

*Continued Review
of the
Tahoe Regional Planning Agency
(1999-2000)*



October 2000

*Legislative Counsel Bureau
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**CONTINUED REVIEW
OF THE
TAHOE REGIONAL PLANNING AGENCY (1999-2000)**

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SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO CONTINUE THE REVIEW OF THE TAHOE REGIONAL PLANNING AGENCY (TRPA)

Following is a summary of the recommendations adopted by the Legislative Commission's Committee to Continue the Review of the Tahoe Regional Planning Agency (TRPA) at its meeting of June 9, 2000. These recommendations will be forwarded to the Legislative Commission and ultimately to the 2001 Session of the Nevada Legislature, as appropriate.

I. RECOMMENDATIONS CONCERNING TRPA PROGRAMS

General TRPA Programs and Procedures

1. *Urge, by letter from the Committee, the TRPA to emphasize its efforts to "streamline" procedures associated with implementation of projects identified in the Environmental Improvement Program (EIP) with the goal of achieving completion of "on-the-ground" projects in the most efficient and expeditious manner possible.*
2. *Urge, by letter from the Committee, the TRPA to provide for training of Governing Board members to the degree possible based upon reasonable budgetary and time constraints.*

Funding-Related Recommendations for TRPA Programs

3. *Transmit letters to the chairs and members of the Legislature's "money committees" making them aware of the significant amount of community discussion that has taken place in regard to the Regional Revenue Feasibility Analysis, and urging the members to look favorably upon any relevant recommendations emanating from the Analysis and the Steering Committee.*
4. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding TRPA basic operations from the State General Fund.*
5. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding salary adjustments for the TRPA in order to provide comparable salary levels relative to Nevada and California state employees.*

6. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging them to direct the TRPA to transfer revenue generated from fines for enforcement actions to programs that are not under the direction of the Agency rather than using any of the revenue to support TRPA activities or staff (i.e., research or educational efforts through the Universities or project review activities conducted by local governments under Memorandums of Understanding with the TRPA). Include a "Committee report" explaining this recommendation and the action taken by the Committee.*

II. RECOMMENDATIONS RELATING TO STATE AGENCY PROGRAMS

Grants of State Bond Money to Nonprofit Organizations and Private Persons

7. *Enact legislation:*
 - a. *Authorizing the Division of State Lands to make grants to nonprofit organizations and private persons for the implementation of EIP projects; and*
 - b. *Authorizing local governments, with the approval of the Administrator of the Division of State Lands, to enter into contracts or other agreements with special districts, nonprofit organizations, and other persons or entities to implement EIP projects using grants provided through the Division of State Lands.*

Provide that the State Land Registrar (Administrator of the Division of State Lands) must ensure that the grant funds are expended only for public purposes and that the public interest is adequately protected when any funds are expended for projects on privately owned property.

Continuation of Authorization to Issue Bonds

8. *Draft legislation:*
 - a. *Highlighting that Subsection 3 of Section 1 of Assembly Bill 285 (Chapter 514, Statutes of Nevada 1999) provides for the periodic issuance of general obligation bonds in a total face amount of not more than \$53.2 million between July 1, 2001, and June 30, 2007, to implement EIP projects identified in a schedule established by the Administrator of the Division of State Lands and approved by the Legislature or the Legislature's Interim Finance Committee;*
 - b. *Authorizing the issuance of bonds and the use of revenue in the amount of approximately \$20 million for EIP projects during the 2001-2003 biennium; and*
 - c. *Outlining the schedule of EIP projects for which the revenue may be used.*

Commendation of the Nevada Tahoe Resource Team

9. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" commending the activities of the Nevada Tahoe Resource Team and urging the Department and legislative committees to support continuation of the team and efforts to enhance its administrative efficiency.*

Incentives for Implementation of "Best Management Practices"

10. *Include in the final report a request that the Administrator of the Division of State Lands work with the Nevada Tahoe Conservation District to investigate the feasibility and desirability of establishing incentives to assist private property owners with the implementation of "best management practices" on their property.*

III. GENERAL RECOMMENDATIONS

Efforts of the State of California and the California Tahoe Conservancy

11. *Commend, by resolution, the State of California and the California Tahoe Conservancy for their efforts to secure funding and establish a coordinated team at the state level to implement the EIP in the Lake Tahoe Basin.*

Federal Funding and Activities

12. *Transmit letters to appropriate Federal officials urging their support for: (1) continued short-term and long-term funding of the Federal Government's portion of the costs for implementing the EIP; and (2) enactment of the Lake Tahoe Restoration Act (S. 1925 and H.R. 3388).*

Recreational Access Along State Route 28 by Transit

13. *Include in the final report a statement commending the stakeholders participating in efforts to compile the Eastshore Access Plan and urging them to continue to work toward a resolution of the remaining issues associated with recreational access to the Lake that incorporates transit service and appropriate parking availability.*

Continuation of the Legislative Committee

14. *Provide, by resolution, for the continued existence of the Committee (during the 2001-2003 interim) in a similar manner as prescribed in Senate Concurrent Resolution No. 16 (File 77, Statutes of Nevada 1999).*

REPORT OF THE LEGISLATIVE COMMISSION'S COMMITTEE TO CONTINUE THE REVIEW OF THE TRPA (1999-2000)

I. INTRODUCTION

Lake Tahoe is known as the "Lake of the Sky." With its surface at an elevation of more than 6,000 feet above sea level, Lake Tahoe is the second largest alpine lake in the world, exhibiting a length of over 21 miles, a width of 12 miles, and a depth of 1,645 feet. Lake Tahoe is as long as the English Channel is wide, and the Lake is wider than the San Francisco Bay. If Lake Tahoe were to "spring a leak," its waters would cover the State of California to a depth of 14 ½ inches.

In addition to its monumental size and natural beauty, it is Lake Tahoe's renowned clarity that has truly set it apart as a national treasure. In recent times, however, the clarity of the Lake's water has been declining by as much as a foot per year. To address this situation (and because Lake Tahoe lies jointly in Nevada and California), these two states in 1969 entered into the Bistate Tahoe Regional Planning Compact. In broadest perspective, the goal of the Bistate Compact is to protect the unique environmental and ecological values of the Lake Tahoe Basin while planning for orderly development consistent with the Basin's environmental constraints.

APPOINTMENT OF LEGISLATIVE COMMITTEE

The 1999 Nevada Legislature adopted Senate Concurrent Resolution No. 16 (File No. 77, *Statutes of Nevada 1999*). This resolution directed the Legislative Commission to appoint a Committee to continue the review of the Tahoe Regional Planning Compact and provide oversight of the Compact's implementing body, the Tahoe Regional Planning Agency (TRPA). The measure further directed the Committee to review the programs of federal and state agencies having authority to regulate activities in the Basin. Because the Committee has been reestablished during every legislative interim except one since 1985, its role has generally evolved into one of continuing legislative oversight for the broad range of programs and activities in the Lake Tahoe Basin.

In response to S.C.R. 16 (copy included as Appendix A), the Legislative Commission appointed the following six members to the oversight Committee:

Assemblyman Greg Brower, Chair
Senator Raymond C. Shaffer
Senator Bill R. O'Donnell
Senator Mark E. Amodei
Assemblywoman Vivian L. Freeman
Assemblyman Kelly Thomas

OVERVIEW OF COMMITTEE PROCEEDINGS

In recent years, the Committee has recommended that the emphasis in the Lake Tahoe Basin shift from *planning* per se to the *implementation* of projects and programs (move from outlining actions that need to be taken to actually taking the actions). The Presidential Forum in 1997 fostered this trend by highlighting that major projects to protect and enhance the environment in the Basin must be completed within the next 10 years if the deterioration of water quality is to be turned around. Based on this premise, an Environmental Improvement Program (EIP) has been compiled to define the specific projects and funding needed to implement these projects during the 10-year time period. The EIP also identifies the responsibilities as they rest with the States of Nevada and California, the Federal Government, local governments in the Basin, and the private sector.

The major function of the Committee at its first two meetings was to review the efforts of these participants to begin implementation of the EIP. The Committee members participated in a relatively extensive, on-the-ground examination of projects and issues in the Basin and received testimony concerning specific programs and issues. The remaining two meetings were directed toward receiving and acting upon specific recommendations. At its final meeting on June 9, 2000, the committee adopted 14 recommendations that address funding related issues for the TRPA, implementation of state agency programs in Nevada, and several general topics of significance within the Tahoe Basin.

II. REFERENCES TO REPORTS OF PREVIOUS OVERSIGHT COMMITTEES

As previously mentioned, legislative Committees to oversee the activities associated with the Tahoe Regional Planning Compact and the TRPA have been established during every interim between legislative sessions except one since 1985. The reports of these Committees contain a broad range of background information and recommendations, and they may be referenced as follows:

- Legislative Counsel Bureau (LCB) Bulletin No. 87-16, *Review of the Activities of the Tahoe Regional Planning Agency*, August 1986;
- LCB Bulletin No. 89-12, *Review of the Activities of the Tahoe Regional Planning Agency 1987-1988*, November 1988;
- LCB Bulletin No. 93-11, *Report of the Legislative Committee To Investigate the Functioning of the Tahoe Regional Planning Compact*, September 1992;
- LCB Bulletin No. 95-10, *Continued Review of the Tahoe Regional Planning Agency*, September 1994;

- LCB Bulletin No. 97-8, *Continued Review of the Tahoe Regional Planning Agency*, January 1997; and
- LCB Bulletin No. 99-5, *Continued Review of the Tahoe Regional Planning Agency (1997-1998)*, January 1999.

III. HISTORICAL PERSPECTIVE

Although a considerable amount of historical information is presented in the reports of previous Committees, and general perspective is useful in fully understanding the current Committee's actions.

OVERVIEW – HISTORY OF THE BISTATE COMPACT

In the 1960s it became apparent that the pressures of urban development in the Lake Tahoe Basin were threatening what Samuel Clemens (Mark Twain) had proclaimed to be “the fairest picture the whole Earth affords.”

Creation of the Bistate Compact

In the mid-1960s, Nevada Governor Paul Laxalt and California Governor (and Future President) Ronald Reagan initiated discussion of potential mechanisms to address the bistate issues being identified in the Lake Tahoe Basin. Assemblyman Edwin L. Z'Berg of California and Nevada Senator Coe Swobe carried the resulting legislative proposals in the two states.

Senator Swobe compiled the Nevada legislation based upon: (1) a California proposed draft; (2) participation in more than 30 meetings with public and private interests; and (3) the review and modification of five preliminary drafts.

In February of 1968, Governor Laxalt called the Nevada Legislature into Special Session to consider the proposals to create a Bistate Compact between the States of Nevada and California. After a joint hearing before four Senate and Assembly committees and 19 days of additional testimony and amendments, Senate Bill 9 was approved by the Legislature and signed by the Governor on February 23, 1968. The President signed federal legislation ratifying the Bistate Compact on December 18, 1969.

Efforts to Revise the Compact – 1975 through 1979

Several provisions in the original Bistate Compact produced serious controversy as it was being implemented. The basic structure of the Governing Body, as well as a voting system through which a project could be “deemed approved” unless a majority of the representatives in each state voted to deny the project, proved unworkable in achieving the objectives of the Compact Provisions for the location and control of gaming in the Basin raised controversies,

as did inadequate requirements for establishing planning standards and criteria for environmental evaluations.

From 1975 to 1977, each state unilaterally attempted to prepare compact revisions that would be acceptable. Nevada enacted a proposal in 1975, California developed amendments in 1976, and Nevada proposed a different set of amendments in 1977. In each case, these proposals were rejected by the other state.

Between 1977 and 1979, representatives of Nevada Governor Mike O'Callaghan and California Governor Jerry Brown began working on draft proposals to revise the Compact. Prior to the 1979 Nevada Legislative Session, a Special Committee of 13 Nevada legislators was appointed to work with their counterparts in California in preparing revisions for the Compact. The governors' draft proposal formed the starting point for the legislative negotiations.

Before and during the 1979 Legislative Session, the Special Committee under the chairmanship of Speaker Joseph E. Dini, Jr., met 18 times for a total of 58 hours debating the issue. The Nevada Committee met with California legislators for negotiations on eight additional occasions. Thirteen redrafts of different portions of the Compact exchanged sides of the state line during this period.

As Nevada's legislative session pressed toward adjournment in 1979, several substantive points had not attained final agreement. On the closing day of the session, Nevada enacted Assembly Bill 503 without having obtained California's agreement on these points. The California Legislature subsequently rejected the Nevada bill.

Amendment of the Bistate Compact in 1980

In late 1979, attempts to work out the remaining issues associated with revision of the Bistate Compact were renewed. Nevada Senator Thomas "Spike" Wilson and Speaker Dini began a dialog with California Senator John Garamendi and Assemblyman Victor Calvo.

When it appeared that the discussions could be productive, the two Nevada legislators explained their activities to the Legislative Commission and received sanction to continue in an unofficial capacity. Drafts of the revisions being considered by the negotiators were distributed to all 60 Nevada legislators on two occasions for their review and comments. Governor Robert List and his staff also reviewed the proposals and lent their support on a continuing basis.

The legislators and their support staffs met seven times and communicated in three "conference calls" during this 1980 period. Nevada representatives participated in nine "in-house meetings" with people who could provide information and recommendations. Three major work sessions for staff from the two states were also convened. Fifteen different drafts of language exchanged hands during this process.

On August 25 and 26, 1980, the California Legislature enacted the revisions to the Compact. Governor Brown signed the bill, and Governor List called a special session of the Nevada Legislature to consider the measure. On September 12, 1980, an all-day hearing was held before the entire Nevada Legislature sitting as a Special Committee of the Legislative Commission. On September 13, 1980, the Nevada Legislature approved the bill enacting the revisions to the Compact, and the measure was signed by the Governor.

On December 4, 1980, Congress passed a bill ratifying the amended Compact. The President signed the measure on December 19, 1980.

Proposals During the 1980s for Compact Amendment

Additional modifications to the Compact, however, have been proposed since the major actions of 1980. One bill was approved in each of Nevada's 1981, 1983, and 1985 Legislative Sessions. In 1987, Nevada enacted Assembly Bill 5, which combined the previous measures and conformed them with relevant California legislation. The major proposed change is in the structure of the Nevada delegation serving on the TRPA's Governing Body.

Bills to ratify this amendment were introduced in the U.S. Congress in 1987, but action was not taken on either measure. Nevada subsequently adopted resolutions in 1989, 1991, 1993, and 1995 urging Congress to enact legislation ratifying the proposed amendment. To date, Congress has not acted upon the proposal.

Modification of the Compact in 1997

Article IX of the Bistate Compact establishes the Tahoe Transportation District and authorizes amendment of these provisions by joint actions of the two states without Congressional ratification. In 1997, the states agreed to modify the structure and authorities of the District to provide for expanded public-private cooperative activities.

MAJOR ELEMENTS OF THE BISTATE COMPACT

Following is an outline of several major elements of the Tahoe Regional Planning Compact as it currently reads (*Nevada Revised Statutes 277.200*).

General Policy

The "Findings and Declarations of Policy" highlight the Lake Tahoe Basin's unique environmental and ecological values while simultaneously speaking about providing opportunities for orderly growth and development consistent with the Basin's environmental threshold carrying capacities.

Governing Body and Voting Structure

A Governing Body consisting of 14 members (seven from each state) is created. A relatively complicated voting structure is established. A dual majority (at least four votes from each state) is required to act upon environmental threshold carrying capacities, the regional plan, ordinances, rules, regulations and variances. Approval of a project requires the affirmative vote of at least five members from the state in which the project is located and at least nine members of the overall governing body. A simple majority is required to undertake routine business.

Major Planning-Related Requirements

The TRPA is directed to adopt:

1. Environmental threshold carrying capacities necessary to maintain significant scenic, recreational, educational, scientific or natural values of the region or to maintain public health and safety;
2. A regional plan which, at a minimum, achieves and maintains the adopted environmental threshold carrying capacities; and
3. The ordinances, rules and regulations necessary to effectuate the adopted regional plan.

Other Specific Provisions

Special procedures are provided for proposals relating to internal or external modification, remodeling, change-in-use, or repair of structures housing casino gaming. Environmental impact statements are required before the Agency may act upon matters that have a significant affect on the environment. And, the venue for legal actions is defined.

Financial contributions from local governments are specified, and it is stipulated that requests for state funds must be apportioned two-thirds from California and one-third from Nevada. The Tahoe Transportation District is established, and its powers are defined.

THE LAKE TAHOE PRESIDENTIAL FORUM

The most significant activity in the Lake Tahoe Basin since creation and amendment of the Bistate Compact was almost certainly the Lake Tahoe Presidential Forum (and related workshops) held in July 1997.

History and Organization of the Presidential Forum

The value of holding some type of federal summit at Lake Tahoe had become apparent to many people working on environmental and planning matters in the Basin. Members of the Lake Tahoe Transportation and Water Quality Coalition, the TRPA, and other interested

parties expressed concerns about fading knowledge of Lake Tahoe issues in the United States Congress, declining appropriations in several areas, and a general lack of coordination among the federal agencies in the Basin.

In order to obtain the public notice that such a summit would need, it was determined that a Presidential Forum would provide the most ideal vehicle. A 13-member Tahoe Basin Steering Committee was formed to work with the relevant federal officials and the local participants. Two community hearings were held to gather public input. The Steering Committee developed an agenda focusing on three key issues facing the Lake Tahoe Basin (water quality, forest health, and transportation). A series of workshops led up to the actual forum, as follows:

1. A water quality workshop held on June 18, 1997, at the Tallac site on the south shore of Lake Tahoe.
2. A forest health workshop held on June 30, 1997, at the Hyatt Regency Lake Tahoe Resort and Casino at Lake Tahoe.
3. A transportation workshop conducted on July 19, 1997, at the University of Nevada, Reno.
4. A culminating workshop held on July 25, 1997, at the U.S. Forest Service Visitor Center in South Lake Tahoe, California, attended by the Vice President.

The Presidential Forum took place on July 26, 1997, and a panel reported on the results of the issue workshops. At that time, the President issued an Executive Order designed to ensure increased coordination and cooperative efforts in planning and implementing environmental measures in the Basin.

Agreements and Documents Resulting from the Presidential Forum

Several additional agreements and documents join the Executive Order as substantial products of the Presidential Forum. Including the Executive Order, the most substantive are:

- "A Memorandum of Understanding Between the State of California and the State of Nevada;"
- A "Statement of Legislative Leadership of the States of California and Nevada on the Occasion of the Presidential Visit to Lake Tahoe;"
- An Executive Order dated July 26, 1997, directing federal agencies and departments to establish a Federal Interagency Partnership on the Lake Tahoe Ecosystem (Partnership) to ensure a broad base of coordination among federal, state, tribal, and local entities in the Basin;

- An “Agreement of Federal Departments and Agencies on Protection of the Environmental and Economic Health of the Lake Tahoe Basin” establishing the Federal Interagency Partnership on the Lake Tahoe Ecosystem and a Tahoe Basin Executive Committee; and
- “A Memorandum of Agreement Between the Federal Interagency Partnership on the Lake Tahoe Ecosystem, the States of California and Nevada, the Washoe Tribe of Nevada and California, and the Tahoe Regional Planning Agency.”

Lake Tahoe Federal Advisory Committee

Another product of the Presidential Forum was establishment of the Lake Tahoe Federal Advisory Committee. This committee was created under existing provisions of the Federal Advisory Committee Act (5 U.S.C. App.), which furnishes a formal structure for interaction of community groups with federal agencies.

The Lake Tahoe Federal Advisory Committee is composed of 19 members who represent a diverse set of private and public entities and interests. Attachment “B” contains the Advisory Committee’s charter providing its purpose, scope, duties, and membership. The Committee’s major activities in 1999 and 2000 include an effort to obtain community input on the Basin’s “Watershed Assessment,” and providing recommendations to the federal agencies on their budgets for programs in the Lake Tahoe Basin.

Environmental Improvement Program (EIP)

Discussed as a major aspect of implementing the agreements reached through the Presidential Forum, the EIP is an integrated procedure for identifying the projects, continuing programs, and studies necessary to achieve environmental goals in the Lake Tahoe Basin. Of special interest during the Legislative Committee’s deliberations was the capital improvements element of the EIP. This component of the EIP outlines the projects and funding needed to address the environmental thresholds established for the Basin. Furthermore, it specifically categorizes the projects as being within the responsibilities of the Federal Government, the State of California, the State of Nevada, local governments in the Basin, or the private sector.

