



STATE OF NEVADA

# Nevada Tahoe Regional Planning Agency

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## DRAFT MINUTES

**DATE/TIME:** Thursday, November 3, 2022 – 2:00 pm

**PLACE:** Division of Health and Human Services Carson City Administrative Office Conference Room 149 located at 1470 E. College Parkway Carson City NV.

**MEMBERS PRESENT:** Alexis Hill – Chair; Hayley Williamson – Vice Chair; Shelly Aldean; Barbara Cegavske; Jessica Diss; Jim Lawrence, and Wesley Rice.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Charles Donohue – NTRPA Executive Officer; Ellery Stahler Carey – Nevada Division of State Lands; Scott Carey – Nevada Division of State Lands; Dan Nubel – Office of the Nevada Attorney General; Gary Midkiff – Midkiff & Associates; D. Scott Tate – Northern Nevada Comstock Investments; Scott Anderson – Office of the Nevada Secretary of State; Mark Bruce – Former Governing Board Member.

1. **CALL TO ORDER** – Chair Hill called the meeting to order at 2:05 pm.
  - a. Roll Call – Scott Carey with the Division of State Lands took roll and a quorum was established.
  - b. Pledge of Allegiance – Member Aldean led the Pledge of Allegiance.
  - c. Approval of Agenda – Scott Carey with the Division of State Lands stated that staff was unable to complete the meeting minutes from the August 1, 2022 meeting and asked that the Governing Board remove item 1(d) from the agenda. Member Aldean suggested that items 4 and 5 on the agenda be combined. Member Aldean moved to approve the agenda with the removal of item 1(d) and combining items 4 and 5. The motion was seconded by Member Lawrence. The motion was passed unanimously. **\*ACTION**
2. **PUBLIC COMMENT** – Chair Hill called for public comment.

Scott Carey with the Division of State Lands stated that as of the deadline of November 2nd at 5:00 PM that staff received a total of 31 written public comments before the meeting and that these comments have all been posted on the meeting webpage. Scott also stated that staff did receive written public comments from Stella Gibbons, Olivia L. Clemens, and Dennis Weaver before the meeting. At the direction of Chair Hill these three public comments have been deemed offensive, inappropriate and have been excluded from the meeting today in accordance with the state's open meeting law manual and Attorney General File No. 00-047. He stated that

after the public comment deadline for this meeting that staff did receive 20 additional public comments that staff will post to the meeting webpage. He stated that generally, none of the public comments that staff received before today's meeting appeared to be related to any item of the Governing Board's meeting today and were mostly about matters outside of the purview of the Nevada Tahoe Regional Planning Agency.

Member Aldean stated that there were public comments submitted about the Boulder Bay project which would fall under the purview of the agency, but that project was not included as an item on today's meeting agenda.

Chair Hill called for any additional public comment. There was no public comment. The public comment period was closed.

3. **DISCUSSION AND SELECTION OF NEVADA MEMBER AT LARGE** – Chair Hill stated that this item is consideration of appointment of the Nevada Member At Large Position on the Governing Board for a one-year term beginning on January 1, 2023. Chair Hill stated that the [staff report](#) for this item did indicate that the current Nevada Member at Large Hayley Williamson has stated that she is interested in serving another term.

Member Aldean made a motion to appoint Hayley Williamson as the Nevada Member at Large position per NRS 278.792 section 2(c) for a one-year term beginning on January 1, 2023 and ending on December 31, 2023.

The motion was seconded by Member Lawrence.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to re-appoint Haley Williamson as the Nevada Member at Large. **\*ACTION**

AYES: Chair Hill, Member Aldean, Member Cegavske, Member Diss, and Member Lawrence.

NAYS: None

ABSTAINERS: None

ABSENT: Member Rice

4. **ELECTION OF CHAIR AND VICE CHAIR** – Chair Hill stated that she is interested in serving another term as Chair and the Vice Chair Williamson is interested in serving another term as Vice Chair.

