

at Large position. Mr. Carey stated that staff recommends that the Governing Board make an appointment for the Nevada Member at Large for a 1-year term from January 1, 2022 to December 31, 2022. Mr. Carey stated that the Nevada Member at Large does not vote on this appointment. Mr. Carey stated that a majority of the Governing Board members present and eligible to vote on this appointment is needed to make the appointment of the Nevada Member at Large. Mr. Carey stated that with Member Hill not present at today's meeting a total of 3 votes are needed to make the appointment of the Nevada Member at Large.

Member Williamson thanked the Governing Board for the opportunity to serve as the Nevada Member at Large over the past year. Member Williamson stated that she learned a lot during the year and that she would like to continue serving as the Nevada Member at Large.

Member Bruce made a motion to appoint Haley Williamson as the Nevada Member at Large for a 1-year term beginning January 1, 2021 and ending December 31, 2022. The motion was seconded by Member Aldean.

Member Lawrence stated that he is glad that Member Williamson is interested in serving an additional year as the Nevada Member at Large.

Member Rice stated that he agreed with Member Lawrence.

There were no other Governing Board Member comments. The motion was approved unanimously by those present and eligible to vote on the motion. ***ACTION**

3. **ELECTION OF CHAIR** – Scott Carey with the Nevada Division of State Lands stated that the term for the Chair of the Governing Board is for two years and began on January 1, 2021 and would end on December 31, 2022. Mr. Carey stated that at the November 14, 2018 meeting the Governing Board appointed former Member Berkbigher as the Chair and Member Cegavske as Vice Chair to a two year term that ended on December 31, 2020. Mr. Carey stated that due to changes on Governing Board at the end of 2020, staff was directed to hold off on elections for Chair and Vice Chair until the new membership was decided. Mr. Carey stated that the Governing Board is currently without a Chair and Vice Chair. Mr. Carey stated that the main duties of the Chair position include running the meetings, assisting staff with the development of meeting agendas, signing off on NTRPA certified plans & drawings, and signing other letters or official correspondence on behalf of the Governing Board. Mr. Carey stated that staff recommends that the Governing Board elect a Chair for a 2-year term beginning on January 1, 2021 and ending on December 31, 2022.

Member Lawrence stated that he believed Member Hill would be a good Chair and that Member Williamson would be a good Vice Chair. Member Lawrence stated that he talked with Member Hill prior to the meeting, and she agreed to serve as Chair if elected.

Member Lawrence nominated Member Hill to serve as Chair and Member Williamson to serve as Vice Chair for a term beginning on January 1, 2021 and ending on December 31, 2022. The motion was seconded by Member Bruce.

There was no discussion on the motion. The motion was approved unanimously. ***ACTION**

4. **ELECTION OF VICE CHAIR** – Member Lawrence nominated Member Hill to serve as Chair and Member Williamson to serve as Vice Chair for a term beginning on January 1, 2021 and ending on December 31, 2022. The motion was seconded by Member Bruce.

There was no discussion on the motion. The motion was approved unanimously. ***ACTION**

- 1.c **APPROVAL OF DECEMBER 4, 2020 MINUTES** – Member Bruce made a motion to approve the meeting minutes of December 4, 2020 as submitted. The motion was seconded by Member Lawrence.

Member Cegavske stated that she will abstain from the vote as she was not present at this meeting.

Vice Chair Williamson called for a roll call vote on the motion. ***ACTION**

AYES: ~~Chair Berkbigler~~, Member Aldean, Member Bruce, and Member Lawrence.

NAYS: None

ABSTAIN: Member Cegavske and Member Rice

ABSENT: Chair Hill.

2. **PUBLIC COMMENTS** – Vice Chair Williamson called for public comment.

Ellie Waller, Douglas County resident. Ms. Waller stated that she was happy to be at this meeting and participate in future NTRPA meetings. Ms. Waller stated that she looks forward to hearing updates on the Boulder Bay and Cal Neva projects. Ms. Waller asked a question as to when the one-year permit extension for the Cal Neva project expires. Ms. Waller stated that she was glad to see the sale of the Lakeside Casino to Barton and thought that would have been a suitable location for affordable housing. Ms. Waller stated that she would also like to know if there's any information regarding the event center financing in Stateline.