Table 1 summarizes the funding needs for projects (categorized by environmental thresholds) over the next ten years by participating entity. As noted, the total funding for projects basin-wide is \$908 million, while the allocation for projects of the State of Nevada is \$82 million. Table 2 highlights the apportionment of these projects among Nevada’s Division of State Lands, the Department of Transportation, and the Division of State Parks.

TABLE 1
FUNDING NEEDS FOR CAPITAL PROJECTS — ALL ENTITIES (1997-2006)
(Dollars in Millions)

Threshold	Private Sector	Local Government	State of California	State of Nevada	Federal Government	Total
Water Quality	\$75.0	\$41.0	\$88.0	\$30.4	\$116.2	\$350.6
Soil Erosion	1.2	11.2	74.2	12.9	93.2	192.7
Air Quality	28.1	22.0	41.8	19.5	17.7	129.1
Vegetation	6.0	0	7.2	5.6	23.8	42.6
Wildlife	0	1.3	3.6	1.2	11.1	17.2
Fisheries	9.9	9.2	20.4	5.9	20.4	65.8
Recreation	10.8	9.8	35.2	4.2	10.1	70.1
Scenic	21.7	6.5	4.7	2.3	4.7	39.9
Total	\$152.7	\$101.0	\$275.1	\$82.0	\$297.2	\$908.0

Source: EIP, Tahoe Regional Planning Agency

TABLE 2
FUNDING NEEDS — STATE OF NEVADA BY AGENCY (1997-2006)
(Dollars in Millions)

Threshold	Division of State Lands	Department of Transportation	Division of State Parks	Total
Water Quality	\$18.5	\$11.6	\$0.3	\$30.4
Soil Conservation	12.8	0	0.1	12.9
Air Quality	1.8	16.8	0.9	19.5
Vegetation	0.1	0	5.5	5.6
Wildlife	0	0	1.2	1.2
Fisheries	5.9	0	0	5.9
Recreation	0	0	4.2	4.2
Scenic	0	2.3	0	2.3
Total	\$39.1	\$30.7	\$12.2	\$82.0

Source: EIP, Tahoe Regional Planning Agency

Commitments and expenditures by the various entities to implement the EIP are discussed in the following section of this report.

IV. DISCUSSION OF ISSUES AND RECOMMENDATIONS

The Legislative Committee considered a broad range of issues resulting in the adoption of 14 specific recommendations.

TIMEFRAMES FOR IMPLEMENTATION OF THE EIP

Issue

Testimony relating to implementation of the EIP has projected that the “window of opportunity” for stopping/reversing the degradation of water quality in the Lake Tahoe Basin is about 10 years, and the logistics of approving and constructing \$908 million in projects during this time period are daunting.

Discussion

The EIP identifies \$908 million worth of capital improvement projects that need to be constructed in the Basin from 1997 through 2006. Testimony highlighted the stringent nature of this timeline and the efforts that will be necessary to meet the goal. For the past several years, the TRPA has been “streamlining” its procedures for review of proposed projects, but the pressures of implementing the number and size of the proposed EIP projects present a whole new challenge.

Recommendation

1. *Urge, by letter from the Committee, the TRPA to emphasize its efforts to “streamline” procedures associated with implementation of projects identified in the Environmental Improvement Program (EIP) with the goal of achieving completion of “on-the-ground” projects in the most efficient and expeditious manner possible.*

Appendix “C” provides a copy of the letter transmitted to the TRPA in response to Recommendations No. 1 and 2.

TRAINING FOR GOVERNING BODY MEMBERS

Issue

Many of the people appointed as members of the TRPA Governing Body do not have a great amount of training or experience working with large decision-making bodies.

Discussion

The Governing Body of the TRPA consists of 14 voting members representing a broad range of local and state perspectives. These members enter their duties with a diverse set of backgrounds and varying degrees of experience working with large committees and complex issues. Although some training programs have been provided in the past, testimony indicated that opportunities for continuing training of the Governing Body members have been minimal.

Recommendation

2. *Urge, by letter from the Committee, the TRPA to provide for training of Governing Body members to the degree possible based upon reasonable budgetary and time constraints.*

A copy of the letter transmitted to the TRPA in response to Recommendations No. 1 and 2 is contained in Appendix "C."

FUNDING OF LOCAL PROJECTS

Issue

Sources of funds for local governments to implement and maintain projects outlined in the EIP have not been identified.

Discussion

The EIP identifies an estimated \$100 million in capital improvement projects as the responsibility of the city, counties, and special districts within the Lake Tahoe Basin. Furthermore, the TRPA has estimated that an additional \$100 million will be needed over time to maintain and operate these EIP projects.

The TRPA is conducting a Regional Revenue Feasibility Analysis in coordination with a Steering Committee made up of more than 20 public and private stakeholders in the Region. The analysis focuses on six categories of potential funding sources and includes a report on public opinion, a legal constraints analysis, and an economic model. After review of the materials in the analysis and a series of public meetings, the Steering Committee is expected to determine the alternative or alternatives that are feasible to pursue as sources of funding for the local projects. The preferred alternative or alternatives may require legislative and/or local governmental action for their implementation.

Recommendation

3. *Transmit letters to the chairs and members of the Legislature's "money committees" making them aware of the significant amount of community discussion that has taken place in regard to the Regional Revenue Feasibility Analysis, and urging the members to look favorably upon any relevant recommendations emanating from the Analysis and the Steering Committee.*

Appendix "D" contains a copy of the letter drafted in response to this recommendation.

NEVADA'S FUNDING OF TRPA BASIC OPERATIONS

Issue

Nevada's portion of the funding for the TRPA's basic operations during the 1999-2001 biennium was derived from a source that will no longer be available in future years.

Discussion

Due to budget constraints, the Legislature funded Nevada's entire portion of the TRPA's budget for the 1999-2001 biennium from the Emission Control Account, which is a statewide source of funding for air pollution control programs. Prior to this time, the Agency's budget was funded primarily through the State General Fund with only a small portion (approximately \$33,000) being provided from the Emission Control Account. At the time of the 1999-2001 biennial appropriations, it was understood that the Emission Control Account was not intended to serve as a long-term funding source for the Agency's overall budget.

Recommendation

4. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding TRPA basic operations from the State General Fund.*

A copy of the letter transmitted in response to Recommendations No. 4, 5, 6, and 9 is included in Appendix "E."

SALARY ADJUSTMENTS FOR THE TRPA

Issue

The Agency's efforts in staff recruitment and retention are being hampered by salaries that are significantly less than those of comparable Nevada and California state employees.

Discussion

According to testimony before the Committee, an independent salary comparability analysis (conducted in March 2000 for the TRPA) concluded that the Agency's salaries range from 3 percent to 19 percent below those of comparable Nevada and California state employee salaries. This situation is in large part due to the fact that California and Nevada employees have received varying cost-of-living adjustments over a number of years when the TRPA employees did not (caused by a lack of corresponding matching funds from one or the other of the two states).

The situation was significantly exacerbated when California recently appropriated a 13½ percent salary adjustment pursuant to bargaining agreements reached with state employees. Because Nevada had previously appropriated a 2 percent salary adjustment for TRPA, the Agency's budget request to California was limited to a 2/3 match for the Nevada figure. Thus, the salary increase for California employees was much greater than the proposed raise for TRPA employees.

Testimony indicated that, as a result of these salary disparities, a number of TRPA employees have recently left the Agency for higher paying positions in both Nevada and California, and recruitment for replacement staff has become increasingly difficult.

Recommendation

5. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding salary adjustments for the TRPA in order to provide comparable salary levels relative to Nevada and California state employees.*

Appendix "E" provides a copy of the letter drafted to implement Recommendations No. 4, 5, 6, and 9.

USE OF REVENUE FROM FINES

Issue

Some people contend that the TRPA's use (to support Agency functions) of revenue from fines levied through its enforcement actions creates the appearance of a conflict of interest.

Discussion

A portion of the revenue generated by fines associated with TRPA enforcement actions has traditionally been incorporated in the Agency's operating budget, with the remaining revenue being subject to special allocation by the TRPA Governing Body. Money from the settlement of lawsuits has been handled similarly.

Committee members discussed their views as to whether this arrangement creates the appearance of a conflict of interest in which the Agency could be charged with pursuing fines to support its own enforcement activities and programs.

Recommendation

6. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging them to direct the TRPA to transfer revenue generated from fines for enforcement actions to programs that are not under the direction of the Agency rather than using any of the revenue to support TRPA activities or staff (i.e., research or educational efforts through the Universities or project review activities conducted by local governments under Memorandums of Understanding with the TRPA). Include a "Committee report" explaining this recommendation and the action taken by the Committee.*

A copy of the letter transmitted to the Department of Administration and the chairs and members of the "money committees" in response to Recommendations No. 4, 5, 6, and 9 is included in Appendix "E."

GRANTS TO NONPROFIT ORGANIZATIONS AND PRIVATE PERSONS

Issue

Nevada's Division of State Lands and the State's local governments do not have adequate statutory authority to enter into grants and contracts with nonprofit organizations and private persons for the implementation of EIP projects.

Discussion

The State Land Registrar (Administrator of the Division of State Lands) is authorized through *Nevada Revised Statutes* (NRS) 321.5956 to issue grants to other state agencies, local governments, and nonprofit organizations to preserve, restore, and enhance the Lake Tahoe Basin. Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*) provides for the issuance of bonds to implement EIP projects and specifically authorizes the Administrator of the Division of State Lands to approve grants to state agencies and local governments to carry out the EIP.

In implementing these statutes, the Division of State Lands has approved grants to state agencies and counties. Some of the grants to counties are "passed through" to general improvement districts, which actually implement the projects under agreement with the county.

Grant applications for valid EIP projects are now being proposed by homeowners groups and private persons. Douglas County requested an Attorney General's Opinion regarding the county's ability to enter into agreements with nonprofit organizations and property owners.

Attorney General's Opinion No. 2000-10 has concluded that (a) public funds may be expended constitutionally for projects on private property as long as the activity is for a public purpose; however, (2) counties have the statutory authority to enter into agreements only with a limited group of nonprofit organizations (religious, charitable, educational), but not with other nonprofit organizations, homeowners groups, or private individuals. Appendix "F" contains a copy of Attorney General's Opinion No. 2000-10, "Grants; Counties; Wages; Interlocal Cooperation Act," dated March 8, 2000.

Recommendation

7. *Enact legislation:*

- a. *Authorizing the Division of State Lands to make grants to nonprofit organizations and private persons for the implementation of EIP projects; and*
- b. *Authorizing local governments, with the approval of the Administrator of the Division of State Lands, to enter into contracts or other agreements with special districts, nonprofit organizations, and other persons or entities to implement EIP projects using grants provided through the Division of State Lands.*

Provide that the State Land Registrar (Administrator of the Division of State Lands) must ensure that the grant funds are expended only for public purposes and that the public interest is adequately protected when any funds are expended for projects on privately owned property.

Appendix "I" contains copies of the Bill Draft Requests developed to address Recommendations No. 7, 8, 11, and 14.

CONTINUATION OF AUTHORIZATION TO ISSUE BONDS

Issue

Legislative approval is required for the continued issuance of bonds to implement the State of Nevada's portion of the EIP.

Discussion

The capital improvements element of the EIP identifies \$908 million in projects needed basin-wide over a 10-year period. The State of Nevada's portion of this figure is \$82 million. At the time the EIP was compiled, Nevada already had \$25.6 million allocated to implementation of its portion of the program.

In 1999, the Legislature enacted Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*), which provides for the issuance of up to \$53.2 million in general obligation bonds to implement EIP projects between 2001 and 2007. The measure outlines that the bonds may be

issued periodically as approved by the Legislature or the Legislature's Interim Finance Committee pursuant to a schedule established by the Administrator of the Division of State Lands. In addition, the bill specifically authorizes the issuance of \$3.2 million in bonds for use during the 1999-2001 biennium on identified projects.

Recommendation

8. *Draft legislation:*

- a. *Highlighting that Subsection 3 of Section 1 of Assembly Bill 285 (Chapter 514, Statutes of Nevada 1999) provides for the periodic issuance of general obligation bonds in a total face amount of not more than \$53.2 million between July 1, 2001, and June 30, 2007, to implement EIP projects identified in a schedule established by the Administrator of the Division of State Lands and approved by the Legislature or the Legislature's Interim Finance Committee;*
- b. *Authorizing the issuance of bonds and the use of revenue in the amount of approximately \$20 million for EIP projects during the 2001-2003 biennium; and*
- c. *Outlining the schedule of EIP projects for which the revenue may be used.*

Copies of the Bill Draft Requests prepared in response to Recommendations No. 7, 8, 11, and 14 are contained in Appendix "I."

COMMENDATION OF THE NEVADA TAHOE RESOURCE TEAM

Issue

The Nevada Tahoe Resource Team is acknowledged to have been exceptionally productive in leading the State's efforts to implement the EIP.

Discussion

Prior to 1999, the Division of State Lands had initiated efforts to put together an interagency, interdisciplinary team of professionals to lead the State's efforts to implement the EIP. Through the budget process during the 1999 Legislative Session, authorization was approved to expand the team to include a total complement of:

- A coordinator and a land agent from the Division of State Lands;
- A full-time and a seasonal forester to manage state-owned lands in the Basin;
- A water quality specialist from the Division of State Lands;

- A professional forester from the Division of Forestry;
- A resource specialist from the Division of State Parks; and
- A wildlife biologist from the Division of Wildlife.

Although being from several different agencies, the team members are co-located at a single office site in Carson City.

Testimony indicated that the team's activities have received commendation from a wide variety of sources. And in addition to carrying out the EIP program for the Nevada portion of the Basin, the team provides a vital link to the Federal Interagency Partnership and the California Tahoe Conservancy on the California side of the Basin.

Recommendation

9. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" commending the activities of the Nevada Tahoe Resource Team and urging the Department and legislative committees to support continuation of the team and efforts to enhance its administrative efficiency.*

Appendix "E" includes a copy of the letter drafted to in response to Recommendations No. 4, 5, 6, and 9.

IMPLEMENTATION OF "BEST MANAGEMENT PRACTICES"

Issue

Testimony indicated that any incentives and additional assistance that could be offered private property owners in the implementation of "best management practices" would be valuable.

Discussion

The TRPA has adopted an ordinance requiring that "best management practices" be implemented on private property in the Lake Tahoe Basin by 2011. In broadest terms, "best management practices" are the most environmentally sensitive methods of developing or using property. These types of practices have been identified by experts in the field, and the Nevada Tahoe Conservation District offers technical assistance to property owners in their implementation.

Recommendation

10. *Include in the final report a request that the Administrator of the Division of State Lands work with the Nevada Tahoe Conservation District to investigate the feasibility and desirability of establishing incentives to assist private property owners with the implementation of "best management practices" on their property.*

CALIFORNIA FUNDING AND ACTIVITIES

Issue

Testimony highlighted the State of California's efforts to secure funding and coordinate its activities relating to implementation of the EIP, and a broad range of interested parties suggested that a resolution of commendation would be appropriate.

Discussion

Dennis Machida, Executive Officer of the California Tahoe Conservancy, testified before the Committee about that state's efforts to secure funding and coordinate activities relating to implement the EIP.

To provide historical perspective, Mr. Machida indicated that since 1985 the State of California has invested approximately \$205 million in environmental capital projects, public access, and recreational capital projects in the Lake Tahoe Basin. Funding for these projects has been provided through the State's regular budget process and special bonds, with approximately \$40 million having been appropriated to date for EIP projects and \$19.5 million proposed for Fiscal Year 2000-2001. In addition, the California voters in March 2000 approved a statewide bond issue (Proposition 12), which allocated an additional \$50 million specifically for implementation of the EIP.

Through the efforts of the Secretary for the California Resources Agency, the State is also establishing a California Lake Tahoe Interagency Council, which functions at three levels. Direction is provided at the cabinet level through three cabinet secretaries and the heads of nine departments; the coordinating committee level consists of assistant secretaries and senior department staff; and the working group level is responsible for addressing specific issues. The Interagency Council is focusing its efforts in three areas:

- Updating of the EIP;
- Coordination of budget requests with the goal being a series of joint agency budget requests; and
- Analysis of staffing and management costs associated with implementation of the EIP.

Recommendation

11. *Commend, by resolution, the State of California and the California Tahoe Conservancy for their efforts to secure funding and establish a coordinated team at the state level to implement the EIP in the Lake Tahoe Basin.*

Appendix "I" contains the Bill Draft Requests drafted to address Recommendations No. 7, 8, 11, and 14.

FEDERAL FUNDING AND ACTIVITIES

Issue

Testimony indicated that continued efforts are needed to encourage representatives of the Federal Government to take positive actions to maintain the Federal commitment to implementation of its portion of the EIP.

Discussion

As a starting point for a renewed Federal commitment to Lake Tahoe, the Administration announced a two-year package of \$50 million in funding as an outcome of the 1997 Lake Tahoe Presidential Forum. The EIP has identified the overall Federal share of EIP capital projects as \$300 million over 10 years. Language in the Lake Tahoe Restoration Act, as introduced in 1999, provides a legislative mechanism, which would authorize the \$300 million in Federal funding for Lake Tahoe (approximately \$30 million per year over 10 years). The current fiscal year 2001 Federal budget proposal, however, contains only \$3.5 million, and specific proposals for future years have yet to be outlined. Bipartisan support for substantially increased Federal participation has been expressed in the form of letters from Congressional representatives of the Basin.

The States of Nevada and California have authorized significant sums of money as their portions of the funds to implement the EIP, and private interests at the local level are investing substantially in the program. As previously discussed, the State of Nevada has directed a total of \$28.8 million to EIP implementation and provided a mechanism for the issuance of an additional \$53.2 million in bonds for the program. The State of California has appropriated approximately \$40 million for EIP implementation, proposed an additional \$19.5 million for fiscal year 2000-2001, and approved another \$50 million in bonds dedicated specifically to implementation of the EIP.

Although not specifically making an appropriation, The Lake Tahoe Restoration Act (Senate Bill 1925 sponsored by Senators Harry Reid and Dianne Feinstein and its companion measure H.R. 3388 sponsored by Representatives Jim Gibbons and John Doolittle) authorizes additional funding of projects and programs in the Basin. The measure's major provisions:

- Require the United States Forest Service to develop an annual priority list of environmental restoration projects (consistent with the EIP);
- Authorize \$200 million in funding to implement these projects on Federal lands to improve water quality, forest health, soil conservation, air quality, and fish and wildlife habitat around Lake Tahoe; and
- Authorize an additional \$100 million in funds for local government erosion control activities on non-Federal lands.

Appendix “G” provides a copy of the Lake Tahoe Restoration Act.

Recommendation

12. *Transmit letters to appropriate Federal officials urging their support for: (1) continued short-term and long-term funding of the Federal Government’s portion of the costs for implementing the EIP; and (2) enactment of the Lake Tahoe Restoration Act (S. 1925 and H.R. 3388).*

A copy of the letter transmitted to the Federal officials in response to this recommendation is included in Appendix “H.”

RECREATIONAL ACCESS ALONG STATE ROUTE 28

Issue

Although a group of interested parties has made significant progress in preparing an Eastshore Access Plan, major issues relating to recreational access to the Lake and parking along State Route 28 remain to be addressed.

Discussion

According to testimony provided by the TRPA, State Route 28 between Incline Village and Spooner Summit has been designated a National Scenic Byway by the U.S. Department of Transportation, and a State Scenic Byway through the State of Nevada. This section of highway attracts thousands of visitors each year who enjoy the scenery, beaches, and upland trails offered by the area.

The TRPA, Tahoe Transportation District, U.S. Forest Service (USFS), Nevada Division of State Parks, Nevada Department of Transportation, and other interested parties are attempting to address the transportation and access issues facing this area. Testimony indicated that these issues include uncontrolled parking along roadway shoulders, uncontrolled trail access to beaches, safety concerns, scenic degradation, erosion and water quality, and

wildlife disturbances (although some participants contended in their testimony that uncontrolled trail access to beaches and safety are not valid issues).

The participating agencies have entered into a Memorandum of Intent that affirms their intent to remove shoulder parking along the highway, but only after completion of a plan, which provides for access to the area (the Eastshore Access Plan). As part of the planning effort, the USFS has proposed expansion of the existing parking lots located near Chimney Beach by 45 spaces, thereby bringing the total number of parking spaces to 96. However, preliminary assessments of USFS desired use levels for the beaches concludes that there will be more parking demand than parking supply. Because of environmental constraints, it appears that the parking supply to meet this demand cannot be provided on site; and therefore, access must be furnished through other means.

The planning effort has concluded that the solution to this problem is the provision of transit service. Furthermore, to be effective, this transit service must operate seven days per week from morning until early evening between June and September, with the time between busses being no more than 30 minutes. However, further issues pertaining to the type and funding of transit service remain to be addressed.