Member Aldean stated that given the fact that the Chair and Vice Chair have not served a full 2 year term in their respective roles, she would like to nominate Chair Hill and Vice Chair Williamson to continuing serving in as Chair and Vice Chair until December 31, 2024.

Member Aldean made a motion to elect Alexis Hill as Chair and Hayley Williamson as Vice Chair for a 2 year term beginning on January 1, 2023 and ending on December 31, 2024.

The motion was seconded by Member Lawrence.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to elect Alexis Hill as Chair and Haley Williamson as Vice Chair. **\*ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Cegavske, Member Diss, and Member Lawrence.

NAYS: None

ABSTAINERS: None

ABSENT: Member Rice

5. **RECOGNITION OF SERVICE TO NTRPA FOR SECRETARY BARBARA CEGAVSKE** – Scott Carey with the Nevada Division of State Lands read into the record a [resolution](#) recognizing for Secretary Barbara Cegavske for her service to the Nevada Tahoe Regional Planning Agency.

Member Cegavske stated that it has been a pleasure to serve on the Governing Board and on the Tahoe Regional Planning Agency (TRPA) Governing Board. She stated that she lived at Lake Tahoe for 24 years and that it has been an honor to go from being a resident to serving on these boards. She stated that it has been great to be a part of this Board and thanked all of the members for the language in the resolution and for their service to the State of Nevada.

Member Lawrence stated that he has worked with Member Cegavske on Lake Tahoe issues for many years including from her time serving in the Nevada Legislature. He stated that he has always found Member Cegavske to be very pragmatic and very solution oriented. He stated that it has been a pleasure serving with Member Cegavske, that he is happy for her future endeavors and thanked her for her service to the NTRPA.

Chair Hill stated that she has admired Member Cegavske’s leadership both on the NTRPA and TRPA Boards as well as with the State of Nevada. She stated that she sees Member Cegavske as a leadership icon and that she appreciates all of her service to the State of Nevada.

Member Aldean thanked Member Cegavske for her service and stated that she served the State of Nevada with grace and integrity.

Member Rice stated it has been a pleasure to serve with Member Cegavske on the Governing Board and the TRPA Governing Board. He thanked Member Cegavske for her service to the State of Nevada and for being a friend.

There were no other Governing Board Member comments.

6. **RECOGNITION OF SERVICE TO NTRPA FOR MARK BRUCE** – Scott Carey with the Nevada Division of State Lands read into the record a [resolution](#) recognizing former Governing Board Member Mark Bruce for his service to the Nevada Tahoe Regional Planning Agency.

Mark Bruce stated that Nevada is very dear to him and that it was a tremendous honor to serve the State and help protect beautiful Lake Tahoe for everybody to enjoy. Mark expressed his appreciation to everyone for doing such good work to protect Lake Tahoe and wished the Governing Board continued success in its efforts to protect the lake.

Member Cegavske thanked Mark Bruce for his service to the State of Nevada and expressed her appreciation to him for all his work in protecting Lake Tahoe over the years. She thanked Mark for his friendship and wished him the best of luck in his future endeavors.

There were no other Governing Board Member comments.

Member Aldean made a motion for the Governing Board to adopt the resolutions recognizing the service to the NTRPA for Secretary Barbara Cegavske and Mark Bruce.

The motion was seconded by Member Lawrence.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to adopt the resolutions recognizing the service to the NTRPA for Secretary Barbara Cegavske and Mark Bruce. **\*ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Cegavske, Member Diss, Member Lawrence, and Member Rice.

NAYS: None

ABSTAINERS: None

ABSENT: None

- 7. RECERTIFICATION OF THE CERTIFIED BASE DATA FOR THE TAHOE NUGGET STRUCTURE HOUSING GAMING IN STATELINE** – Scott Carey with the Nevada Division of State Lands provided a [presentation](#) to the Governing Board and an overview of the [staff report](#) for this item.