Scott Carey with the Division of State Lands stated that the meeting notice included instructions for how to submit a public comment before the meeting and as of the deadline of December 7, 2021 at 5:00 PM staff did not receive any public comments prior to the meeting.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

6. **REQUEST FOR SECOND EXTENSION OF TIME FOR CONDITION #1 FOR THE DETERMINATION OF CERTIFICATION OF THE GAMING FLOOR AREA FOR THE TAHOE NUGGET IN STATELINE** – Scott Carey presented the **staff report** which is included as pages 21-29 of the meeting packet to the Governing Board. Mr. Carey stated that at the July 23rd Board meeting, the Board found that the certified base data for the Tahoe Nugget site was valid and eligible to be used on the site subject to 1 condition of approval. The condition of approval required that the applicant submit to the agency

detailed architectural floor plans and base data calculations within 6 months after purchasing the property.

Mr. Carey stated that at its December 4, 2020 meeting, the Governing Board approved a request to amend Condition #1 associated with the Governing Board's previous determination for the Tahoe Nugget site. The approved amended Condition #1 extended the deadline, allowing the applicant to submit the detailed architectural floor plans and base data calculations to the agency by December 31, 2021.

Mr. Carey stated that the approved amended Condition #1 also allowed the applicant to submit detailed architectural floor plans and base data calculations 6 months after commencing each future phase of the project. Mr. Carey stated that as part of its approval at the December 4, 2020 meeting, the Governing Board defined the term "commencement". Mr. Carey stated that the Governing Board specified that the term "commencement" means that no construction can begin on any phase until such floor plans and base data calculations have been reviewed and approved by the NTRPA.

Mr. Carey stated that the intent of the term "commencement" in Condition #1 as it relates to future phases of the project is to allow the owners of the site sufficient time to analyze tenant spaces within the building as they become vacant.

Mr. Carey stated that in October, staff received a request from Northern Nevada Comstock Investments for a second amendment to condition #1 to allow for an additional 6 months to submit detailed architectural floor plans and base data calculations. Mr. Carey stated that page 30 of the [meeting packet](#) includes a letter from the applicant requesting this second amendment.

Mr. Carey stated that ~~there are some~~ there are some minor discrepancies with the square footages and cubic volume indicated and the exhibits reviewed by the agency and Governing Board when compared to the certified base data on file for the site. Mr. Carey stated that the discrepancies are indicated in the staff report. Mr. Carey stated that the intent of Condition #1 as approved by the Governing Board was to "clean up" the certified base data that the agency has on file for the Tahoe Nugget site. Mr. Carey stated that at the time of the original request in July 2020, the applicant did not own the building and did not have access needed to conduct detailed measurements and develop more accurate floor plans.

Mr. Carey stated that in the year since the Governing Board's decision to extend the time for condition #1, leases with tenants have expired and the owners have made progress conducting demolition work and developing plans for the future use of the building. Included on pages 25-27 of the [meeting packet](#) are photos showing the demo work that has taken place within the building.

Mr. Carey stated that since the applicant has owned the building, they have come across many unexpected issues with the building while conducting the demo work. Mr. Carey stated that according to the applicant these issues have made it difficult to submit the detailed architectural floor plans and base data calculations by the December 31, 2021 deadline.

Scott Carey with the Division of State Lands stated that the term “substantial compliance” is not defined in statute. Mr. Carey stated that the intent behind the term is that if the owner’s data is under the certified base data totals than staff would be authorized to sign off on the plans. Mr. Carey stated that if the owner’s data is above the certified base data totals than the Governing Board would be asked to consider a recertification request.

Executive Officer Donohue stated that if there was a need for the Governing Board to consider a recertification request, that it would likely come at the last phase of the project. Mr. Donohue stated that it is staff’s intent that if the owner’s data came in under the certified base data totals, then staff would be authorized to sign off on the plans as opposed to the Governing Board reviewing each phase of the project.

Member Lawrence stated that he does not have any problems with this request and that he believes that the request makes sense. Member Lawrence asked if the 6-month time frame with the proposed condition of approval provides enough time to submit the detailed architectural floor plans and base data calculations to the agency. Member Lawrence stated that he wanted to make sure that the Governing Board provided the applicant with enough time to complete the plans and calculations and start on construction as opposed to reviewing another extension request.