Recommendation

13. *Include in the final report a statement commending the stakeholders participating in efforts to compile the Eastshore Access Plan and urging them to continue to work toward a resolution of the remaining issues associated with recreational access to the Lake that incorporates transit service and appropriate parking availability.*

CONTINUATION OF LEGISLATIVE OVERSIGHT COMMITTEE

Issue

Traditionally, continuation of the activities of the Legislative Oversight Committee has been accomplished through the Legislature's adoption of a relevant resolution.

Discussion

As previously outlined, the Legislative Committees to review the activities of the TRPA have been established during every interim except one since 1985. Testimony during the current Committee's hearings again expressed support for continuation of its activities during the 2001-2003 biennium. In addition to actions which have been taken over the years as a result of various Committees' recommendations and support, participants in the hearings pointed out the value of these meetings in providing a forum for discussion of major issues and programs with the legislative policy makers.

Recommendation

14. *Provide, by resolution, for the continued existence of the Committee (during the 2001-2003 interim) in a similar manner as prescribed in Senate Concurrent Resolution No. 16 (File 77, Statutes of Nevada 1999).*

Copies of the Bill Draft Requests prepared to address Recommendations No. 7, 8, 11, and 14 are included in Appendix "I."

V. ACKNOWLEDGEMENTS AND CONCLUDING COMMENTS

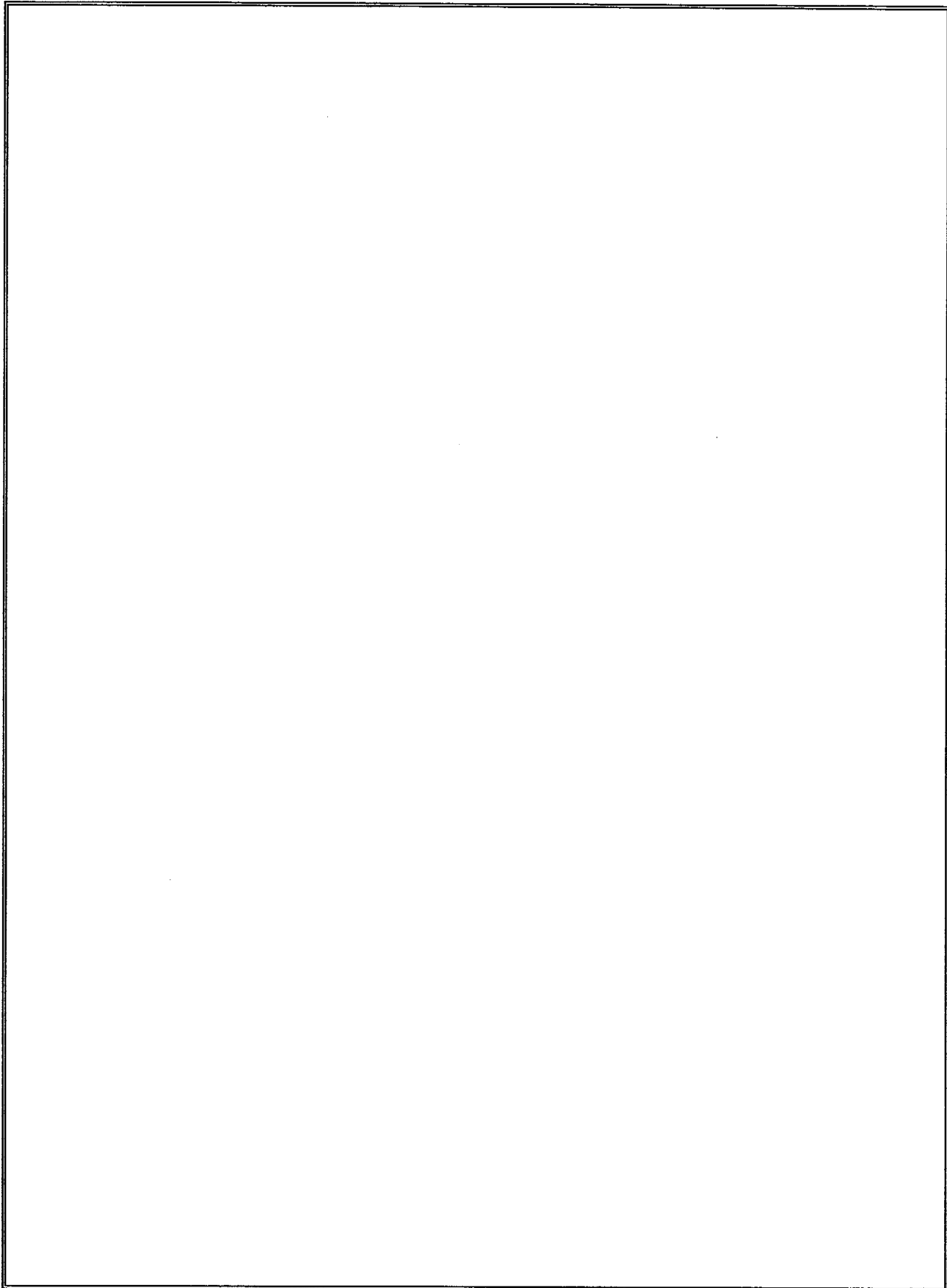
The Committee's activities have been supported by many people and organizations during the 1999-2001 biennium. Of special note is the assistance provided by the TRPA staff, representatives of Nevada State agencies active in the Basin, representatives of groups having special interest in the future of the Basin (particularly the Lake Tahoe Transportation and Water Quality Coalition), and staff members of the California Tahoe Conservancy, the U.S. Forest Service, and the U.S. Environmental Protection Agency.

In addition, the many people who helped in planning, coordinating, and making presentations for the tour should receive special recognition. The Committee's appreciation is also extended to the Incline Village General Improvement District and Harvey's Resort Hotel who provided meeting accommodations and assistance.

Copies of minutes from hearings and background materials are available through the Legislative Counsel Bureau's Research Library (775/684-6827). Copies of the final reports from previous Legislative Oversight Committees may be obtained through the Bureau's Publications Office at 775/684-6835 (see pages 2-3 for a listing of these documents).

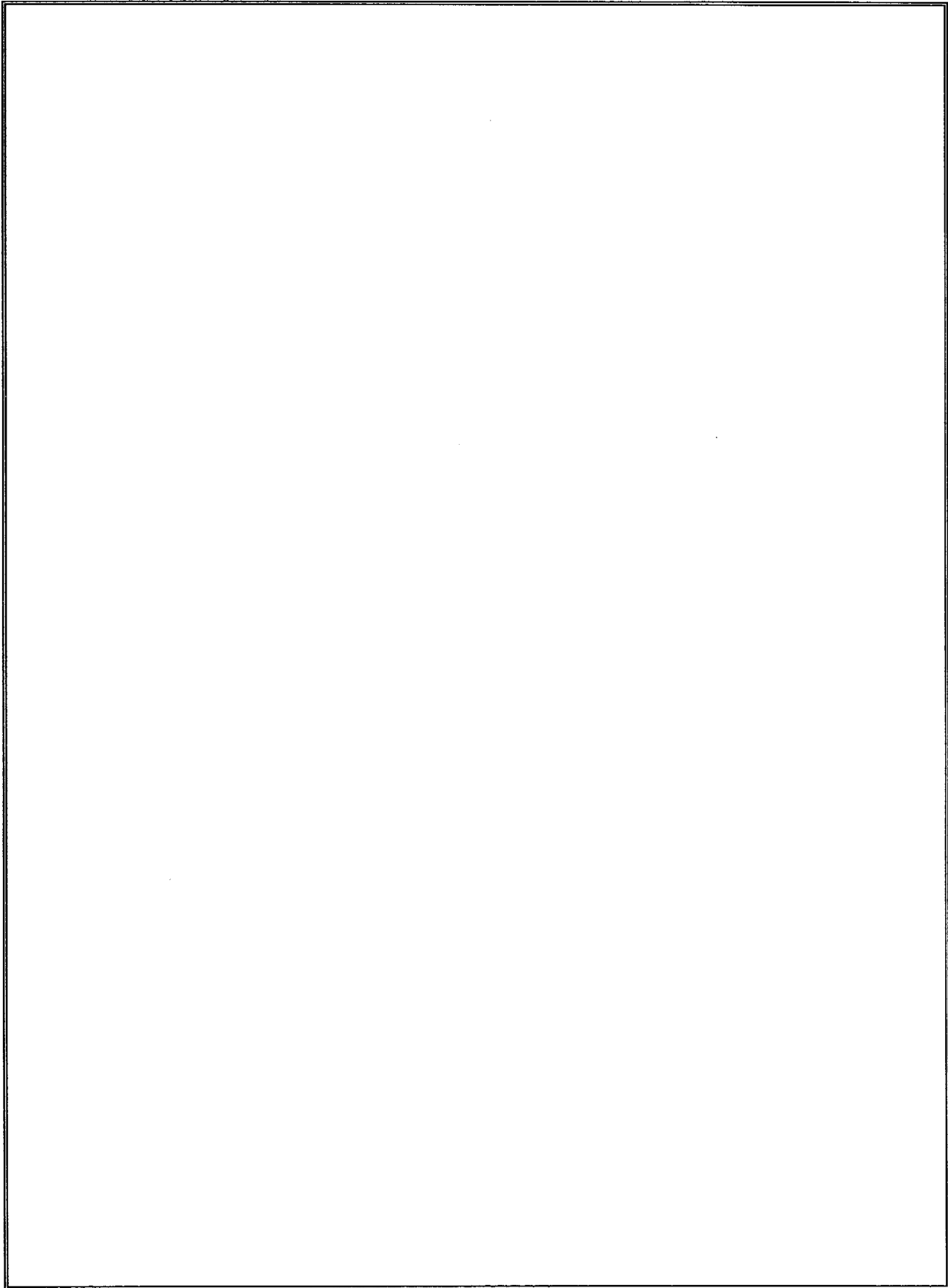
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APPENDIX A

SENATE CONCURRENT RESOLUTION NO. 16
(FILE NO. 77, *STATUTES OF NEVADA 1999*)



Senate Concurrent Resolution No. 16—Committee on
Natural Resources

FILE NUMBER 77

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact.

WHEREAS, The Tahoe Regional Planning Compact provides for the maintenance of the scenic, recreational, educational, scientific, natural and public health values of the entire Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Compact establishes the Tahoe Regional Planning Agency to adopt and enforce a regional plan and to provide opportunities for the orderly growth and development of the Lake Tahoe Basin; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving regional goals in conserving the natural resources of the entire Lake Tahoe Basin and with the programs and activities of the Tahoe Regional Planning Agency that affect these goals; and

WHEREAS, As a necessary corollary to this vital concern and for the protection of Lake Tahoe, the Legislature of the State of Nevada is also concerned with the role and efforts of those federal and state agencies that have authority to regulate activities in the Lake Tahoe Basin and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and

WHEREAS, Subcommittees of the Legislative Commission have successfully reviewed the programs and activities of the Tahoe Regional Planning Agency on previous occasions; and

WHEREAS, Senate Concurrent Resolution No. 2 of the 69th Legislative Session directed the Legislative Commission to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency; and

WHEREAS, The review and oversight of the programs and activities of the Tahoe Regional Planning Agency and the role of each federal and state agency having authority and responsibility in the Lake Tahoe Basin continue to be necessary to ensure the proper functioning of those agencies; and

WHEREAS, It is vital to remain in communication with members of the Legislature of the State of California to continue to achieve the goals set forth in the Tahoe Regional Planning Compact; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency and each federal and state agency having authority to regulate activities in the Lake Tahoe Basin; and be it further

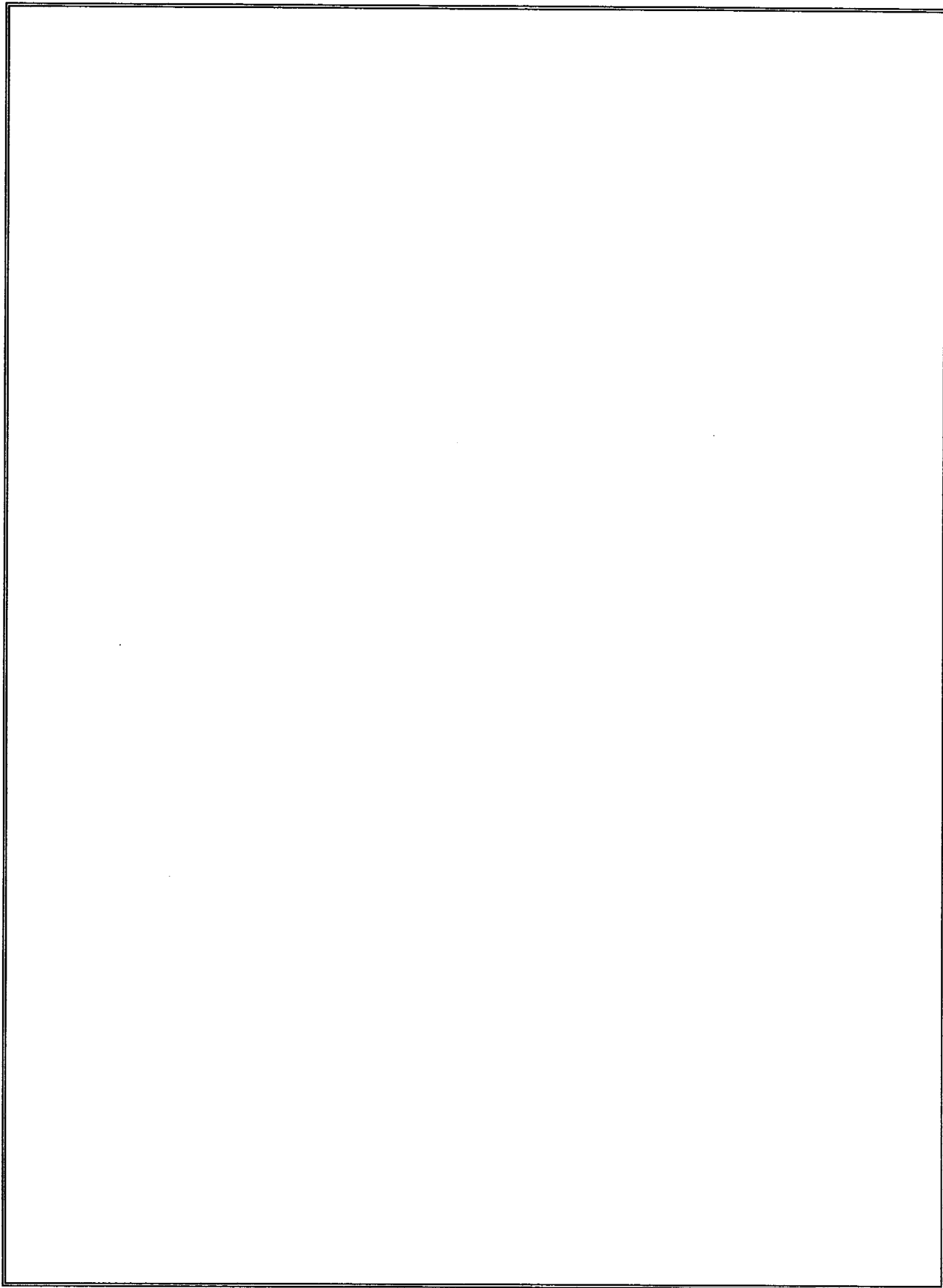
RESOLVED, That the committee is directed to:

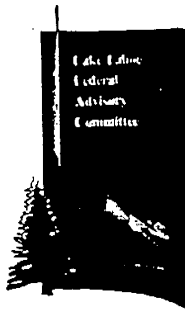
1. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency; and
2. Study the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin, including, without limitation, their role in the protection of Lake Tahoe and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to continue to communicate with interested members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact and to make an effort to meet personally with those members as soon as practicable after the appointment of the committee; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Executive Director of the Tahoe Regional Planning Agency, each member of the California delegation to the Tahoe Regional Planning Agency, the President pro Tempore of the Senate of the State of California and the Speaker of the Assembly of the State of California.

APPENDIX B
CHARTER
LAKE TAHOE FEDERAL ADVISORY COMMITTEE





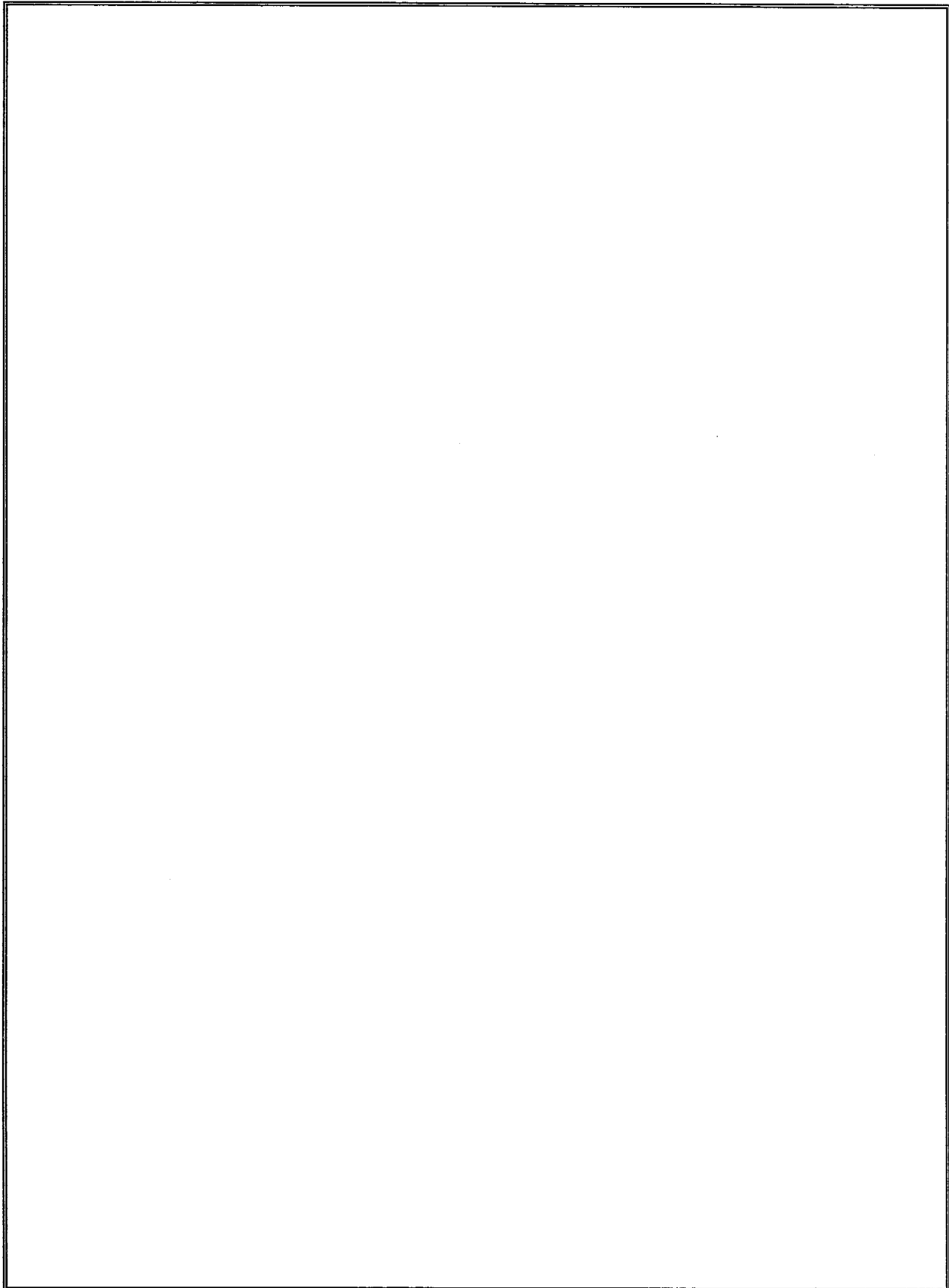
Lake Tahoe Federal Advisory Committee

Charter

PURPOSE AND SCOPE: Provide advice to the Secretary of Agriculture and the Federal Partnership on how to fulfill duties in the Executive Order. The advice of the Federal Advisory Committee shall consist of the consensus of its members.