Mr. Carey stated that the Tahoe Nugget in Stateline was included as an original list of structures housing gaming within the Lake Tahoe basin and for many decades included a casino use. He stated at its February 2, 1987 meeting, the Governing Board certified that base data for the Tahoe Nugget site. He stated that a copy of the original certified plans and data for the Tahoe Nugget building are included in the staff report as [Exhibit 7](#).

Mr. Carey stated at its December 20, 1995 meeting, the Governing Board as part of the redevelopment of the Tahoe Nugget building reviewed a request to modify two existing stairwells and allow the conversion of the second floor to non-gaming commercial offices. The requested modifications to the building were required by Douglas County for the building code and safety issues involved 84 sq ft of public area and 1,830 sq ft of cubic volume. He stated that during the meeting the Governing Board expressed concern that the proposal could be perceived as an enlargement of the area for the building and could lead to an increase in gaming and base

area of the structure in the future. He stated that the Governing Board wanted assurance that such a request could not be made in the future and approved the request subject to a condition of approval which stated that the changes to the building did not make any changes to the certified base area or the cubic volume of the structure. He stated that copy of the Governing Board's meeting from 1995 is included in the staff report as [Exhibit 6](#).

Mr. Carey stated at its July 23, 2020 meeting, the Governing 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 NTRPA detailed architectural floor plans and base data calculations within 6 months after purchasing the site. He stated at its December 4, 2020 meeting, the Governing Board approved a request to amend Condition #1 associated with the Board's previous action to give the applicant until December 31, 2021 to submit detailed architectural floor plans and base data calculations. He stated at the December 8, 2021 meeting the Governing Board approved a request for a second amendment to Condition 1 associated with the previously approved certified base data determination for the Tahoe Nugget site. He stated that this amendment gave the applicant until June 30th of this year to submit detailed architectural floor plans and base data calculations.

Mr. Carey stated that on May 17th in compliance with the approved second amendment to Condition 1, agency staff received detailed architectural floor plans and base data calculations for the site from the applicant. He stated that it has been determined by staff that the existing conditions of the building on Tahoe Nugget site do not fall within the certified base data for the site. He stated that the cubic volume and the public area of the building are larger than the certified base data. He also stated that it was discovered that there are changes that have been made to the to the base and non-base areas of the building.

Mr. Carey stated that before the Governing Board today is a recertification request to look at the cubic volume, public area, and base & non-base areas of the Tahoe Nugget in Stateline. He stated that throughout the process to reestablish gaming at the Tahoe Nugget site it has always been staff's intention to "clean up" the certified base data that the agency has on file for the Tahoe Nugget site. He stated that staff believes that clean certified base data for the site is needed by the agency to determine if the reestablishment of gaming on the site will fall within the certified base data approved on the site. He stated that while working with the applicant over the summer, staff has discovered that there were errors in the original 1987 certified base data and from the improvements made the building since 1996.

Mr. Carey stated that the for the public area on the site, there is an additional 441 sq ft of public area on the site that can be accounted for by a combination of errors in the original certified base data and improvements made the building after 1996. He stated that the main differences in the public area of the building are a result of the changes made in 1996 to the stairways on the north and south sides of the building. He stated that there were also changes to the overall size of the building that are believed to be the result of adding wood siding and trim to the building exterior which originally was concrete masonry. He stated that on the second floor of the building are two mechanical chases that have been added to the building that were not accounted for in the certified base data.

Mr. Carey stated that the base and non-base areas of the certified data on this site are a subset of the overall public area. He stated that the public area of the building is the sum of both the base and non-base areas that are open to the public. Per the Tahoe Compact the public area is the important category, the NTRPA has chosen to create subsets of the public area in the form of base and non-base areas. He stated that the applicant is proposing changes to both the base and non-base areas of the building to accommodate the re-establishment of gaming and to reflect the uses within the building. He stated that the reduction of base area and increase in non-base area is requested primarily to accommodate the commercial office space on the second floor, offices are categorized as non-base areas. He also stated another reason for the increase in non-base area is to mechanical chases on the west side of the building, the siding on the building, and the two stairwells.