D. Scott Tate with Northern Nevada Comstock Investments stated that they believe 6 months is enough time to submit the detailed architectural floor plans and base data calculations. Mr. Tate stated that it is currently a challenging environment within the construction industry and to find the professionals to complete the detailed architectural floor plans and base data calculations. Mr. Tate stated that they do believe that an additional 6 months is more than to submit the detailed architectural floor plans and base data calculations. Mr. Tate stated that they have also looked at the exterior of the building and have considered best management practices to enhance the site.

Vice Chair Williamson opened this item up for public comment.

Ellie Waller, Douglas County resident. Ms. Waller asked for clarification as to what would trigger a recertification request for the project.

Scott Carey with the Division of State Lands stated that if the owner’s data is above the certified base data totals than the Governing Board would be asked to consider a recertification. Mr. Carey stated that if owner’s data is under the certified base data totals than staff would be authorized to sign off on the plans.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

Member Aldean made a motion approve the second amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site, Douglas County APN 1318-23-401-049 as outlined in the December 8, 2021 staff report with the understanding that the term commencing does not include the start of any new construction. The motioned was seconded by Member Rice. The motion was passed unanimously. ***ACTION**

7. **REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE AGENCY: JANUARY 2021 – DECEMBER 2021** – Executive Officer Donohue stated that he and Scott Carey will both provide the Governing Board with an update on the activities of the NTRPA.

Scott Carey with the Division of State Lands stated that in September that agency was contacted by a representative about the certified base data for the North Casino property in Stateline. Mr. Carey stated that the North Casino property sits in between Harrah's and the Bill's/Barneys properties in Stateline. Mr. Carey stated that as part of this inquiry, staff discovered an error in the certified base data summary table for the North Casino property while conducting research. Mr. Carey stated that the error in the table is reflected in the certified base data summary table on page 33 of the [meeting packet](#).

Mr. Carey stated that in 2011, after Harrah's disposed of the North Casino property, the Governing Board approved a separation request of this property from the certified base data of the Harrah's property. Mr. Carey stated that as a condition of approval of the separation request, the Governing Board required the property owner to submit large plans sheets and certified base data totals for the North Casino property that would be signed off by the Governing Board Chair. Mr. Carey stated that it was discovered that the required plans were never submitted to the agency. Mr. Carey stated that staff has been working with the property owner and former applicant to obtain the required plans. Mr. Carey stated that the updated certified base data summary table reflects the Governing Board's separation approval and reduces the certified base data for Harrah's and creates a new entry in the table for the North Casino property. Mr. Carey stated that staff wanted to report to the Governing Board this error in the table, be available for any questions from the Board, and let Chair Hill know that she will be asked to sign off on the large plan sheets for the North Casino Property.

Executive Officer Donohue stated that he would not classify this issue as an error for the agency but rather that the agency has been waiting for the applicant and property owner to submit the required large plan sheets to the agency. Executive Officer Donohue stated that the Governing Board took previous action to separate the North Casino from the Harrah's certified base data. Executive Officer Donohue stated that now that the agency has the required plans the certified base data summary table can be updated to reflect previous Governing Board action.

Member Lawrence stated that he recalls when the Board took action on the separation, one of the biggest challenges was with Harrah's certified base data. Member Lawrence stated that the entire Harrah's property was certified previously as one large site that included several buildings. Member Lawrence stated that it will be important for staff to carefully review the plans to make sure that the separated certified base data for the North Casino property does not exceed the overall certified base data for the entire Harrah's property.

Executive Officer Donohue stated that he agrees with Member Lawrence's comments and that staff has carefully considered this while drafting up the changes to the certified base data summary table.

any conversion as commercial floor area upon the retirement of any certified base data or implementation of a banking concept.

Member Lawrence stated that it was recollection that the Lake Tahoe Compact is silent on whether certified base data could be retired or banked. Member Lawrence stated that within the compact there are very strict requirements as to what you can and cannot do with the walls of a structure but there is nothing about what happens if gaming is retired or goes away. Member Lawrence stated that when he served as the Executive Officer, he would regularly get calls from real estate agents about whether gaming could be returned to the Tahoe Nugget property in Stateline. Member Lawrence stated that it was his opinion as Executive Officer that there was never any action to remove the gaming and under the compact the gaming use was still allowed. Member Lawrence stated that he believes with what Barton Health wants to do and needs to do with the Lakeside property, this it likely does not fit within the structure housing gaming restrictions. Member Lawrence stated that they appear to have a desire to no longer be a structure housing gaming in order to redevelop the site. Member Lawrence stated that it is likely up to the Governing Board as to determine whether gaming is still on the property or not because the Lake Tahoe Compact is silent on the matter. Member Lawrence stated that there is nothing with the Lake Tahoe Compact that specifies that a gaming use would expire after a certain amount of time and that its likely at the discretion of the Governing Board.