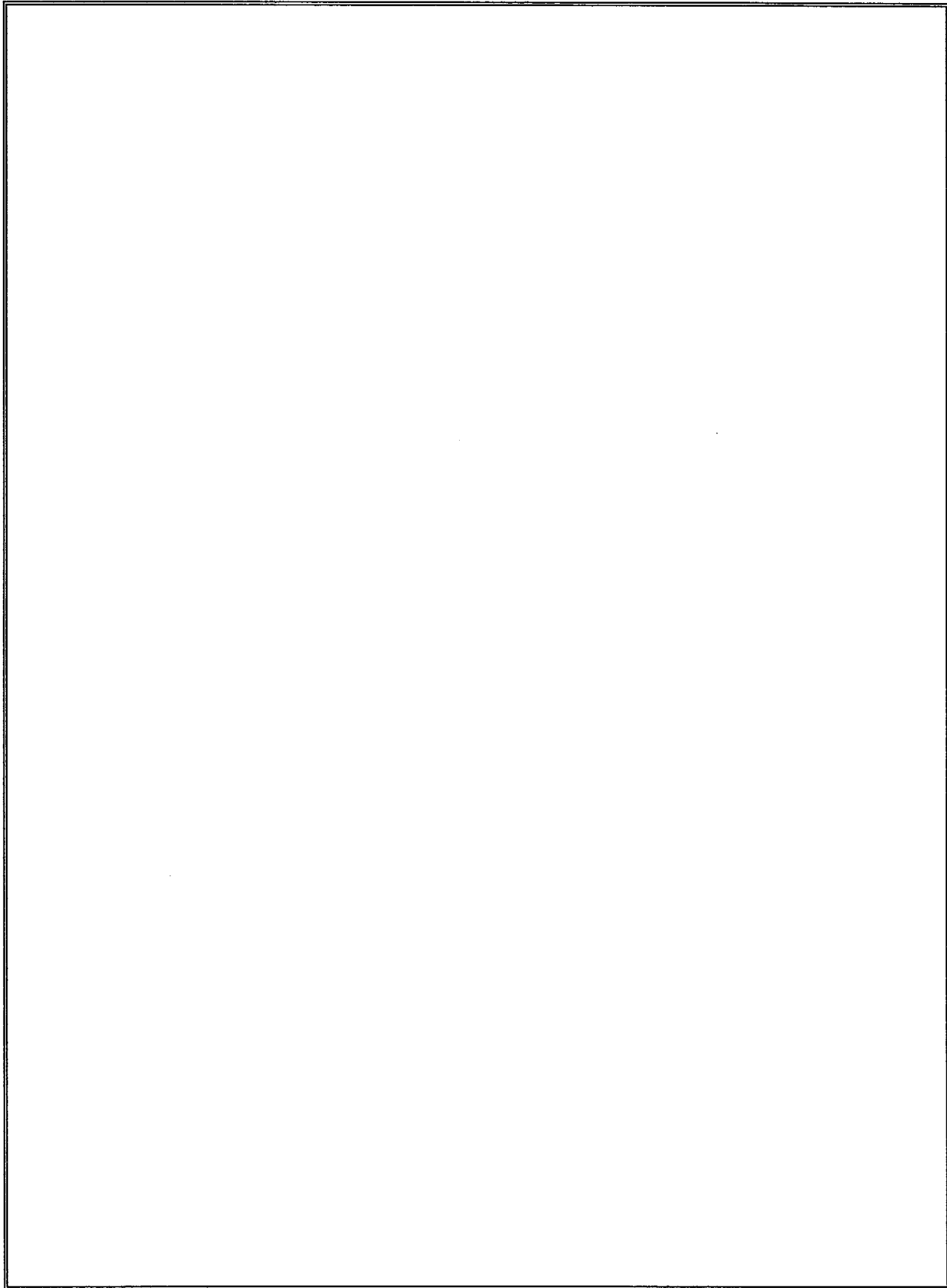
DUTIES:

1. Provide periodic reports recommending specific actions to be taken by the agencies to –
 - Assist the Tahoe Regional Planning Agency in implementing its programs, including the Environmental Improvement Program;
 - Achieve and maintain the environmental thresholds; *and*
 - Achieve other goals, including economic goals
2. Respond to requests from the Partnership for any other advice
3. Advise, as requested, on the preparation of annual reports to the President on the implementation of the Executive Order
4. Advise on how to facilitate integration and coordination of Federal programs and funds to help achieve the Environmental Improvement Program



APPENDIX C

**LETTER FROM THE COMMITTEE TO THE TRPA
CONCERNING "STREAMLINING" OF PROCEDURES FOR IMPLEMENTATION
OF THE EIP AND TRAINING FOR GOVERNING BODY MEMBERS**



GREG BROWER
ASSEMBLYMAN
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State of Nevada Assembly Seventieth Session

October 13, 2000

Governing Board
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

Dear Governing Board Members:

As you are aware, the Nevada Legislature has traditionally appointed a special committee to oversee programs and activities in the Lake Tahoe Basin. In fact, this committee has been established during every interim between the State's legislative sessions except one since 1985.

As part of its activities during the past two years, the committee has received testimony concerning a couple of matters relating directly to the Tahoe Regional Planning Agency (TRPA). At its meeting on June 9, 2000, the committee approved recommendations in the areas of: (1) timeframes for implementation of the Environmental Improvement Program; and (2) training for Governing Board members.

Timeframes for Implementation of the Environmental Improvement Program (EIP)

Testimony before the committee pointed out that the "window of opportunity" for stopping or reversing the degradation of water quality in the Lake Tahoe Basin is about 10 years. Discussions of the EIP also highlighted the fact that the logistics of approving and constructing the proposed \$908 million in projects during this period are daunting. As was further pointed out to the committee, even though the EIP projects are intended to have positive environmental ramifications, coordination of the design and construction efforts is a significant undertaking.

For the past several years, the TRPA has been "streamlining" its procedures for the review of proposed projects, but the pressures of implementing the number and size of the proposed

Page 2

EIP projects present a whole new challenge. In light of this situation, the committee adopted the following recommendation:

Urge, by letter from the committee, the TRPA to emphasize its efforts to “streamline” procedures associated with implementation of projects identified in the Environmental Improvement Program with the goal of achieving completion of “on-the-ground” projects in the most efficient and expeditious manner possible.

Training for Governing Board Members

Testimony before the committee also highlighted the fact that the Governing Board of the TRPA consists of 14 voting members representing an extremely broad range of local and state perspectives. According to these comments, the members undertake their duties with a diverse set of backgrounds and varying degrees of experience working with large committees and complex issues. Participants in the committee’s hearings explained that although the time constraints on most of the members of the Governing Board are significant and budgets are limited, additional training would be a positive investment. Thus, the committee approved the following recommendation:

Urge, by letter from the committee, the TRPA to provide for training of Governing Board members to the degree possible based upon reasonable budgetary and time constraints.

Appreciation and Concluding Comment

As Chair of the oversight committee, I would also like to take this opportunity to express my sincere appreciation to the TRPA staff who have been exceptionally helpful in our efforts and to the members of the Governing Board who have participated in our hearings. I would be happy to answer any questions you may have and discuss the recommendations forwarded in this letter at your request.

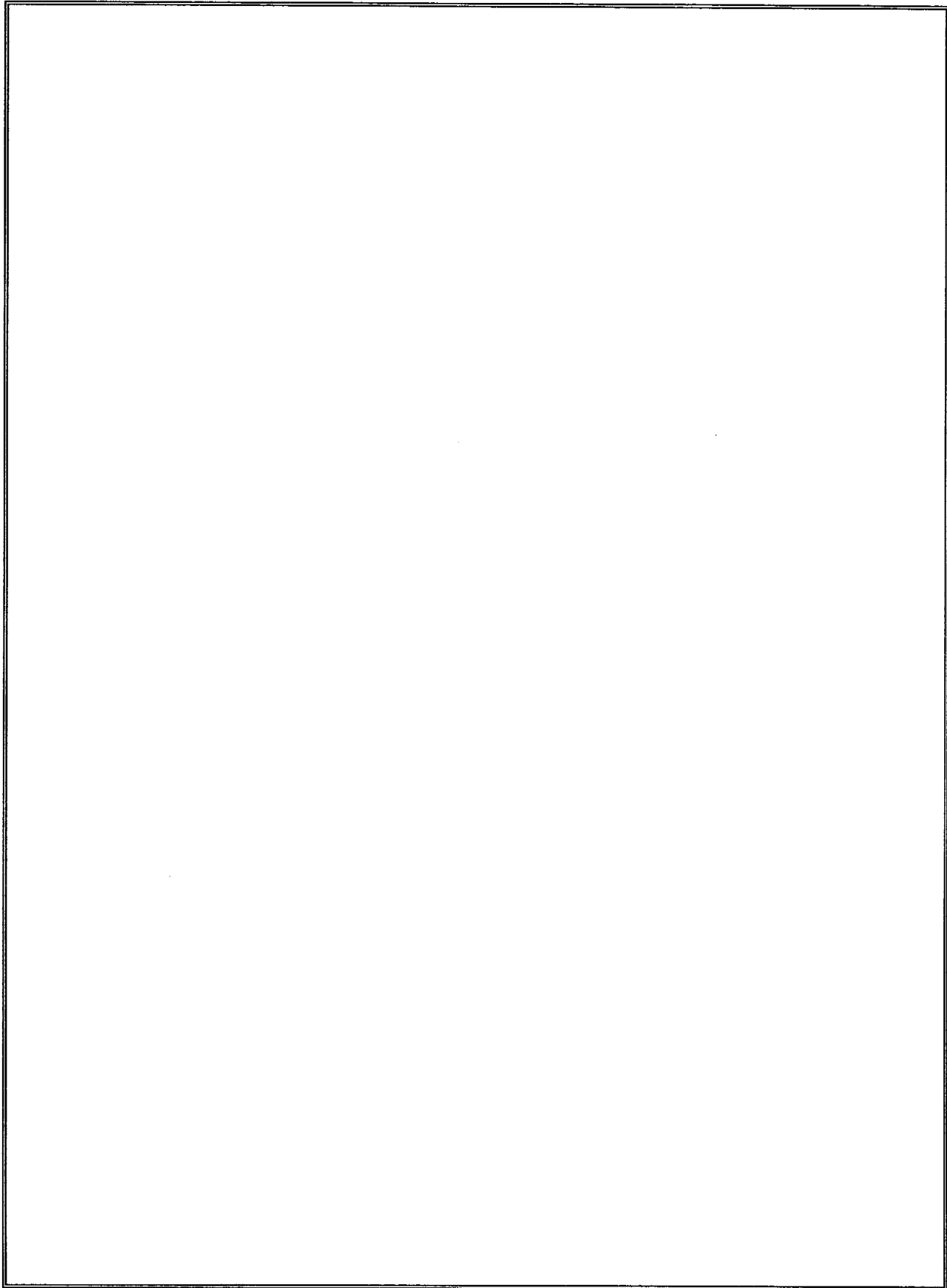
Sincerely,

Assemblyman Greg Brower, Chair
Nevada Legislature’s Committee to Continue
the Review of the TRPA

GB/pc:L07

APPENDIX D

**LETTER FROM THE COMMITTEE TO THE CHAIRS
AND MEMBERS OF THE LEGISLATURE'S "MONEY COMMITTEES"
CONCERNING THE "REGIONAL REVENUE FEASIBILITY ANALYSIS"**



GREG BROWER
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State of Nevada Assembly

Seventieth Session

October 10, 2000

Nevada State Legislature
Chairmen and Members
Senate Committee on Finance and
Assembly Committee on Ways and Means
401 South Carson Street
Carson City, Nevada 89701-4747

Dear Chairmen and Members:

As part of its duties during the interim between legislative sessions, the Nevada Legislature's Committee to Continue the Review of the Tahoe Regional Planning Agency (TRPA) received a considerable amount of testimony relating to the funding of local projects in the Lake Tahoe Basin.

The Environmental Improvement Program (EIP) for the Basin outlines the projects and funding needed to address the environmental thresholds established for the region. It specifically categorizes the projects as being within the responsibilities of the Federal Government, the State of Nevada, the State of California, local governments in the Basin, or the private sector. The EIP identifies an estimated \$100 million in capital improvement projects as the responsibility of the city, counties, and special districts within the Lake Tahoe Basin. Furthermore, the TRPA has estimated that an additional \$100 million will be needed over time to maintain and operate these EIP projects.

The Agency is currently conducting a Regional Revenue Feasibility Analysis in coordination with a Steering Committee made up of more than 20 public and private stakeholders in the region. The analysis focuses on six categories of potential funding sources and includes a report on public opinion, a legal constraints analysis, and an economic model. After review of the materials in the analysis and a series of public meetings, the Steering Committee is expected to determine the alternative or alternatives that are feasible to pursue as sources of funding for the local projects.

Page 2

The preferred alternative or alternatives may require legislative and/or local governmental action for their implementation. After consideration of the testimony in this matter, the Committee adopted the following recommendation:

Transmit letters to the chairs and members of the Legislature's "money committees" making them aware of the significant amount of community discussion that has taken place in regard to the Regional Revenue Feasibility Analysis, and urging the members to look favorably upon any relevant recommendations emanating from the Analysis and the Steering Committee.

I would be happy to answer any questions you may have concerning this recommendation and to ensure that adequate background information is made available for your review of this matter in greater depth.

Sincerely,

Assemblyman Greg Brower, Chair
Nevada Legislature's Committee to Continue
the Review of the TRPA

GB/pc:L08

APPENDIX E

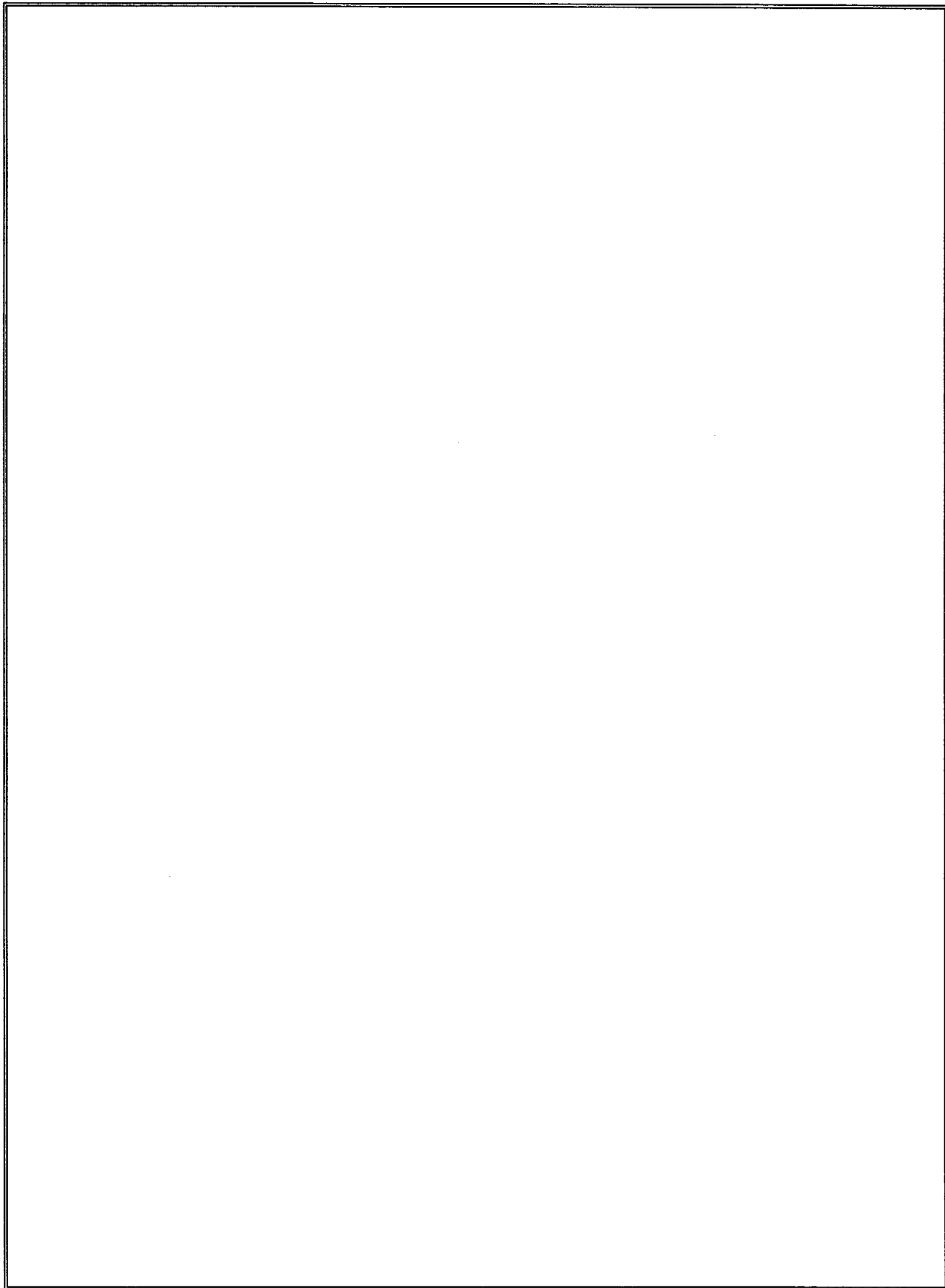
LETTER FROM THE COMMITTEE RELATING TO:

- **NEVADA'S FUNDING OF TRPA BASIC OPERATIONS**
- **SALARY ADJUSTMENTS FOR THE TRPA**
- **TRPA USE OF REVENUE FROM FINES; AND**
- **COMMENDATION OF THE NEVADA TAHOE RESOURCE TEAM**

The letter contained in this appendix has been transmitted to:

John P. Comeaux, Director
Department of Administration and Budget Division
209 East Musser Street, Room 200
Carson City, Nevada 89701-4298

Chairs and Members of the Nevada Legislature's "Money Committees."



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State of Nevada Assembly

Seventieth Session

October 13, 2000

John P. Comeaux, Director
Department of Administration
and
Chairmen and Members of
Senate Committee on Finance and
Assembly Committee on Ways and Means

Dear:

During the interim between legislative sessions, the Nevada Legislature's Committee to Continue the Review of the Tahoe Regional Planning Agency (TRPA) approved four recommendations relating specifically to the State's funding and budget process. Three of these recommendations directly apply to the TRPA, and the fourth concerns the Nevada Tahoe Resource Team.

Nevada's Funding of TRPA Basic Operations

Due to budget constraints, the Legislature funded Nevada's entire portion of the TRPA's budget for the 1999-2001 biennium from the Emission Control Account, which is a statewide source of funding for air pollution control programs. Prior to this time, the Agency's budget was funded primarily through the State General Fund with only a small portion (approximately \$33,000) being provided from the Emission Control Account. At the time of the 1999-2001 biennial appropriations, it was understood that the Emission Control Account was not intended to serve as a long-term funding source for the Agency's overall budget.

For this reason and based upon related testimony, the Committee adopted the following recommendation:

Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding TRPA basic operations from the State General Fund.

Salary Adjustments for TRPA Staff

According to testimony before the Committee, the TRPA's efforts in staff recruitment and retention are being hampered by salaries that are significantly less than those of comparable Nevada and California state employees. The testimony highlighted an independent salary comparability analysis (conducted in March 2000 for the TRPA) concluding that the Agency's salaries range from 3 percent to 19 percent below those of comparable Nevada and California state employee salaries. This situation is in large part due to the fact that Nevada and California employees have received varying cost-of-living adjustments over a number of years when the TRPA employees did not (caused by a lack of corresponding matching funds from one or the other of the two states).

The situation was significantly exacerbated when California recently appropriated a 13½ percent salary adjustment pursuant to bargaining agreements reached with state employees. Because Nevada had previously appropriated a 2 percent salary adjustment for TRPA, the Agency's budget request to California was limited to a 2/3 match for the Nevada figure. Thus, the salary increase for California employees was much greater than the proposed raise for TRPA employees.

Testimony indicated that, as a result of these salary disparities, a number of TRPA employees have recently left the Agency for higher paying positions in both Nevada and California, and recruitment for replacement staff has become increasingly difficult. Thus, the Committee approved the following recommendation:

Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging their support for funding salary adjustments for the TRPA in order to provide comparable salary levels relative to Nevada and California state employees.

TRPA Use of Revenue from Fines

Some people contend that the TRPA's use (to support Agency functions) of revenue from fines levied through its enforcement actions creates the appearance of a conflict of interest. A portion of the revenue generated by fines associated with TRPA enforcement actions has traditionally been incorporated in the Agency's operating budget, with the remaining revenue being subject to special allocation by the TRPA Governing Body. Money from the settlement of lawsuits has been handled similarly.