Mr. Carey provided the following breakdown of the requested certified base data for the Tahoe Nugget site and that a full breakdown table showing the differences was included in the staff report as [Exhibit 2](#).

Public Area:	16,563 sq ft (increase)
Base Area:	9,461 sq ft (no change)
Non-Base Area:	7,102 sq ft (increase)
Gaming:	8,773 sq ft (no change)
Private Area:	0 sq ft (no change)
Cubic Volume:	226,297 CF (increase)
Site Coverage:	11,560 sq ft (no change)

Mr. Carey stated that per Paragraph (f) of Article VI of the TRPA Compact there are 5 findings that the Governing Board will need to make when considering this recertification request.

Mr. Carey stated that the first finding is that the proposed recertification will not enlarge the cubic volume of the structure. Mr. Carey stated that it is the opinion of staff that the proposed recertification does not increase the cubic volume of the structure but rather accurately accounts for errors in the certified base data and modifications to the building made over the past several decades. He stated that the proposed recertification of the cubic volume is a result of errors discovered in the cubic volume of the site that were not properly accounted for in the original certified base data for the Tahoe Nugget. He stated that the proposed recertification of the cubic volume captures changes to building that were added to the building during the time when the gaming use was not on the property. He stated that between 1996 and 2022 there have been many changes to the building that were made for life safety and building code compliance.

Mr. Carey stated that the second finding is that the proposed recertification will not increase the total square footage of the area open to or approved for public use on May 4, 1979. He stated that it is the opinion of staff that the proposed recertification does not increase the public areas of the structure but rather accurately accounts for errors in the certified base data and modifications to the building made over the past several decades. He stated that staff finds that the proposed recertification does not result in an increase in areas open to or approved for public use. The proposed recertification of the public areas is a result of errors discovered in the public areas of the site that were not properly accounted for in the original certified base data for the Tahoe

Nugget. He stated that the proposed recertification of the public areas captures changes to the building that were added to the building during the time when the gaming use was not on the property. He stated that between 1996 and 2022 there have been many changes to the building that were made for life safety and building code compliance.

Mr. Carey stated that the third finding is that the proposed recertification will not convert an area an area devoted to the private use of guests to an area open to public use. He stated that staff finds that the proposed recertification does not convert any private use to public use. He stated that there are no private areas included in the certified base data for the Tahoe Nugget site.

Mr. Carey stated that the fourth finding is that the proposed recertification will not increase the public area which is used for gaming beyond 15% of the total base area existing on August 4, 1980. He stated that the total certified gaming area of the Tahoe Nugget site is 8,773 sq ft and that the applicant is not proposing any changes to the certified gaming area on the site. He stated that in accordance with the Condition #1 of the Governing Board's determination of eligibility for the certified base data on the site, all future phases of the project will be subject to NTRPA review and are required to be within the allowed gaming areas on the site.

Mr. Carey stated that the fifth finding is that the proposed recertification will not conflict with or be subject to the provisions of any of the agency's ordinances. He stated that staff finds that the recertification request does not conflict with, or is subject to, any other agency ordinances. He stated that if recertification request is approved by the Governing Board the applicant will be required to submit updated plan sheets and informational report with the new certified base data on the site for review staff and final approval by the agency.

Mr. Carey stated that the staff recommends the approval of the recertification request for the Tahoe Nugget site. He stated that the requested recertification is consistent with the Governing Board's previous approval determination of the eligibility of the certified base data on the site and the proposed recertification is in compliance with the Tahoe Regional Planning Compact, NTRPA Ordinance 1980-1, and the NTRPA Plan Review Procedures Policy. He stated that it is staff's opinion that the errors in the original certified base data and modifications made to the building for life & safety improvements since 1996 do not result in an increase in the cubic volume or the public areas of the structure. He stated that the errors that have been brought to the agency's attention do not material change the function of the building or would in any way increase the gaming area on the site. He stated that the proposed recertification of the base data will provide the agency with accurate building calculations and plans to reestablish the gaming use on the site consistent with the Governing Board's determination of eligibility in 2020 and the findings and declarations of policy in the Tahoe Regional Planning Compact.

