proposed standards. It would require us to pull an individual over and put a noise monitor up to the exhaust pipe and measure decimal levels. We don't feel we have the authority to affectively measure this.

Ms. Marchetta said we have no power to stop moving vehicles.

Mr. Romsos said there currently are existing standards in place that address the issues of on and off road vehicles. As part of the 2011 Threshold Evaluation, we will forward a scope, schedule and strategy for other needed updates. TRPA will then take necessary actions to amend the Threshold standards, when science is available. We anticipate this amendment package in the future to include a technical document and monitoring plan, as well as the appropriate environmental documentation.

Committee Questions & Comments:

Ms. Bresnick said didn't we spend some time talking about off road vehicles and take some action some time ago.

Ms. Aldean said it had to do with measuring the distance of an off road vehicle from private homes.

Mr. Hitchcock said this had to do with snowmobiles and creating a buffer between residential areas and snowmobile courses.

All affirmative committee votes

Public Comment:

Carl Young, League to Save Lake Tahoe, said it became frustrating for him having each agenda item discussed and not having encouraged people to provide input. Then straw votes were taken which constitutes action without having any public input.

Mr. Shute said it was his fault and he apologizes. He doesn't think we will have this kind of detail on future items and we will be able to more easily do public comment.

Mr. Young said part of talking about some of these issues was to affect the process and to provide input that may have made a difference in the votes. Because you added that because these are straw votes that these things can be revisited. It would be best for us to approach some of these different amendments in writing. There were certain ones that were decided to be passed that were proposed that we feel are merited, one of which would be the 8-hour standard for ozone because of its effect on human health which is extraordinarily important. This goes beyond human health and it goes to forest health which is very important here in the Basin. He hopes that people will look at our comments and revisit items. We feel many of these Threshold changes are extremely important from a scientific perspective and they need to be based upon the best available science. We will make a commitment to look at these based on the best available science.

Ellie Waller said the code cleanup and other amendments should be a separate subject on the committee's list. Everything that you do with Threshold, Codes and policies are affected by these discussions.

Susan Gearhart, Friends of the West Shore, said she would appreciate the Board members on this committee look at the lake in the whole. We have one lake and one body of air above us. She thinks that the air quality, particulate matter and ozone affect not only our air but traffic as well. It certainly relates to a lot of traffic and vehicles driving on our highways. This also affects our lake quality. Particulate matter is extremely important to us, as well as ozone and TMDL. This is concerning because we have heard from several counties and the city that this is not funded yet. That is a concern to us plus it is also a concern that the scientific data for TMDL will vary a great

deal. Within the first 15 minutes of any storm event is when you need to be out there as that is when the majority of the particulate matter comes to the lake. When you are dealing with county employees, they are not going to be dedicated as a researcher would be to track this first 15 minutes. The nearshore quality is a major concern to us on the West Shore. Tahoe City PUD has put in sewer pipe lines along the shoreline. Older homes are presently pumping up to the sewer line that Tahoe City PUD has all the way to Emerald Bay, therefore the leach fields don't make good sense. She would like to see the science behind this.

- C. Discussion and Possible Action of the EIS Alternatives Regarding Tourist Accommodation Units

(this item was continued)

- D. Discussion and Next Steps for the Committee

Staff member John Hester presented a discussion on next steps for the Committee.

Ms. Marchetta said the overlap in topic areas between this committee and the Local Government Committee is completely intentional. The reason that we have set this up as two committees, is because one of the difficulties of dealing with a Board of this size is that staff has to deal with 15 free agent opinions and then try to reconcile those. It is almost impossible to move through this scope of issues and get it right. The way these committees were organized was to represent three different areas of the Board. The Local Government Committee represents the local jurisdiction interests. The idea is if they can develop a collective position or opinion on an issue, then we can articulate this in a result sheet. Then this becomes a record of what this group believes. This committee represents the two state-wide groups and it happens to have an infusion of local jurisdiction membership, but that is a minority membership. What this committee is the two states talking to one another. The intension is to draw out areas of commonality and more importantly areas of difference. Over 6 months we will have looked at a full range of differences and we may be able to work toward resolution of those differences. But if not, we know what the issues are that need to be negotiated, resolved or a process where we begin to continue to seek resolution of those differences. One of the advantages is that staff can do a better job of preparing and making available, ahead of time, materials instead of handing out information at the last minute.

Committee Comments & Questions:

Ms. Bresnick said the changes made at the Local Government Committee, does this significantly change what has been presented here.

Mr. Hester said they recognized that item 1 was more your purview, but they are interested in it. They would like to keep Item 12 in their purview for a while before it comes over to your purview. Most everything else they wanted was to see was a difference in opinions. They also wanted to add some issues that staff had left off.

Ms. Aldean said in general the committee felt that they had an interest in all of these things and there would be an advantage to moving on a parallel track with this committee. We could identify issues with which are in agreement and issues where there is major disparity, then focus on those areas of major disagreement.

Ms. Bresnick said there may be opportunities from a staff resource point of view, especially if presentations are going to be the same, we should be looking for when they arise, to bring the two committees together, especially if we are reviewing similar issues.

Ms. Marchetta said the way to bring the two together is at the regular Board meeting.

Mr. Lawrence said as he looks at the schedule and the draft EIS is scheduled for release March 2012, he is looking for some milestones between now and then. Is this a schedule for these milestones? What are the intermediate milestones steps that people can feel comfortable with that we are making progress toward achieving a Regional Plan in December 2012?

Ms. Marchetta said these are intended to reflect interim milestones. Counsel at the last committee meeting cautioned the Board that we can't make final decisions absent any consideration of our draft EIS. This is milestones that will do one of three things. It will identify commonalities and it may also be a milestone that defines an area of difference that we have not been able to resolve. At the end of 6 months we know what that set of intractable issues are. There may be negotiation within those issues that need to occur or there may be negotiation across issues.

Mr. Lawrence said he is concerned that if 6 months from today we have just identified the large contentious issues and we are not working on resolution, the 2012 deadline is looming.

Ms. Marchetta said she firmly believes that we will be narrowing issues through this process. What staff has recognized is that until there is a good understanding of an issue, often times there are issues that are perceived, but when you get good information in front of people, it becomes less of an issue.

Mr. Shute said he has always said that this committee is not just identifying issues for discussion, but trying to work through them. We should come up with a consensus or an alternative recommendation. As we work through issues and coordinate with the Local Government Committee, we will take them to the full Board. That was before he saw the schedule where the bulk of our work will be done next spring. This may be a more comprehensive way to get at the work, but that may have to evolve.

Mr. Sevison said as we work our way through the issues and we find one that is insurmountable, we will have to move this up to the full Board.

Public Comment:

Ellie Waller said there are 12 items and she believes that Code cleanup and

amendments should be a separate item that both committees look at as a separate issue. It shouldn't be lumped in with State, Federal and Regional body.

Mr. Shute encouraged everyone to look closely at the list of issues and make sure it encompasses those things which you would like to discuss. Should there be more specific articulation within land use, regional plan or transportation to make sure we get at the issues. Some of these categories are general and he is not sure they encompass issues that he would like to discuss. To have this completed by February or March next year, the schedule is tight. We will certainly need to have more meetings than just on regular Board dates.

IV. MEMBER COMMENTS

None

V. ADJOURNMENT

Chair Mr. Shute adjourned the meeting at 4:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judy Nikkel", is centered on a light gray rectangular background.

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.