Hearing participants discussed their views as to whether this arrangement creates the appearance of a conflict of interest in which the Agency could be charged with pursuing fines to support its own enforcement activities and programs. Based upon these discussions, the Committee approved the following recommendation:

Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging them to direct the TRPA to transfer revenue generated from fines for enforcement actions to programs that are not under the direction of the Agency rather than using any of the revenue to support TRPA activities or staff (i.e., research or educational efforts through the Universities or project review activities conducted by local governments under Memorandums of Understanding with the TRPA). Include a "Committee Report" explaining this recommendation and the action taken by the Committee.

A summary of the main points from the discussion of this recommendation constitutes the "Committee Report." Members of the Committee participated in a relatively extensive dialog concerning this topic with representatives of the TRPA and interested parties in the Basin. Senator O'Donnell, who initiated the recommendation, expressed his opinion that allowing the Agency to place revenue it collects from fines directly into its operating budget creates the appearance of a conflict of interest.

Representatives of the TRPA acknowledged that this practice has fostered a long-term question. They contend, however, that the Agency has adequately addressed the situation through its current procedures. Based on previous experience, the Agency projects that at least \$100,000 will be generated from fines and settlement of court cases and, therefore, places this amount in its operating budget. Any revenue in excess of the \$100,000 is allocated specifically by action of the Governing Board.

Representatives of interest groups in the Basin recommended that the situation be re-examined by the TRPA Governing Board as part of its overall responsibility to adopt a bistate budget for the Agency. They expressed their opinion that adequate safeguards exist in the fact that the Agency does not have the authority to levy fines directly by administrative action, but must proceed through court action. Thus, they feel that the court has sufficient oversight of the revenue from fines and the settlement of such actions.

Senator O'Donnell expressed his opinion that this procedure is not adequate to dispel the appearance of a conflict of interest. He recommended that the revenue be transferred to programs not under the control of the Agency or into the appropriate state's general fund so that the two legislatures' "money committees" could determine the appropriate allocation.

The recommendation transmitted through this letter was approved by the Committee after consideration of these various viewpoints.

Commendation of the Nevada Tahoe Resource Team

Prior to 1999, Nevada's Division of State Lands had initiated efforts to put together an interagency, interdisciplinary team of professionals to lead the State's efforts to implement the EIP. Through the budget process during the 1999 Legislative Session, authorization was approved to expand the team to include a total complement of:

- A coordinator and a land agent from the Division of State Lands;
- A full-time and a seasonal forester to manage state-owned lands in the Basin;
- A water quality specialist from the Division of State Lands;
- A professional forester from the Division of Forestry;
- A resource specialist from the Division of State Parks; and
- A wildlife biologist from the Division of Wildlife.

Although being from several different agencies, the team members are collocated at a single office site in Carson City.

Testimony indicated that the team's activities have received commendation from a wide variety of sources. And in addition to carrying out the EIP program for the Nevada portion of the Basin, the team provides a vital link to the Federal Interagency Partnership and the California Tahoe Conservancy on the California side of the Basin.

Based on the positive comments received in this testimony, the Committee adopted the following recommendation:

Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" commending the activities of the Nevada Tahoe Resource Team and urging the Department and legislative committees to support continuation of the team and efforts to enhance its administrative efficiency.

Concluding Comment

As Chairman of the Committee, I sincerely appreciate your consideration of these recommendations. The process through which they were developed incorporated four Committee hearings, a relatively extensive on-the-ground examination of projects and issues in

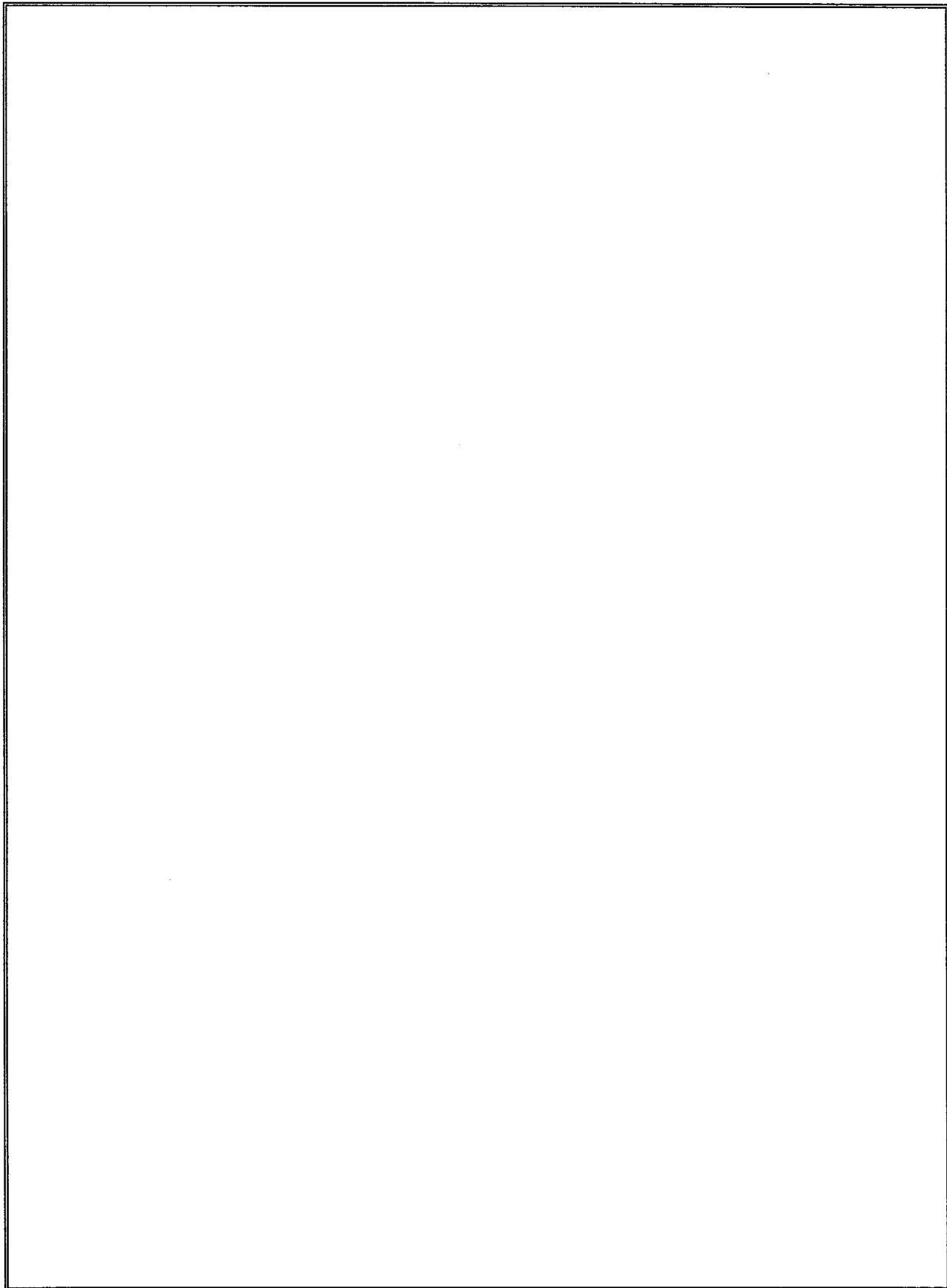
Page 5

the Basin, and a considerable amount of public input. I would be happy to answer any questions you may have concerning these recommendations and to ensure that adequate background information is made available for your review of these matters in greater depth.

Sincerely,

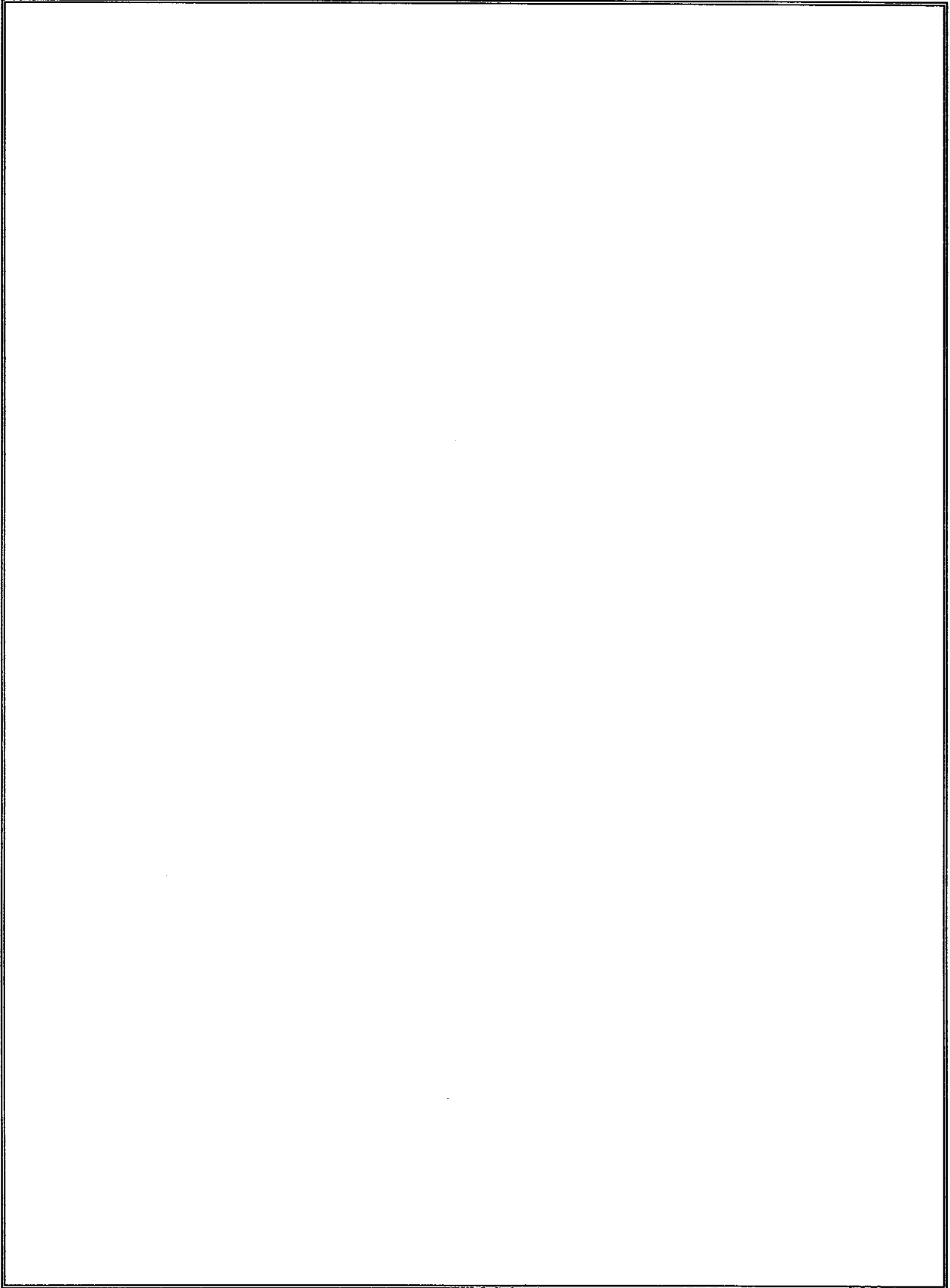
Assemblyman Greg Brower, Chair
Nevada Legislature's Committee to Continue
the Review of the TRPA

GB/pc:L10/TRPA Ltr.Rept.



APPENDIX F

ATTORNEY GENERAL'S OPINION NO. 2000-10
"GRANTS; COUNTIES; WAGES; INTERLOCAL COOPERATION ACT"





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May 1, 2000

OPINION NO. 2000-10

GRANTS; COUNTIES; WAGES;
INTERLOCAL COOPERATION ACT: A County may only exercise those powers expressly granted to it by law. A County does not have general authority to enter into cooperative or interlocal agreements with nonprofit organizations or individual property owners under current law. Tahoe Bond Act projects constructed by nonprofit organizations with public money under the Tahoe Bond Act program are subject to the prevailing wage statute if the project is publicly owned. Tahoe Bond Act funds may be expended for the construction of erosion control projects which are partially on private property and partially on public property.

Scott Doyle, District Attorney
Office of the District Attorney
Douglas County
Post Office Box 218
Minden, Nevada 89423

Dear Mr. Doyle:

BACKGROUND

This opinion request seeks to determine the legal authority counties have to enter into agreements with nonprofit organizations and/or private individuals. The context in which this request arises concerns the parameters of the grant program administered by the Nevada Division of State Lands (Division) under the 1995 Tahoe Bond Act (although one question does not arise

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specifically under the Tahoe Bond Act). Under the terms of that Act, the State Land Registrar may grant money to an eligible county and the Nevada Department of Transportation (NDOT) to fund the construction of erosion control projects and streamcourse restoration projects within the Lake Tahoe Basin. NDOT and the counties may then contract with other entities for the actual construction of the projects or pursue construction themselves as long as the required matching funds are produced. Review of the State Land Registrar's program files reveals that as of September 10, 1999, there have been 13 grant awards; 8 of the 13 have been sponsored by Douglas County which then passed the grants through to general improvement districts for projects within the district. Some projects are completed and some are under construction.

Materials submitted with your opinion request indicate that Douglas County tried to persuade the Legislature in 1997, and again in 1999, to amend the Interlocal Cooperation Act (NRS 277) to give counties *general* authority to enter into cooperative agreements and interlocal contracts with nonprofit organizations or charitable entities, perhaps in an effort to broaden the range of potential project applicants. Neither attempt was successful. (S.B. 45, 69th Session (1997); *compare* Act of May 24, 1999, ch. 212, 1999 Nev. Stat. 968) (granting specific authority to enter into a cooperative agreement to create a nonprofit organization for purposes of operating a coordinated transit system at Lake Tahoe).

QUESTION ONE

Does a county have the authority to enter into a cooperative agreement or interlocal contract with a nonprofit organization or an individual property owner?

ANALYSIS

We begin our analysis by examining the nature of county government under the Nevada Constitution. In article 17, § 1, of Nevada's Constitution, counties are recognized as corporate bodies. In a decision in 1919, the Nevada Supreme Court described the corporate body of the county as a "creature of the legislature," exclusively derived from the Legislature, thus it is entirely dependent upon the Legislature for "its extent of territory, its mode and manner of government, its power and rights." *Pershing Co. v. Humboldt Co.*, 43 Nev. 78, 84, 181 P. 960, 961 (1919).

This office has previously expressed its opinion that "[u]nder traditional legal principles, the scope and extent of a county's authority to act is contained within, and limited by, its enabling statutes." Op. Nev. Att'y Gen. No. 95-03 (March 1995); *see also* Op. Nev. Att'y Gen. No. 92-01 (February 1992); and Op. Nev. Att'y Gen. No. 91-3 (April 1991). "In short, [a county] can exercise only those powers that are expressly granted to it by law, or by such implication as are reasonably necessary to carry out the express powers." Op. Nev. Att'y Gen. No. 95-03 (March 1995), *citing* Op. Nev. Att'y Gen. No. 874 (February 1950).

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With these legal parameters in mind, we turn to an examination of the statutes governing county authority to contract.

Cooperative agreements are statutory creations which allow certain defined political subdivisions of the State to pay another political subdivision money, or share resources, including personnel, equipment, and property, to pursue a "governmental function." NRS 277.045(1). NRS 277 defines the subject matter for several other specific cooperative agreements which local governments are authorized to enter into with each other. NRS 277.050-.0695. Interlocal agreements are defined separately and primarily allow "local governments" to consolidate services based on geographic and economic factors. NRS 277.080-.180.

The foregoing statutory agreements authorized by the Legislature for use by local governments, public agencies, and/or political subdivisions are specific as to who may become a party to such an agreement. Generally, the statutes authorizing the agreement define who may become parties. See NRS 277.100 (public agency defined as political subdivisions of this state, agencies of this state, federal agencies, and Indian tribes); NRS 277.045 (allows only political subdivisions to participate, including counties, incorporated and unincorporated towns and cities, school districts, and special districts); NRS 277.050 (defines public agency to include the U.S., or a department or agency of the federal government, a county, a public corporation, and a public district.)

A statute in chapter 277 allows nonprofit medical organizations to participate as a party to a cooperative agreement with a public agency to purchase insurance, establish a self-insurance reserve, or fund other specific types of coverage. NRS 277.055(2). Private individuals are not mentioned in chapter 277.

The specificity with which the Legislature defines and authorizes cooperative agreements and interlocal contracts among local governments and public agencies has always been interpreted by the Nevada Supreme Court to be an expression of the legal maxim "EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS," which means "the expression of one thing is the exclusion of another." *Galloway v. Truesdell*, 83 Nev. 13, 26, 422 P.2d 237, 246 (1967). See also *Romnow v. City of Las Vegas*, 57 Nev. 332, 342-43, 65 P.2d 133, 135-36 (1937) (strict construction applied to legislative grant of powers to municipality); *Clark Co. Sports v. City of Las Vegas*, 96 Nev. 167, 174, 606 P.2d 171, 176 (1980) (Legislature would have provided language of inclusion if it intended it); *Desert Irrigation, Ltd. v. State Engineer*, 113 Nev. 1049, 1060, 944 P.2d 835, 842 (1997) (court is reluctant to imply a right not granted by the Legislature in NRS 533.040 because of the maxim "EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS," citing *Galloway v. Truesdell*, 83 Nev. at 26, 422 P.2d at 246).

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CONCLUSION TO QUESTION ONE

The absence of general statutory authority authorizing counties to enter into cooperative agreements or interlocal contracts without regard to subject matter, with private individuals and nonprofit organizations, is representative of legislative intent to deny such authority to local governments.¹

QUESTION TWO

Does a county have the authority to contract with a nonprofit organization or an individual property owner to construct erosion control or watercourse restoration projects?

ANALYSIS

Keeping in mind the absence of general authority which would allow counties to contract with private individuals and nonprofit organizations, we have searched the relevant statutes to locate a provision that specifically authorizes the construction projects named in your inquiry. We can find no authority for such projects except as outlined in NRS 244A, a chapter devoted to financing public improvements through the issuance of county bonds, but of course, this chapter does not implicate private individuals or nonprofit organizations. NRS 271 specifically authorizes several public improvement projects including water projects and drainage projects, NRS 271.265(1)(c) and (o), but this law, known as the Consolidated Local Improvements Law, requires the costs of county projects to be defrayed by special assessment against the property benefited. NRS 271.045 and 271.270. The Tahoe Bond Act program cannot be administered under either of these statutory schemes.

In the materials and draft opinion submitted in support of your request for this opinion, there is no mention or reference to either of these statutory schemes; instead, you have suggested that a county's power to contract for publicly funded construction projects is controlled by NRS 332, the Local Government Purchasing Act. In your analysis of this question under chapter 332, Douglas County acts only as an "eligible county" by passing money from the Tahoe Bond Act program through to another entity. Douglas County would not be involved in the actual bidding, construction, or maintenance of any project or the hiring of an independent contractor to perform

¹ However, the Legislature in 1999 enabled counties to enter into cooperative agreements with any owner of any property that contains a unique historical or archeological site for its preservation, restoration, and enhancement. Act of May 29, 1999, ch. 376, § 3, 1999 Nev. Stat. 1687. The 1999 Legislature also enacted a special law enabling Douglas County to enter into contracts and agreements with public and private entities for the purposes of creating a nonprofit organization to own, operate, and maintain a coordinated transit system in the Lake Tahoe Basin. Act of May 24, 1999, ch. 212, § 2, 1999 Nev. Stat. 968. And finally, the 1999 Legislature specifically allowed counties to participate as a member of a nonprofit cooperative association or nonprofit corporation to facilitate the provision of medical services to its members. Act of May 5, 1999, ch. 87, § 1, 1999 Nev. Stat. 189. These recent specific legislative authorizations lend even more force to our conclusion that there is no legislative intent to grant general authority to counties to enter into cooperative agreements or interlocal agreements with private parties and nonprofit organizations.

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the work. Based on our review of the program and the contractual agreements already executed between the county (as sponsor) and the project applicants with the Division, we conclude that the competitive bidding procedures in chapter 338, rather than chapter 332, are contractually mandated in the agreement with the Division. When Douglas County acts to pass grant money under the Tahoe Bond Act, chapter 332 is not controlling.

The 1995 Legislature enacted and the Governor signed A.B. 13, a bill designed to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin. Act of June 26, 1995, ch. 361, 1995 Nev. Stat. 907. This bill, now known as the Tahoe Bond Act, was designed as a grant program for NDOT and three counties in Nevada in the Lake Tahoe Basin and is funded through the sale of \$20,000,000 in general obligation bonds in the name of the State of Nevada. The program is administered by the State Land Registrar who is authorized under the Tahoe Bond Act to adopt regulations to carry out the program of grant awards, including the procedure for applying for a grant, the criteria for the award of a grant, and whether and in what amount the grant applicant must match any grant awarded under the program.²

The State Land Registrar adopted regulations in 1998 that define the eligible counties as Douglas, Washoe, and Carson City. NAC 321.320. The State Land Registrar and the Nevada-Tahoe Conservation District (District) entered into a cooperative agreement in which the District agreed to provide technical assistance in evaluating the grant applicants' projects. This agreement is adopted by reference in the regulations. NAC 321.335(1).