Chair Hill stated that she was thoroughly impresses with the level of detail and analysis in the staff report for this item.

Member Aldean stated that she is perfectly fine with the proposed recertification request.

Member Diss thanked staff for the very detailed report and that it seems every possible question has been well researched. She stated that she does not have any concerns with the proposed recertification request.

Member Rice stated that with the loss of the Lakeside Casino, that locals in the area do not have a casino that they can call their own.

Chair Hill opened this item up for public comment. There was no public comment and the public comment period was closed.

There were no other Governing Board Member comments.

Member Aldean made a motion to find that there were errors and omissions in the original certified base data and in the previously approved modifications to the Tahoe Nugget building and moved to recertify the public area, cubic volume, non-base area and base area of the Tahoe Nugget site, Douglas County APN 1318-23-401-049 as outlined in Table 1 of the November 3, 2022 staff report.

The motioned was seconded by Member Rice.

There were no other Governing Board Member comments. Chair Hill called for a roll call vote on the motion to approve the recertification request for the Tahoe Nugget Structure Housing Gaming in Stateline. \***ACTION**

AYES: Chair Hill, Vice Chair Williamson, Member Aldean, Member Cegavske, Member Diss, Member Lawrence, and Member Rice.

NAYS: None

ABSTAINERS: None

ABSENT: None

8. **OVERVIEW OF ROLES AND RESPONSIBILITIES OF NEVADA TAHOE REGIONAL PLANNING AGENCY**

– Scott Carey with the Nevada Division of State Lands provided the Governing Board with an overview of the [NTRPA Fact Sheet](#). Mr. Carey stated that the fact sheet is a follow-up from Member Aldean’s request last year to create a one-page informational sheet about the roles and responsibilities of the agency. He stated that it is staff’s hope that this fact sheet can be a resource to the Governing Board members and the public to explain what the role of the agency. He stated that staff is looking for any input or suggested edits to the fact sheet.

Chair Hill opened it for discussion by the Governing Board on any suggested changes to the fact sheet.

Member Aldean stated that she believed that this fact should be would a helpful resource to explain the role of the agency and thanked staff for putting together the fact sheet.



Member Lawrence stated that within the Director's Office with the Nevada Department of Conservation and Natural Resources they receive a lot of inquiries about the agency and come across confusion between the NTRPA and the TRPA. He stated that he believes the fact sheet will be a helpful resource for the Director's Office. He made a comment that at this time many of the NTRPA provisions within the Lake Tahoe Compact are archaic and were written out of fear of gaming proliferating throughout the basin which did not become true. He stated that at some point in time the agency as well as the TRPA will need to take a closer look at the compact and consider changes to adapt to today. He stated that issues today related to redevelopment, scenic quality, and affordable housing the current provisions of the compact get in the way in making progress on these issues.

Member Rice stated that he is happy to see this fact sheet be developed. He stated that four years ago when he joined the TRPA Governing Board, he did not know anything about the roles and responsibilities of the NTRPA. He stated that this fact sheet will be a helpful resource for current and future Governing Board Members.

Chair Hill encouraged Governing Board members to send any edits to the fact sheet to staff after today's meeting.

9. **REPORT OF THE EXECUTIVE OFFICER ON ACTIVITIES OF THE AGENCY: AUGUST 2022–OCTOBER 2022** – Executive Officer Donohue thanked the Governing Board for their positive comments for staff's work on the Nugget recertification request. Mr. Donohue stated that staff has been working with the applicant over the summer on this request and that this type of review takes a lot of time and resources. He stated that the agency does not receive any staff support from the State budget and that staff fits in this work for the Governing Board on top of its other duties at the state.