Executive Officer Donohue stated that the Hyatt Incline Village recently sold, and that the agency has had discussions with a representative of the new owner. Executive Officer Donohue stated that these discussions have involved some interesting questions that may require future Governing Board review and consideration.

Executive Officer Donohue stated that it is his understanding that the Tahoe Biltmore property in Crystal Bay has recently sold as well. Executive Officer Donohue stated the agency does intend to reach out to the new owners to discuss their future plans for the property. Executive Officer Donohue stated that it was his understanding that the TRPA has received inquiries from the new owners regarding the approved Boulder Bay project on the property. Executive Officer Donohue stated that he does not know whether the permits approved for the project fit within the new owners future plans for the property.

Executive Officer Donohue provided an update on the Cal-Neva in ~~Crystal~~ ^{crystal} Bay. Executive Officer Donohue stated that he made an inquiry to the new owners on their future plans and has not heard back on the status of the redevelopment project. Executive Officer Donohue stated that a year ago he reported back the Governing Board that the owners were interested in moving forward on the project, but the status of the project remains that same.

Vice Chair Williamson opened this item up for public comment.

Ellie Waller, Douglas County resident. Ms. Waller thanked staff for the update. Ms. Waller stated that residents living near the Cal-Nevada and Tahoe Biltmore properties are concerned about the lack of progress on both redevelopment projects. Ms. Waller stated that she recently attended a Washoe County Planning Commission meeting where there was discussion on several issues

related to Tahoe Biltmore redevelopment project. Ms. Waller stated that many members of the public want to understand the issues involved with these projects and how previously approved plans may move forward with the new owners of these properties.

Vice Chair Williamson encouraged staff to meet with Ms. Waller and discuss with her the purview of the agency and its main responsibilities.

Vice Chair Williamson called for any additional public comment. There was none and the public comment period was closed.

8. **BOARD MEMBER COMMENTS** – Member Aldean asked in light of today's discussion if staff could develop a Frequently Asked Questions (FAQ) or informational sheet about the agency and its legal responsibilities. Member Aldean stated that it would also be helpful for the agency to create a question-and-answer sheet which responds to questions about the agency's responsibilities vs TRPA responsibilities.

Vice Chair Williamson stated that she agrees with this suggestion.

Member Lawrence stated that he also agrees with this suggestion. Member Lawrence stated that he recalls as part of the TRPA's approval of the events center that a portion of the paid parking fees would towards funding a micro-transit program in Stateline. Member Lawrence stated that it would be good for the TRPA Governing Board to receive an update on the status of the new events center in Stateline.

Member Bruce stated that he is very happy to talk with TRPA Executive Director Joanne Marchetta and have this update be put on a future TRPA Governing Board agenda. Member Bruce stated that there have been some updates on this project and that it would be good for the TRPA Governing Board to stay on top of any issues for this project.

Member Rice stated that he is very involved with the events center project and that has heard that the project is on schedule, on budget, and that financing for the project is not an issue at this time. Member Rice stated that the Legislature implemented a \$5 per night fee that goes towards retiring the debt for the new events center. Member Rice stated that this \$5 per night fee cannot be used for any other purpose because of the Legislature's actions. Member Rice stated that the events center project remains on track and on budget and the steel work continues on the project. Member Rice stated that opening for the events center is scheduled for January of 2023.

Member Bruce expressed his appreciation to Vice Chair Williamson for her work as a member of the TRPA Governing Board's legal committee. Member Bruce stated that Vice Chair Williamson has been a valuable member of the TRPA Governing Board and that he looks forward to Vice Chair Williamson's work over the next year.

Vice Chair Williamson thanked Member Bruce for his comments.

9. **PUBLIC COMMENTS** – Vice Chair Williamson called for public comment.