The regulations require the State Land Registrar to periodically solicit applications from eligible counties and NDOT. NAC 321.345(1). The application form is prepared by the District, provided to applicants, and describes the procedure and criteria for an award under the program. NAC 321.345(2)(a). Before a grant may be awarded, the grant recipient and the State Land Registrar must enter into an agreement defining the terms and conditions of the grant award as well as the required match. NAC 321.360.

The criteria for the award of a grant are found in a document provided to all potential applicants called the Grant Application Packet. Appendix "C" to the Grant Application Packet incorporates a requirement of every grantee to utilize the competitive open bidding procedures found in NRS 338. Thus the ultimate recipient of a grant is obligated to bid the project in

² In testimony before the Assembly Committee on Government Affairs on January 26, 1995, the State Land Registrar reminded the committee that her office previously administered a \$31,000,000 bond act passed by the Legislature and approved by the voters in 1986, which provided that up to one-quarter of the proceeds be spent upon erosion control in the Basin. She testified that, in fact, more than \$7,000,000 was spent on erosion control in the Basin under that act. *Hearing on A.B. 13 Before the Assembly Committee on Government Affairs*, 1995 Legislative Session, 153 (January 26, 1995) (statement by Pamela Wilcox, Administrator, Nevada Division of State Lands). The 1999 Legislature passed another authorization for the issuance of general obligation bonds through the year 2007 in the face amount of \$56,400,000 for a program of environmental improvement projects in the Lake Tahoe Basin. A.B. 285 enacts a program similar to the 1995 Tahoe Bond Act to be administered by the State Land Registrar who will oversee the issuance of grants to local governments and state agencies. Act of June 8, 1999, ch. 514, § 3, 1999 Nev. Stat. 2626.

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accordance with State law. Because the eligible county also enters into an agreement with the Division that specifically incorporates the Grant Application Packet (and its chapter 338 open bidding procedure), we believe that chapter 332 is not implicated. In addition, chapter 332 is not applicable because Douglas County is only acting as a "pass through" agency and is not purchasing services or goods that require the expenditure of its own money.

The Tahoe Bond Act awarded grants only to local governments and NDOT. Act of June 26, 1995, ch. 361, § 1, 1995 Nev. Stat. 907. The language of the Tahoe Bond Act omits any mention or even an implication that private individuals and nonprofit organizations may be recipients directly from the program; thus they must have been intended to be excluded under an application of the previously considered legal maxim, "EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS." *Galloway v. Truesdell*, 83 Nev. at 26, 422 P.2d at 246.

CONCLUSION TO QUESTION TWO

A county does not have the statutory authority to contract with a nonprofit organization or an individual property owner for the construction of erosion control or watercourse restoration projects under the grant program enacted by the Legislature and approved by the voters in 1996. Should Douglas County decide to bid a project, chapter 338, not chapter 332, would govern the bid procedures. Any entity that bid on the county project would, of course, have to meet State requirements for licensing applicable to contractors.

QUESTION THREE

Does a county have authority to provide a grant to a nonprofit organization or an individual property owner for the construction of erosion control or watercourse restoration projects with Tahoe Bond funds?

ANALYSIS

As previously detailed in our analysis to question 2, we have determined that Tahoe Bond Act grant money is available to the three counties in the Tahoe Basin and NDOT and that the counties have acted as sponsors to "pass through" grant money to other entities.

As you pointed out in your opinion request to this office, NRS 244.1505 deals directly with the subject matter of this question. The statute was added to the NRS in 1981 and until the 1999 session provided that:

1. A board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county. The board may grant all or part of the money to a private organization, not for profit, to be expended for the selected purpose.

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2. A grant to a private organization must be made by resolution which must specify:
- (a) The purpose of the grant;
 - (b) The maximum amount to be expended from the grant; and
 - (c) Any conditions or other limitations upon its expenditure.

During the 1999 Legislative Session, two bills were introduced which sought to amend NRS 244.1505. A.B. 318 (Act of June 11, 1999, ch. 633, § 1, 1999 Nev. Stat. 3535) and S.B. 139 (Act of May 29, 1999, ch. 361, § 4, 1999 Nev. Stat. 1643) were eventually passed by the Legislature after the Assembly Committee on Government Affairs proposed an amendment to S.B. 139 (Amendment 838) reconciling the two bills, at least as far as NRS 244.1505 was concerned. The Senate eventually concurred in the amendment. Both bills were signed by the Governor.

The first sentence in NRS 244.1505 was not amended. The second sentence in NRS 244.1505(1) was materially changed to impact and narrow the available pool of potential recipients for a grant of money from a county. The second sentence now reads: "The board may grant all or part of the money to a nonprofit organization created for religious, charitable or educational purposes to be expended for the selected purpose."

So clearly, even under the new amended version of NRS 244.1505, the county may only grant money to nonprofit organizations created for religious, charitable, or educational purposes. *Worldcorp. v. State, Dep't of Taxation*, 113 Nev. 1032, 1035-36, 944 P.2d 824, 826 (1997) ("It is well settled in Nevada that when statutory language is clear on its face, its intention must be deduced from such language.") While the statutory language is not as broad as before, still the Legislature has bestowed authority on the county to grant money to a nonprofit organization, although there is still no authority to grant money to private individuals. See *Galloway v. Truesdell*, 83 Nev. at 26, 422 P.2d at 246.

In your own analysis on this question, you have acknowledged that NRS 244.1505 contains authority to grant money to nonprofit organizations, but you express concern that the legislative intent behind the Tahoe Bond Act will suffer should grants be made by the counties under this statute. Specifically, you note that NRS 244.1505 does not contain specific statutory restraints on the use of the money by the nonprofit grantees; secondly, that there is absent any mechanism to enforce state grant requirements against individual property owner-members of the nonprofit grantee should it default upon its obligations; and finally, you believe that solicitation of applications from entities other than the counties and NDOT has created a difficult administrative problem.

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Addressing your first two concerns, we reviewed the NRS for similar legislative enactments of authority for the granting of money and conclude that the language under NRS 244.1505 is similar to other statutes authorizing grants of money. See NRS 231.068, 349.981, 428.365, 430A.100, 433.395, 442.1194, 445B.830, 459.742, 472.040(g), 483.785, and 548.178. These statutes all provide discretionary authority to grant sums of money using roughly similar language as is contained in NRS 244.1505. Some of the grants contain no control but instead merely indicate that the grantor may place such conditions on the grant as he deems necessary including the requirement of matching money. The terms of the Legislature's grant of money and how much control is placed on the grantee is purely up to the Legislature subject only to constitutional restraints. See *State of Nevada ex. rel. Brennan v. Bowman*, 89 Nev. 330, 332, 512 P.2d 1321, 1322 (1973) ("Public funds may not be spent for private purposes. . . . [I]f the County were to levy a tax to retire the bonds and if the purpose of the bond issue was private rather than public in nature, the law would be struck down." Nev. Const. art. 1, § 8; *State v. Churchill County*, 43 Nev. 290, 185 P. 459 (1919)).

The Tahoe Bond Act clearly allows the State Land Registrar authority to grant money only to the eligible counties and NDOT. We are not aware of any instance in which Tahoe Bond Act money has been granted to someone other than a county or NDOT. In order to comply with the regulations requiring assurances that the completed project will receive operating and maintenance funds for at least 20 years, the county must assume that responsibility itself or pass it along to the subsequent grantee (in the case of grants under NRS 244.1505) through contractual arrangements. There are no statutory or regulatory penalties or regulatory enforcement provisions applicable to a default under a grant under the Tahoe Bond Act. Enforcement must be by contractual remedy which, from Douglas County's point of view, may be a "poor substitute for the statutory and regulatory responsibility contemplated by the sixty-eighth session of the legislature," but it is for the time being the county's only resort. The creation of statutory or regulatory remedies for default under the Tahoe Bond Act grant program rests with the Legislature. Your ability to enter into interlocal and cooperative agreements with General Improvement Districts (GID), of which there are many in Douglas County, means that the assurances required under the Tahoe Bond Act regulations may be assumed by the GID, although there is no absolute assurance the GID will be in existence in 20 years.

Your third concern with applying NRS 244.1505 was that the Division was creating an administrative problem by soliciting applications from entities other than the counties and NDOT. In response to this concern, the State Land Registrar has said that her agency routinely gives the Grant Application Packet to anyone who walks in, since this is a public matter and part of a public agency, and her goal is to facilitate projects to protect the lake. Regardless of who picks up an application, they are notified county sponsorship is necessary under the Tahoe Bond Act.

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CONCLUSION TO QUESTION THREE

A county does have the legislative authority to grant money to nonprofit organizations formed for religious, charitable, or educational purposes. A county may not grant Tahoe Bond Act money or any other money from any other source to private individual property owners to construct erosion control projects or watercourse restoration projects.

QUESTION FOUR

Are projects constructed with Tahoe Bond funds which a county grants to a nonprofit organization subject to NRS ch. 338, the prevailing wage statute?

ANALYSIS

NRS 338.020, Nevada's prevailing wage statute, mandates that in every contract in which a public body is a party, the prevailing wage in the county in which the work is located must be paid to workmen and mechanics, both skilled and unskilled, in the performance of a public work. There is an exemption from the application of the prevailing wage statute for "[a]ny contract for a public work whose cost is less than \$100,000." NRS 338.080.

NRS 338.010(10) defines a "public work"³ as:

- [A]ny project for the new construction, repair or reconstruction of:
- (a) A project financed in whole or in part from public money for:
 - (1) Public buildings;
 - (2) Jails and prisons;
 - (3) Public roads;
 - (4) Public highways;
 - (5) Public streets and alleys;
 - (6) Public utilities which are financed in whole or in part by public money;
 - (7) Publicly owned water mains and sewers;
 - (8) Public parks and playgrounds;
 - (9) Public convention facilities which are financed at least in part with public funds; and
 - (10) All other publicly owned works and property whose cost as a whole exceeds \$20,000. . . .

³ Under the federal Davis-Bacon Act, 40 U.S.C. § 276a-276a-7, the term "public work" is defined to include "building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency." 29 C.F.R. § 5.2(k) (1999).

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“Public body” is defined in NRS 338.010(9) to include political subdivisions of the State that sponsor or finance a public work. Political subdivisions of the State include general improvement districts. NRS 318.015. From the information provided to this office regarding projects seeking grants under the Tahoe Bond Act through June of 1999, it appears that general improvement districts have been the project proponent in all but 2 of the 13 approved or pending projects to be considered by the Nevada Tahoe Conservation District technical advisory team. It does not appear that a project application by a nonprofit organization for Tahoe Bond Act funds has even been considered by the technical advisory committee.

You have asked whether the prevailing wage statute applies to nonprofit organizations that might receive funds under the Tahoe Bond Act. In your own conclusion to this question, you have acknowledged that Tahoe Bond Act funds, which are ultimately put to use by a nonprofit organization on a Tahoe Bond Act project, may not be within the definition of a “public work” in NRS 338.010(10). However, you also conclude that because the prevailing wage statute is a remedial statute, it is entitled to a liberal construction in order to effectuate the benefits to be obtained. *Colello v. Administrator, Real Est. Div.*, 100 Nev. 344, 347, 683 P.2d 15, 17 (1984).

When the project proponent for Tahoe Bond Act grant money is a nonprofit organization, the prevailing wage statute applies to any project that is a public work. NRS 338.010(10) and 338.020. Under NRS 338.010(10)(a) “public work” is defined in a list of covered projects. The common denominator of each of the ten projects on the list is the requirement that the project be publicly owned and publicly financed. For example, NRS 338.010(10)(10), the last listed project category, is a catchall category which unambiguously includes “[a]ll other publicly owned works and property” within the definition of public work. As a matter of statutory construction, when a statute is clear and unambiguous, the words in the statute should be given their plain meaning without having to consult the legislative intent behind the statute. *Rodgers v. Rodgers*, 110 Nev. 1370, 1373, 887 P.2d 269, 271 (1994). We conclude that this statute plainly and unambiguously declares the Legislature’s intention to subject only publicly financed and publicly owned projects and property to the prevailing wage statute. NRS 338.020 (applies the prevailing wage statute to every contract to which a public body is a party in the performance of public work).

Should a nonprofit organization seek county sponsorship for a Tahoe Bond Act project, the prevailing wage statute would apply if title to the project is in a public body’s name or if the project is constructed on publicly owned property or on property in which a public body has acquired an interest—such as a right-of-way or easement. A project constructed on private property that will not be publicly owned is not subject to the prevailing wage statute.

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CONCLUSION TO QUESTION FOUR

Nevada's prevailing wage statute, NRS 338.020, applies to Tahoe Bond Act projects constructed by nonprofit organizations only if the project is publicly owned. Projects constructed on private ground and whose title is not in a public body are not subject to the prevailing wage statute—NRS 338.020.

QUESTION FIVE

May Tahoe Bond Act funds be expended for the construction of erosion control projects that are partially on private property and partially on public property?

ANALYSIS

We assume for purposes of this answer that Tahoe Bond Act funds will be expended by the county or NDOT through the process described in NAC 321.300 *et. seq.* This means in most instances that the county acts as a "pass through" agency which monitors construction carried out by a GID. Since there is a considerable amount of private land within the basin, it is likely that projects already constructed may have been constructed wholly or partially on private land.⁴

The factual predicate for your question is based on the Tahoe Regional Planning Agency's determination that a proposed GID project (which may be eligible for the Tahoe Bond Act grant) and a nearby private development project are linked together. The private development proposes to provide the match for the GID's project should it be approved for funding under the Tahoe Bond Act. Your question presupposes that, if approved, a portion of the "linked" project would be constructed on private land and a portion on public land.

We first searched the Nevada Constitution for guidance concerning the use of public funds for private purposes. The Nevada Supreme Court considered a case in 1973 in which the plaintiff challenged the use of county issued bonds, issued under the County Economic Development Revenue Bond Act (*see* NRS 244A.669 *et. seq.*), and earmarked for the acquisition and construction of pollution control facilities on private property, as a violation of the Nevada Constitution, article 1, § 8, long considered the constitutional prohibition on using public funds for private purposes.⁵ *State of Nevada ex. rel. Brennan v. Bowman*, 89 Nev. at 332, 512 P.2d at

⁴ There are approximately 205,000 acres of land in the Lake Tahoe Basin; 16% of the Tahoe Basin is private land, 77% is National Forest Land, and 7% of the basin is State land. (Source: "Presidential Commitments, Lake Tahoe Basin," July 26, 1997, revised January 1999.)

⁵ Article 1, § 8(5) says: "No person shall be deprived of life, liberty, or property, without due process of law." *See* Op. Nev. Att'y Gen. No. 85-13 (September 1985) (A fundamental principle of law is that public funds may not be expended for private purposes. (Citations omitted)); Op. Nev. Att'y Gen. No. 79-3 (February 1979) (prohibition on the use of public funds for private purposes is based on the rationale that government cannot use its taxing power to raise revenues for the use of private enterprise; taxes may only be levied for public purposes. *State v. Churchill County*, 43 Nev. at 296, 185 P. at 461).

Scott Doyle, District Attorney
May 1, 2000
Page 12

1322. The *Brennan* Court upheld the Revenue Bond Act as a method of encouraging industry to locate in Nevada and relieve unemployment, all of which inures to the public benefit. The law was deemed to have a public purpose so that it did not run afoul of the constitutional proscription against expending public funds for private purposes. See also *State v. Churchill County*, 43 Nev. 290, 185 P. 459 (1919); *Cauble v. Beemer*, 64 Nev. 77, 82, 177 P.2d 677, 679 (1947) (court held that proposed county hospital bond issue was for a public not a private purpose so that no taxpayer will be deprived of property without due process of law under art. 1, § 8 of the Nevada Constitution).

In *Brewery Arts Ctr. v. State Bd. of Examiners*, 108 Nev. 1050, 1055, 843 P.2d 369, 373 (1992), the court held unconstitutional a statute which authorized the issuance of general obligation bonds in the name of the State of Nevada for the purpose of the preservation of cultural resources. This case is helpful to our analysis because, even though the court declared the statute unconstitutional, it noted in its analysis that the "State does not own, or propose to own, any of the property which will benefit from the bonds." *Id.* at 1055. The fact that the State proposed to grant money to benefit nonpublicly owned property was not the subject of the constitutional challenge. The constitutional issue decided in *Brewery Arts* was whether public money could be spent preserving cultural resources as opposed to natural resources under article 9, § 3 of the Nevada Constitution, which authorizes the State to enter into any and all contracts for the preservation of any of its property or natural resources.

Moreover, the use of the phrase "its property" in article 9, § 3 of the Nevada Constitution has geographical rather than proprietary connotations. *Marlette Lake Co. v. Sawyer*, 79 Nev. 334, 383 P.2d 369 (1963). "Property" means any property or natural resources located within the geographical limits of the State of Nevada. *Id.* Thus it seems that public money may be spent to preserve and protect the State's natural resources regardless of whether public or private land is involved. The Constitutional limitation described above prohibits the use of public funds for private purposes, not the expenditure of public money on private land which furthers a public purpose.

Additionally, the State Land Registrar has said that her policy in this regard would only permit the expenditure of public funds for the construction of an erosion control project on private land if the State or county receives in return a permanent interest in the land under the project such as an easement, right-of-way, or other interest that guarantees the State access to the project.

Scott Doyle, District Attorney
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CONCLUSION TO QUESTION FIVE

Tahoe Bond Act funds may be lawfully expended for the construction of erosion control projects that are partially on public property and partially on private property.