Mr. Donohue stated that staff has met with EKN Development, the new owners of the Tahoe Biltmore project regarding their revitalization of the property. He stated that the Tahoe Nugget has been shuttered and that the owners are moving forward with demolishing the structure. He stated that it is staff's understanding that the new owners are making substantial changes to the overall revitalization project but that they are not proposing any changes to the structure housing gaming at this time. He stated that the staff does not anticipate that there will be any Governing Board review or action required by the agency for this project.

Mr. Donohue stated that staff continues to reach out to the new owners of the various structures housing gaming within the Lake Tahoe basin. He stated that there are new owners of the Cal Neva project and that staff will be working with them on their redevelopment plans. He stated that staff has reached out to the new owners of the Hyatt in Incline Village and Bally's Tahoe in Stateline.

Mr. Donohue thanked the Governing Board for its action to recertify the base data for the Tahoe Nugget. He stated that he agrees with Member Lawrence's comments regarding the Tahoe Compact and feels that such an effort to revise the compact should be done in close coordination with the State of California.

Member Aldean stated that one potential change to consider for the compact would be to focus the review of the certified base data on just the gaming area. She stated that if you just consider the size of the gaming area, all of the other classifications and areas are immaterial to the realm of influence of the NTRPA.

Executive Officer Donohue stated that he agrees with Member Aldean's suggestion on the gaming area and also suggested that a future change to compact take a look at the newspaper noticing requirements for Governing Board meetings.

Member Aldean stated that it would be helpful for future discussions on potential changes to the compact to consider the complexities of everything that was involved with the redevelopment of the Tahoe Nugget building. She stated that as a precursor to any conversations with the State of California on changing the compact this project could be an example or how errors can be made and how complex redevelopment of a site can be under the existing compact. She stated that if the goals of enhancing the scenic qualities of the region are going to be achieved then a lot of the properties around the basin will need to be reinvented and redeveloped.

Member Diss stated that legalized sports betting in on the ballot within the State of California this year and should it pass there will not be any structures housing gaming on the California side of the basin per the compact. She stated that sports betting is done on mobile devices that are georeferenced and if the referendum is approved this betting would be allowed virtually everywhere within the State of California. She stated that the legalization of mobile sports betting within California could have economic consequences to the casinos on the Nevada side of the Lake Tahoe basin.

Member Aldean suggested another item to consider for any future compact changes is the proliferation of the Native American Gaming within the State of California. She stated that it is hypocritical to continue to impose unreasonable restrictions on Nevada gaming within the basin when there are so many other opportunities for Native American gaming throughout the State of California.

Member Aldean asked if there was any chance of getting the NTRPA budget augmented in the upcoming state budget.

Executive Officer Donohue stated that the agency has already submitted its budget request to the State and that it has been built up to be around \$1,400.

10. **BOARD MEMBER COMMENTS** – Chair Hill called for any Board Member Comments.

Member Cegavske thanked each of the members of the Governing Board for their service to the State of Nevada and wished the Governing Board all the best in its future work.

11. **PUBLIC COMMENT** – Chair Hill called for public comment.

Gary Midkiff with Midkiff & Associates expressed his presentation to the Governing Board and staff for its efforts on recertifying the Tahoe Nugget building in Stateline. Mr. Midkiff stated that he had spent many hours conducting research and putting together the numbers for this site and that he appreciates the agency cleaning up the certified base date for this site. He stated that he

anticipates that Northern Nevada Comstock Investments will be before the agency for review of the next phase of this project in a year or two.

Chair Hill called for any additional public comment, there was none and the public comment period was closed.

12. **ADJOURN** – Chair Hill adjourned the meeting. The meeting was adjourned at 3:04 PM. \***ACTION**

Note: These minutes should be considered draft minutes pending their approval at a future meeting of the Nevada Tahoe Regional Planning Agency Governing Board. Corrections and additions could be made prior to approval.