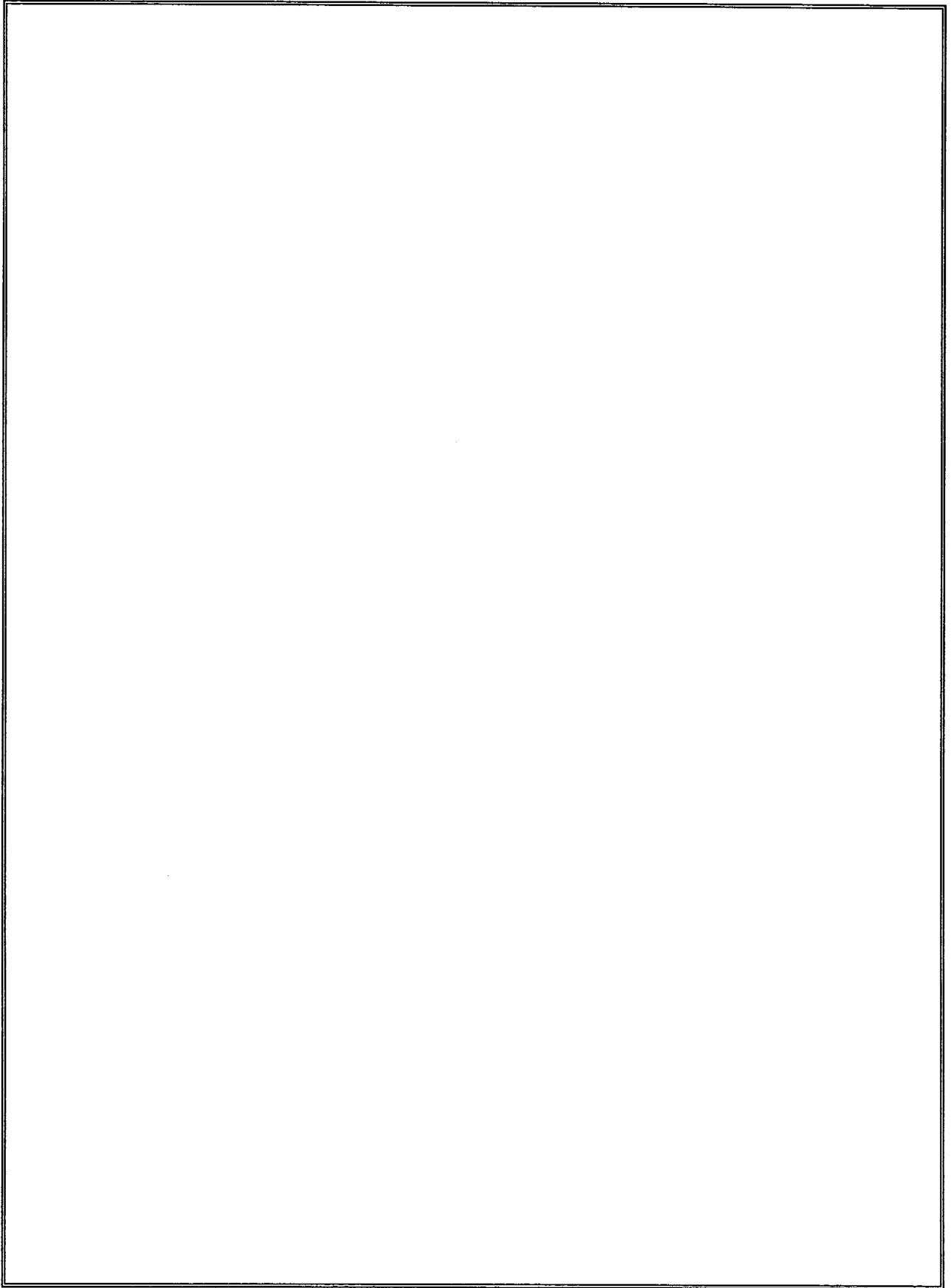
Sincerely,

FRANKIE SUE DEL PAPA
Attorney General

By:

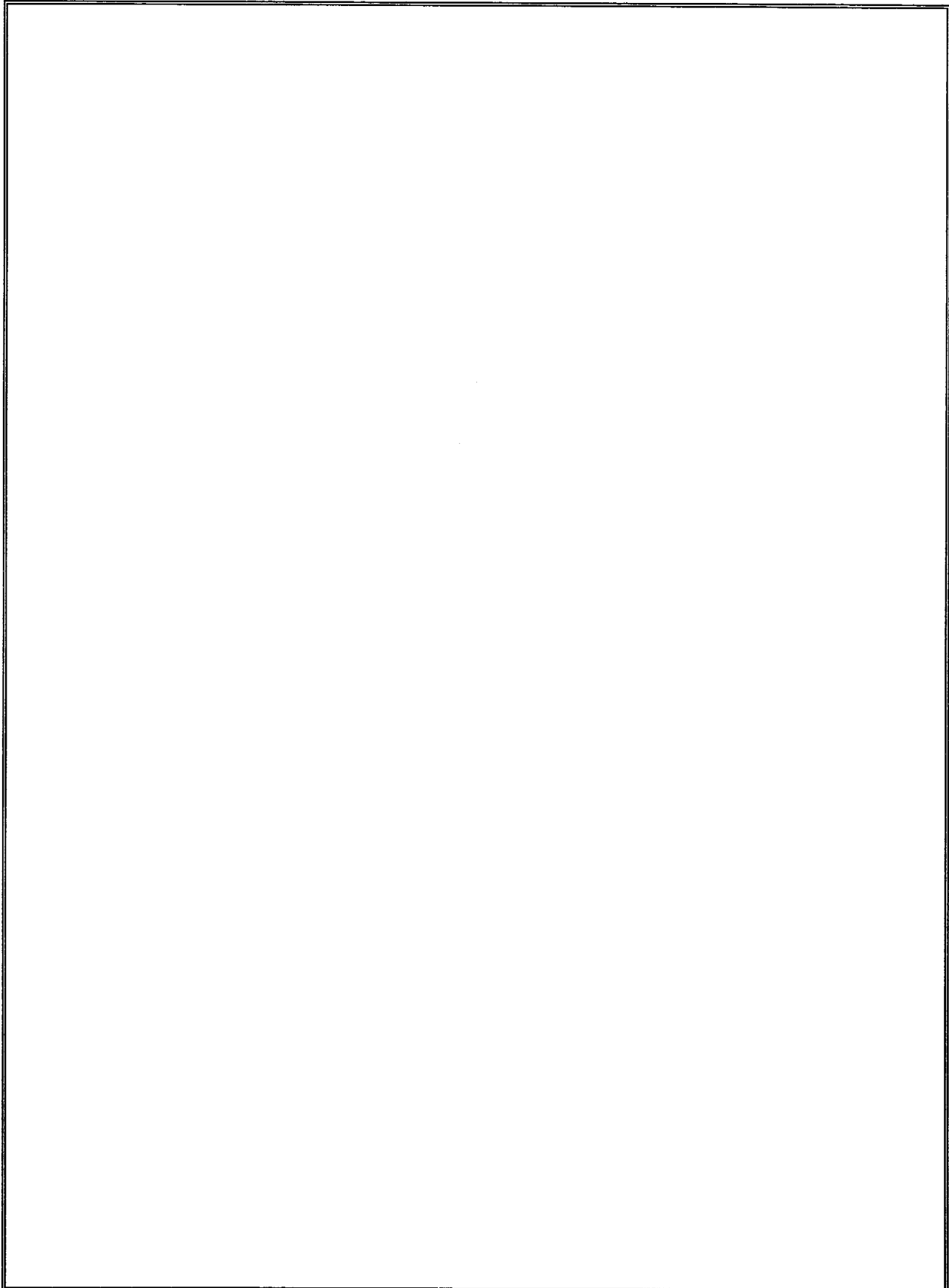
GEORGE H. TAYLOR
Deputy Attorney General
Conservation and Natural Resources Section
(775) 684-1230

GHT:pay



APPENDIX G

**THE LAKE TAHOE RESTORATION ACT
(H. R. 3388)**



H.R.3388

One Hundred Sixth Congress
of the
United States of America
AT THE SECOND SESSION

Begun and held at the City of Washington on Monday,
the twenty-fourth day of January, two thousand

An Act

To promote environmental restoration around the Lake Tahoe basin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Lake Tahoe Restoration Act'.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS- Congress finds that--

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether--

(A) has contaminated and closed more than one-third of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including--

(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91-148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including--

(A) expenditures--

(i) exceeding \$200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding \$30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional \$20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES- The purposes of this Act are--

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin

Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY- The term 'environmental threshold carrying capacity' has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96-551 (94 Stat. 3235).

(2) Fire risk reduction activity-

(A) IN GENERAL- The term 'fire risk reduction activity' means an activity that is necessary to reduce the risk of wildfire to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) INCLUDED ACTIVITIES- The term 'fire risk reduction activity' includes--

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

(3) PLANNING AGENCY- The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).

(4) PRIORITY LIST- The term 'priority list' means the environmental restoration priority list developed under section 6.

(5) SECRETARY- The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) IN GENERAL- The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) Relationship to Other Authority-

(1) PRIVATE OR NON-FEDERAL LAND- Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) PLANNING AGENCY- Nothing in this Act affects or increases the authority of the Planning Agency.

(3) ACQUISITION UNDER OTHER LAW- Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

(a) IN GENERAL- With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of--

- (1) the Planning Agency;
- (2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;
- (3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);
- (4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and
- (5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) DUTIES- The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to--

- (1) the administration of the Lake Tahoe Basin Management Unit;
- (2) the development of the priority list;
- (3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;
- (4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and
- (5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

(a) IN GENERAL- Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

(b) DEVELOPMENT OF PRIORITY LIST- In developing the priority list, the Secretary shall--

- (1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and
- (2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that--

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying

capacities for--

- (i) air quality;
- (ii) fisheries;
- (iii) noise;
- (iv) recreation;
- (v) scenic resources;
- (vi) soil conservation;
- (vii) forest health;
- (viii) water quality; and
- (ix) wildlife.

(c) FOCUS IN DETERMINING ORDER OF PRIORITY- In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving--

(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96-586 (94 Stat. 3381) (as amended by section 7 of this Act);

(2) the acquisition of environmentally sensitive land from willing sellers--

(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5); or

(B) under the authority of Public Law 96-586 (94 Stat. 3381);

(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96-586 (94 Stat. 3381);

(4) cleaning up methyl tertiary butyl ether contamination; and

(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially--

(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(B) the Highway 28 and 89 corridors and parking problems in the area; and

(C) cooperation with local public transportation systems, including--

(i) the Coordinated Transit System; and

(ii) public transit systems on the north shore of Lake Tahoe.

(d) MONITORING- The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(e) **CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING-** A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(f) **REVIEW OF PRIORITY LIST-** Periodically, but not less often than every 3 years, the Secretary shall--

- (1) review the priority list;
- (2) consult with--
 - (A) the Tahoe Regional Planning Agency;
 - (B) interested political subdivisions; and
 - (C) the Lake Tahoe Water Quality and Transportation Coalition;
- (3) make any necessary changes with respect to--
 - (A) the findings of scientific research and monitoring in the Lake Tahoe basin;
 - (B) any change in an environmental threshold as determined by the Planning Agency; and
 - (C) any change in general environmental conditions in the Lake Tahoe basin; and
- (4) submit to Congress a report on any changes made.

(g) **Cleanup of Hydrocarbon Contamination-**

(1) **IN GENERAL-** The Secretary shall, subject to the availability of appropriations, make a payment of \$1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of the enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

(2) **CONSULTATION-** In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

(3) **WILLING SELLERS-** The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

(h) **AUTHORIZATION OF APPROPRIATIONS-** There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), \$20,000,000 for the first fiscal year that begins after the date of the enactment of this Act and for each of the 9 fiscal years thereafter.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96-586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

(g) **Payments to Localities-**

`(1) IN GENERAL- The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

`(2) USE OF PAYMENTS- Payments under this subsection may be used--

`(A) first, for erosion control and water quality projects; and

`(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

`(3) Eligibility for payments-

`(A) IN GENERAL- To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

`(B) COMPONENTS OF LIST- A priority list under subparagraph (A) shall include, for each proposed project listed--

`(i) a description of the need for the project;

`(ii) all projected costs and benefits; and

`(iii) a detailed budget.

`(C) USE OF PAYMENTS- A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

`(D) FEDERAL OBLIGATION- All projects funded under this subsection shall be part of Federal obligation under the environmental improvement program.

`(4) Division of funds-

`(A) IN GENERAL- The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

`(B) MINIMUM- To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

`(5) AUTHORIZATION OF APPROPRIATIONS- In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection \$10,000,000 for the first fiscal year that begins after the date of the enactment of this paragraph and for each of the 9 fiscal years thereafter.'

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL- In conducting fire risk reduction activities in the Lake Tahoe basin, the

Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) GROUND DISTURBANCE- The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) IN GENERAL- Funds authorized under this Act and the amendment made by this Act--

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) MATCHING REQUIREMENT- Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

(c) RELOCATION COSTS- The Secretary shall provide two-thirds of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96-586.

SEC. 10. AMENDMENT OF PUBLIC LAW 96-586.

Section 3(a) of Public Law 96-586 (94 Stat. 3383) is amended by adding at the end the following:

'(5) WILLING SELLERS- Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.'

SEC. 11. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Speaker of the House of Representatives.

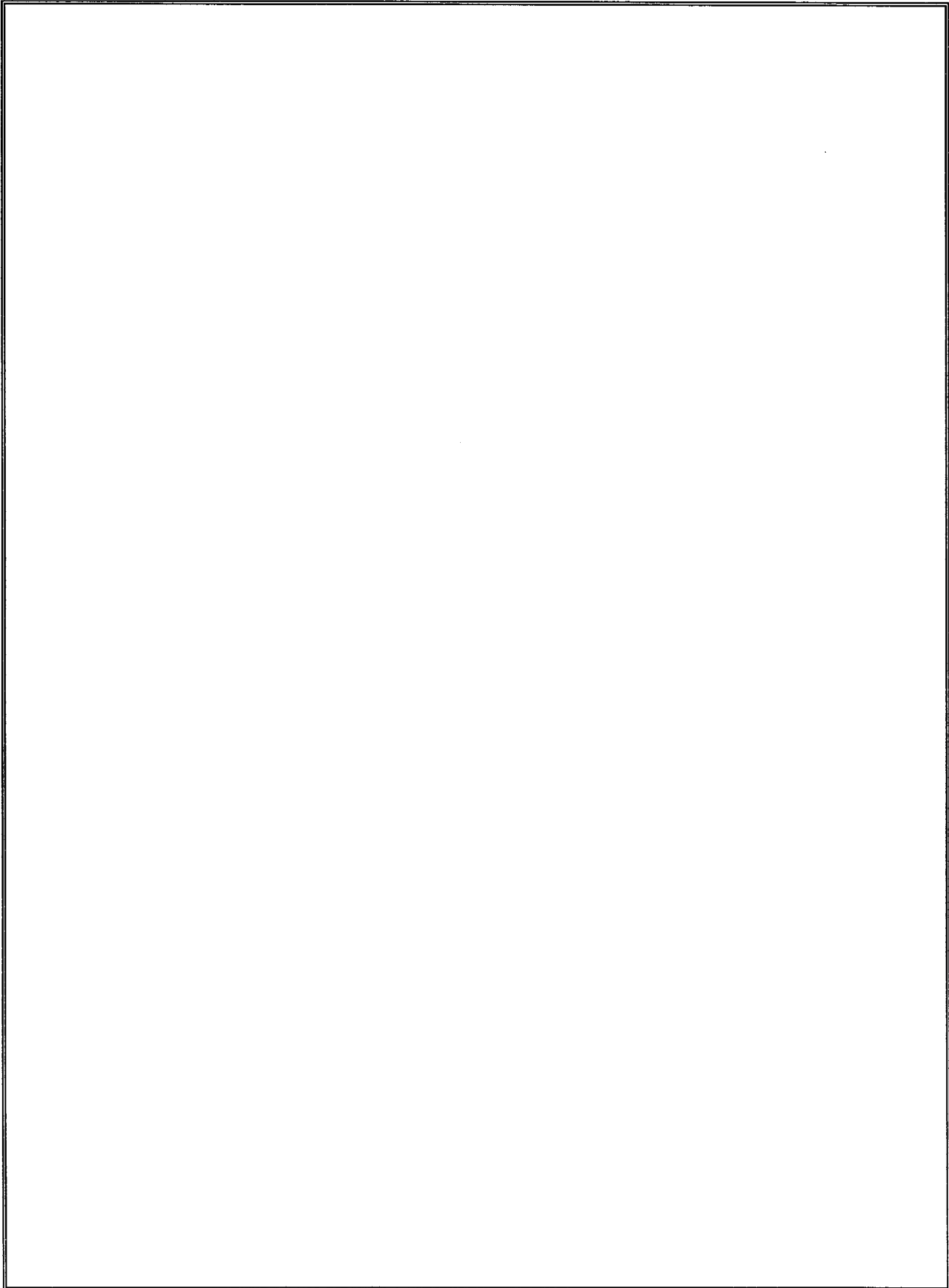
Vice President of the United States and

President of the Senate.

END

APPENDIX H

**LETTER FROM COMMITTEE TO FEDERAL OFFICIALS
CONCERNING FUNDING OF THE EIP AND ENACTMENT
OF THE LAKE TAHOE RESTORATION ACT**



STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
ANN O'CONNELL, Senator, *Chairman*
Lorne J. Malkiewich, Director, *Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
MORSE ARBERRY, JR., *Assemblyman, Chairman*
Mark W. Stevens, *Fiscal Analyst*
Daniel G. Miles, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*
(775) 684-6800

Wm. GARY CREWS, *Legislative Auditor* (775) 684-6815
ROBERT E. ERICKSON, *Research Director* (775) 684-6825
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

August 10, 2000

To Selected Federal Officials:

Since 1985, the Nevada Legislature has traditionally appointed special committees to oversee programs and activities in the Lake Tahoe Basin.

As part of its duties for the past two years, the committee has been reviewing the various partners' efforts to implement the Environmental Improvement Program (EIP) for the Basin. In broadest terms, as you are probably aware, the EIP identifies the capital improvement projects needed in the Basin and the funding required to implement those projects as assigned to the States of Nevada and California, the Federal Government, local governments in the Basin, and the private sector.

As a starting point for a renewed Federal commitment to Lake Tahoe, the Clinton Administration announced a two-year package of \$50 million in funding as an outcome of the 1997 Lake Tahoe Presidential Forum. The EIP has identified the overall Federal share of EIP capital projects as \$300 million over 10 years. Language in the Lake Tahoe Restoration Act, as introduced in 1999, provides a legislative mechanism, which would authorize the \$300 million in Federal funding for Lake Tahoe (approximately \$30 million per year over 10 years). It is our understanding, however, that the current fiscal year 2001 Federal budget proposal contains only \$3.5 million, and specific proposals for future years have yet to be outlined.

The States of Nevada and California have authorized significant sums of money as their portions of the funds to implement the EIP, and private interests at the local level are investing substantially in the program. The State of Nevada has directed a total of \$28.8 million to EIP implementation and provided a mechanism for the issuance of an additional \$53.2 million in bonds for the program. The State of California has appropriated approximately \$40 million for EIP implementation, proposed an additional \$19.5 million for fiscal year 2000-2001, and approved another \$50 million in bonds dedicated specifically to implementation of the EIP.

Page 2

Committee members have expressed their frustration in feeling that the States of Nevada and California have acted in good faith in keeping their commitments to provide their shares of the money necessary to implement the EIP, assuming that the Federal Government would also provide its portion. This has not happened to date.

Thus, at its meeting of June 9, 2000, the committee adopted the following recommendation:

Transmit letters to appropriate Federal Officials urging their support for: (1) continued short-term and long-term funding of the Federal Government's portion of the costs for implementation of the EIP; and (2) enactment of the Lake Tahoe Restoration Act (S. 1925 and H.R. 3388).

Please accept this letter as an expression of our concern and our sincere request for your personal action.

Very truly yours,

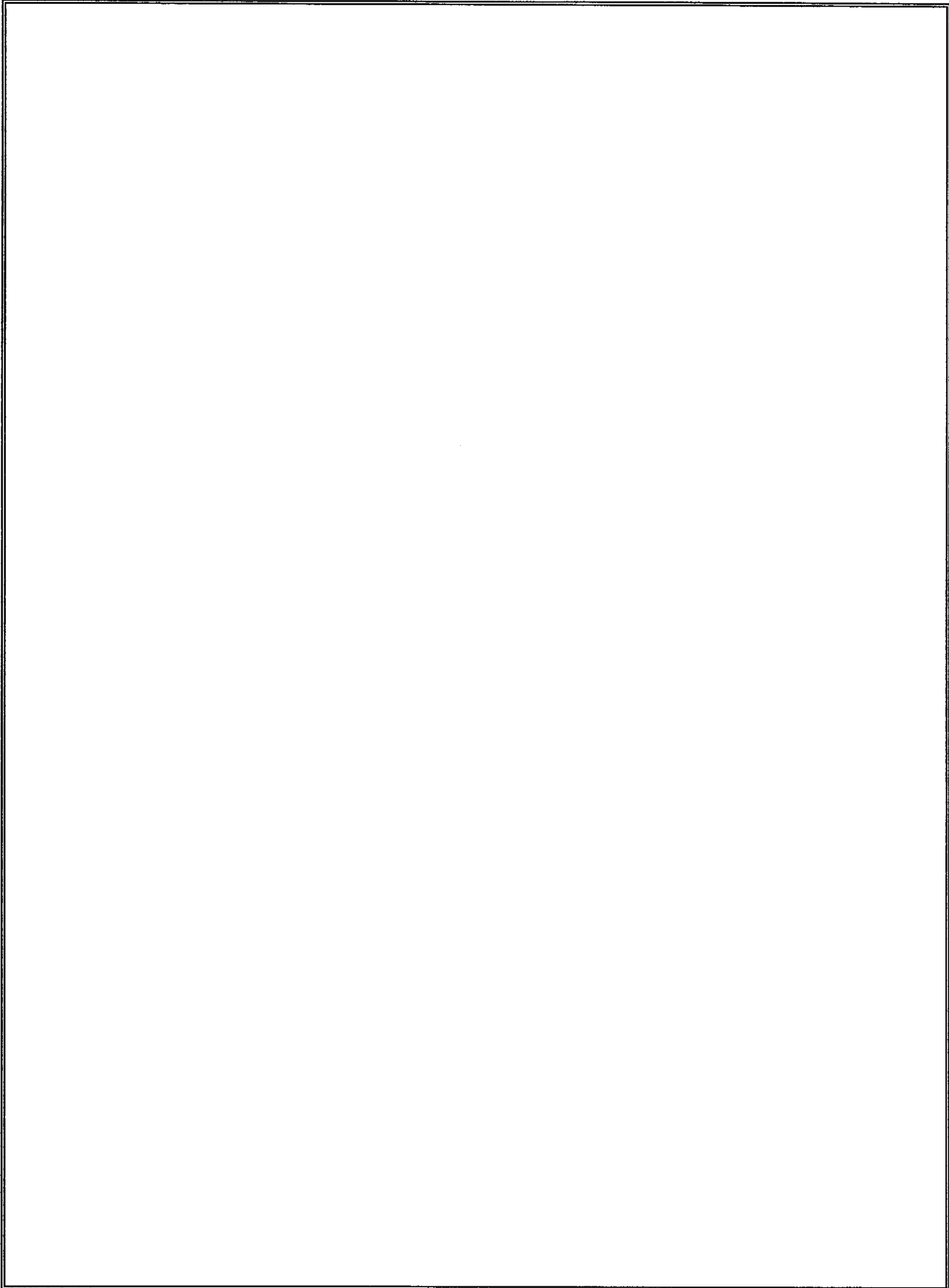
Assemblyman Greg Brower, Chair
Nevada Legislature's Committee to Continue
the Review of the TRPA

GB/pc:L06-1:Selected Federal Officials

APPENDIX I

**SUGGESTED LEGISLATION
(BILL DRAFT REQUESTS)**

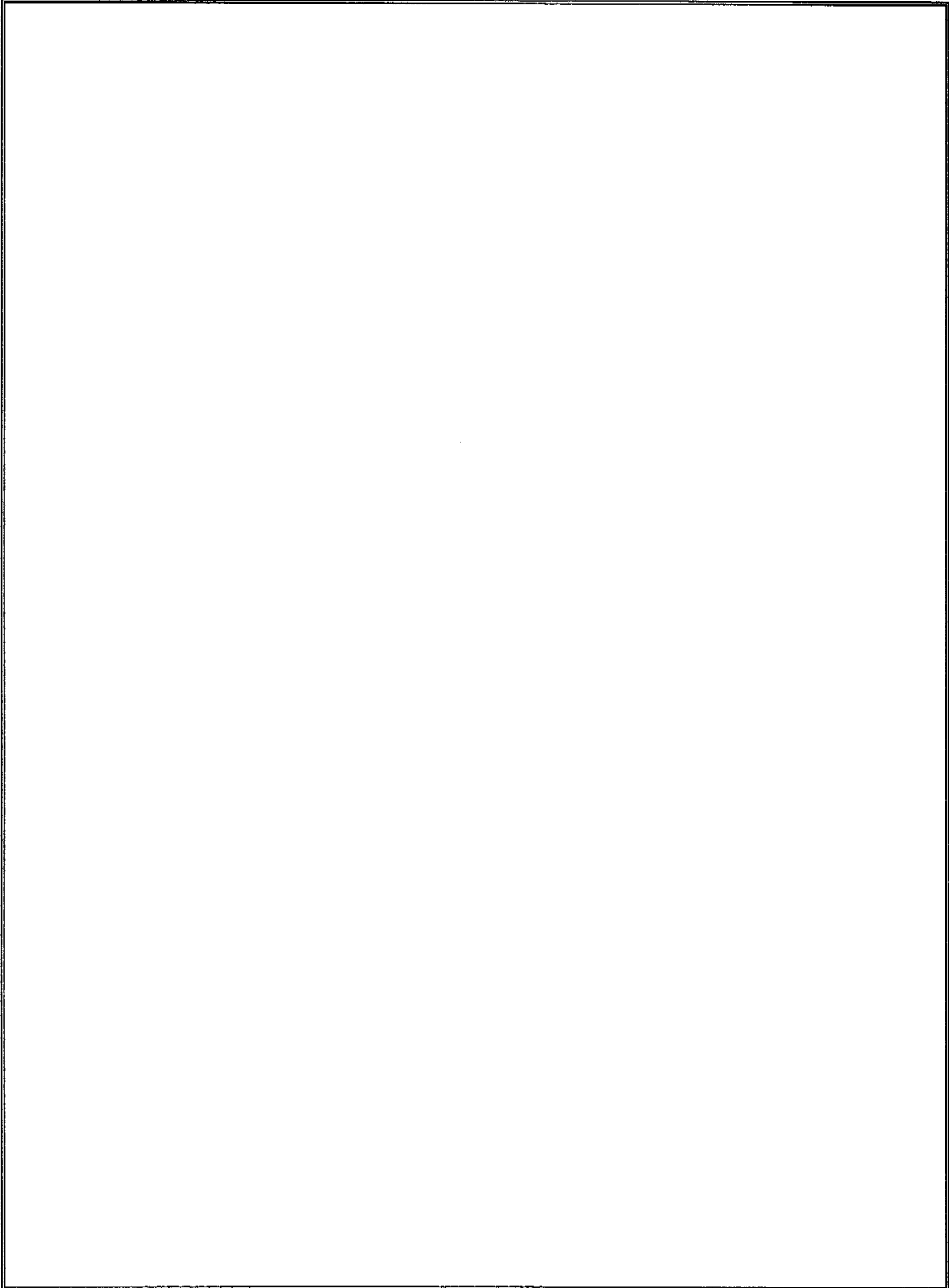
BDR 26 - 700	Clarifies authority of state land registrar to make grants to nonprofit organizations and private individuals to carry out certain public projects in Lake Tahoe Basin	81
BDR S - 701	Provides state land registrar with continuing authority to issue bonds for purposes of Environmental Improvement Program (EIP) in Lake Tahoe Basin	83
BDR R - 702	Commends State of California and California Tahoe Conservancy for preservation efforts in Lake Tahoe Basin	89
BDR R - 703	Provides for continued existence of committee to oversee Tahoe Regional Planning Agency	93



BDR 26-700

Clarifies authority of state land registrar to make grants
to nonprofit organizations and private individuals to carry out
certain public projects in Lake Tahoe Basin

Note: BDR 26-700 will be available at the beginning of the 2001 Legislative Session.



SUMMARY—Authorizes issuance of general obligation bonds to carry out Environmental Improvement Program in Lake Tahoe Basin. (BDR S-701)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to the Lake Tahoe Basin; authorizing the issuance of general obligation bonds to carry out the Environmental Improvement Program; and providing other matters properly relating thereto.

WHEREAS, In October 1997, Governor Bob Miller, on behalf of the State of Nevada, signed a Memorandum of Agreement between the Federal Interagency Partnership on the Lake Tahoe Ecosystem, the States of Nevada and California, the Washoe Tribe, the Tahoe Regional Planning Agency and interested local governments, in which the parties affirmed their commitment to the Tahoe Regional Planning Compact, to the sound management and protection of the resources within the Lake Tahoe Basin and the support of a healthy, sustainable economy and to achieve environmental thresholds for Lake Tahoe, and agreed to cooperate to carry out, including, without limitation, providing financial support for, the Environmental Improvement Program; and

WHEREAS, The costs of carrying out the Environmental Improvement Program have been apportioned among the Federal Government, the States of Nevada and California, local governments and owners of private property within both states; and

WHEREAS, The cost of carrying out the Environmental Improvement Program that is apportioned to the State of Nevada and its political subdivisions is \$82,000,000 for the 10-year period that ends in fiscal year 2006-07; and

WHEREAS, The State of Nevada and its political subdivisions have already provided \$28,200,000 to meet their apportioned commitment, which includes:

1. General obligation bonds issued in the face amount of \$20,000,000 pursuant to chapter 361, Statutes of Nevada 1995, at page 907, and approved by the voters of this state at the general election held in 1996, to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin; and

2. General obligation bonds issued in the face amount of \$3,200,000 pursuant to chapter 514, Statutes of Nevada 1999, at page 2626; and

WHEREAS, Chapter 514, Statutes of Nevada 1999, created the fund to protect the Lake Tahoe Basin in the state general fund, directed the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to administer that fund and directed the Administrator, in cooperation with other state agencies, to coordinate the development and carrying out of a program of environmental improvement projects, for the Lake Tahoe Basin; and

WHEREAS, Chapter 514, Statutes of Nevada 1999, provided that money in an amount not to exceed \$53,200,000 would be made available to carry out the program of environmental improvement projects during the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, 2007, by the issuance of general obligation bonds and legislative appropriation; and

WHEREAS, The general obligation bonds authorized by chapter 514, Statutes of Nevada 1999, may only be issued with the prior approval of the Legislature or the Interim Finance Committee and pursuant to a schedule established by the Administrator of the Division of State Lands; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to this act:

1. Are necessary for the protection and preservation of the natural resources of this state and for the purpose of obtaining the benefits thereof; and
2. Constitute an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the Constitution of the State of Nevada.

Sec. 2. Money to carry out the program of environmental improvement projects for the Lake Tahoe Basin established pursuant to section 1 of chapter 514, Statutes of Nevada 1999, at

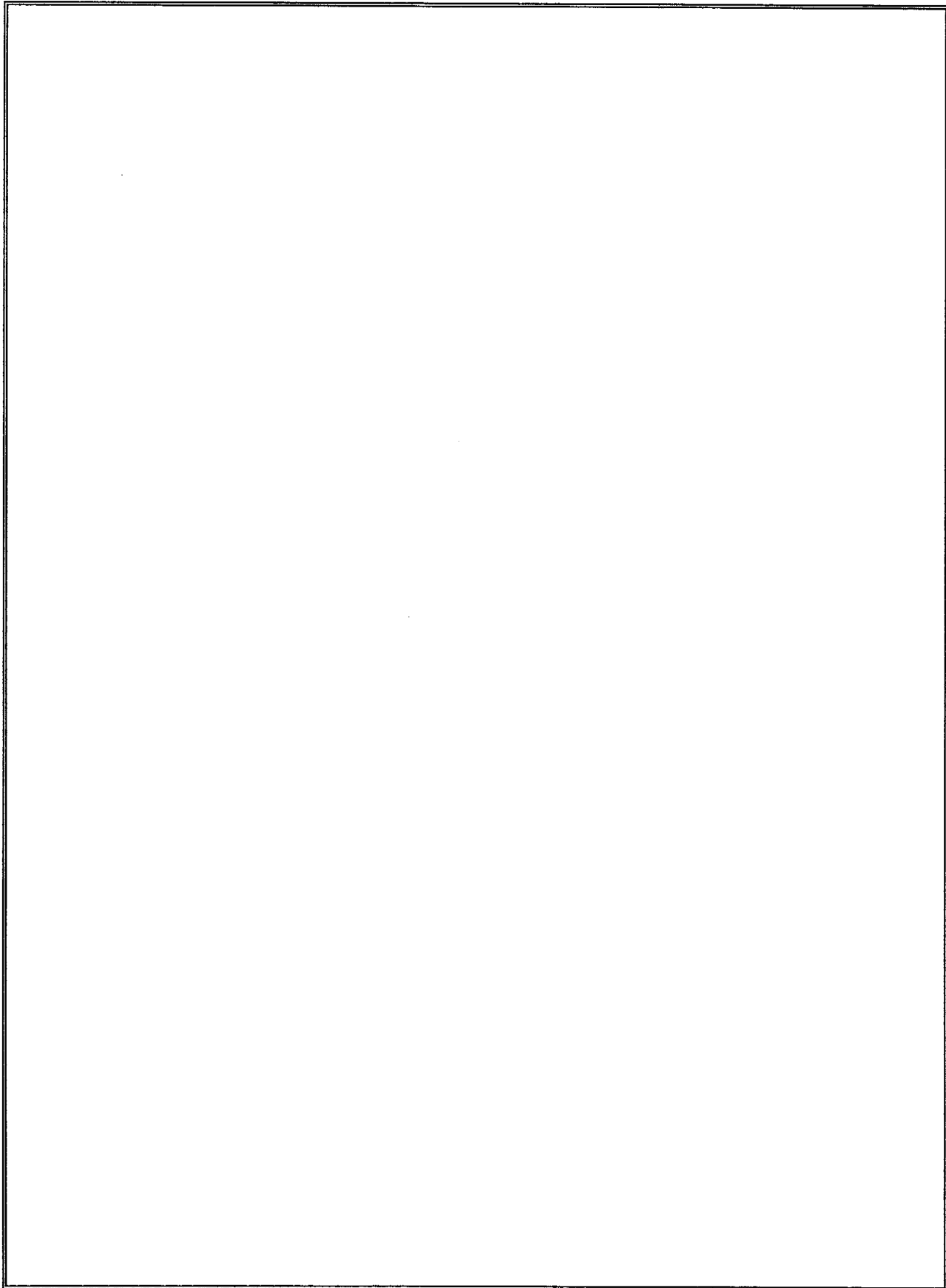
page 2627, in an amount not to exceed \$16,200,000 must be provided for the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, 2003, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$16,200,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this section must be deposited in the fund to protect the Lake Tahoe Basin created pursuant to section 2 of chapter 514, Statutes of Nevada 1999, at page 2628, and, except as otherwise provided in this section, must be used as follows:

1. Forest Restoration Phase II	\$1,450,000
2. East Shore Access Erosion Control	150,000
3. Riparian Wildlife Habitat Enhancement	168,000
4. Water Diversion Survey to Maintain Stream Flows	25,000
5. East Shore Fur Bearer Study	40,000
6. Van Sickle State Park Phase I	400,000
7. Sand Harbor BMP Retrofit	80,000
8. Spooner Lake Visitor Center (Planning/Design)	200,000
9. NDOT U.S. Highway No. 50/State Route No. 28 Water Quality and Erosion Control	5,400,000
10. Shorezone Environmental Improvement Program Projects	500,000
11. Land Coverage Restoration	2,000,000
12. Nonstate Agency Grants	3,900,000
13. Project Contingency	1,887,000

FLUSH

If an amount authorized pursuant to this section is insufficient to allow the completion of the project for which it is authorized, including, without limitation, any monitoring necessary to ensure the continued effectiveness of the project, the Interim Finance Committee, upon the request of the Division of State Lands of the State Department of Conservation and Natural Resources, may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another project or projects pursuant to this section by the amount of the increase. The Division of State Lands may use money authorized pursuant to this section for a project other than a project listed in this section if the Interim Finance Committee approves such a use in writing before the Division of State Lands engages in the project. The Division of State Lands may allocate the money for project contingencies pursuant to subsection 13 without the prior approval of the Interim Finance Committee.

Sec. 3. This act becomes effective on July 1, 2001.



SUMMARY—Commends State of California and California Tahoe Conservancy for efforts pertaining to carrying out Environmental Improvement Program in Lake Tahoe Basin. (BDR R-702)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

_____ JOINT RESOLUTION—Commending the State of California and the California Tahoe Conservancy for their efforts to secure money for and establish a coordinated team at the state level to carry out the Environmental Improvement Program in the Lake Tahoe Basin.

WHEREAS, In April 1998, the Governing Board of the Tahoe Regional Planning Agency adopted the Environmental Improvement Program, a document which outlines the actions that need to be taken within the 10 years immediately succeeding its adoption to save the declining clarity of Lake Tahoe and protect other valuable resources in the Lake Tahoe Basin; and

WHEREAS, The total estimated cost of the Environmental Improvement Program is \$908 million, which is apportioned among the Federal Government, the State of California, the State of Nevada, local governments and the private sector; and

WHEREAS, The contribution for the cost of the Environmental Improvement Program to be paid by the State of California is approximately \$275 million; and

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WHEREAS, For the fiscal years 1998, 1999 and 2000, the Governor of the State of California proposed and the California Legislature approved budgets committing approximately \$20 million per year to the California Tahoe Conservancy for carrying out the Environmental Improvement Program and, in 1999, Governor Gray Davis pledged the intention of the State of California to contribute the remainder of its share of the cost of the Environmental Improvement Program in succeeding years; and

WHEREAS, In March 2000, the voters of the State of California approved Ballot Proposition 12, entitled "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000," which included an allocation of \$50 million to the California Tahoe Conservancy to enable the Conservancy to carry out certain responsibilities of the State of California relating to the Environmental Improvement Program; and

WHEREAS, In August 2000, Maria Contreras-Sweet, Secretary of the Business, Transportation and Housing Agency of the State of California, announced a commitment of approximately \$53 million to the Environmental Improvement Program; and

WHEREAS, Also in August 2000, it was estimated that the State of California, through the programs of the California Tahoe Conservancy and the California Department of Parks and Recreation, had fulfilled approximately 60 percent of its total apportioned contribution of \$275 million to the Environmental Improvement Program; and

WHEREAS, In addition to matters concerning the financial support of the Environmental Improvement Program, the State of California, through the leadership of Mary D. Nichols, Secretary for Resources of the California Resources Agency, Winston H. Hickox, Secretary of

the California Environmental Protection Agency, and Maria Contreras-Sweet, Secretary of the Business, Transportation and Housing Agency of the State of California, has established the California Lake Tahoe Interagency Council, a cabinet-level body that is charged with updating the Environmental Improvement Program and coordinating the efforts of the State of California to carry out the Environmental Improvement Program; and

WHEREAS, Following the adoption of the Environmental Improvement Program, the California Tahoe Conservancy, under the leadership of its Executive Officer, has worked diligently to support the efforts of officials of the State of California to fulfill the apportioned contribution of the State of California to the Environmental Improvement Program and has assisted in efforts to coordinate the carrying out of the program within the Lake Tahoe Basin; now, therefore, be it

RESOLVED BY THE _____ AND _____ OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature do hereby commend the residents of the State of California, the California Legislature, Gray Davis, Governor of the State of California, Mary D. Nichols, Secretary for Resources of the California Resources Agency, Winston H. Hickox, Secretary of the California Environmental Protection Agency, and Maria Contreras-Sweet, Secretary of the Business, Transportation and Housing Agency of the State of California, for their efforts to assist the State of California in fulfilling its financial commitment to the Environmental Improvement Program and for their efforts to coordinate at a state level the carrying out of the program through the establishment of the California Lake Tahoe Interagency Council; and be it further

RESOLVED, That the members of the Nevada Legislature do hereby commend the California Tahoe Conservancy for its efforts since its establishment in 1984 to preserve, restore and enhance the natural environment of the Lake Tahoe Basin and especially for its recent activities to support the efforts of officials of the State of California to fulfill the apportioned contribution of the State of California to the Environmental Improvement Program and to assist in efforts to coordinate the carrying out of the Program within the Lake Tahoe Basin; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to Gray Davis, Governor of the State of California, John Burton, President Pro Tempore of the Senate of the State of California, Robert M. Hertzberg, Speaker of the Assembly of the State of California, Mary D. Nichols, Secretary for Resources of the California Resources Agency, Winston H. Hickox, Secretary of the California Environmental Protection Agency, Maria Contreras-Sweet, Secretary of the Business, Transportation and Housing Agency of the State of California, and Dennis T. Machida, Executive Officer of the California Tahoe Conservancy; and be it further

RESOLVED, That this resolution becomes effective upon passage.

SUMMARY—Directs Legislative Commission to appoint committee to continue review of
Tahoe Regional Planning Compact. (BDR R-703)

_____ CONCURRENT RESOLUTION—Directing the Legislative Commission to
appoint a committee to continue the review of the Tahoe Regional Planning
Compact.

WHEREAS, The Tahoe Regional Planning Compact provides for the maintenance of the
scenic, recreational, educational, scientific, natural and public health values of the entire
Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Compact establishes the Tahoe Regional
Planning Agency to adopt and enforce a regional plan and to provide opportunities for the
orderly growth and development of the Lake Tahoe Basin; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving
regional goals in conserving the natural resources of the entire Lake Tahoe Basin and with
the programs and activities of the Tahoe Regional Planning Agency that affect these goals;
and

WHEREAS, As a necessary corollary to this vital concern and for the protection of Lake
Tahoe, the Legislature of the State of Nevada is also concerned with the role and efforts of
those federal and state agencies that have authority to regulate activities in the Lake Tahoe
Basin and their interactions with and effect upon the Tahoe Regional Planning Agency and
the Lake Tahoe Basin; and

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WHEREAS, Subcommittees of the Legislative Commission have successfully reviewed the programs and activities of the Tahoe Regional Planning Agency on previous occasions; and

WHEREAS, Senate Concurrent Resolution No. 16 of the 70th Legislative Session directed the Legislative Commission to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency; and

WHEREAS, The review and oversight of the programs and activities of the Tahoe Regional Planning Agency and the role of each federal and state agency having authority and responsibility in the Lake Tahoe Basin continue to be necessary to ensure the proper functioning of those agencies; and

WHEREAS, It is vital to remain in communication with members of the Legislature of the State of California to continue to achieve the goals set forth in the Tahoe Regional Planning Compact; now, therefore, be it

RESOLVED BY THE _____ AND OF THE STATE OF NEVADA, THE _____
CONCURRING, That the Legislative Commission is hereby directed to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency and each federal and state agency having authority to regulate activities in the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to:

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1. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency; and

2. Study the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin, including, without limitation, their role in the protection of Lake Tahoe and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to communicate with members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the Executive Director of the Tahoe Regional Planning Agency, each member of the California delegation to the Tahoe Regional Planning Agency, the President pro Tempore of the Senate of the State of California and the Speaker of the Assembly of the State of California.