



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE**  
**TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE**  
**WATER SYSTEM (*Nevada Revised Statutes* [NRS] 218.53871)**

**SUMMARY MINUTES AND ACTION REPORT**

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The third meeting of the Nevada Legislature's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System was held on Friday, April 18, 2008, at 9:30 a.m. in Rooms TCES 139-141 of the Tahoe Center for Environmental Science at Sierra Nevada College, 999 Tahoe Boulevard, Incline Village, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at [www.leg.state.nv.us/74th/Interim](http://www.leg.state.nv.us/74th/Interim). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Peggy Pierce, Chair  
Senator Dean A. Rhoads, Vice Chair  
Senator Maggie Carlton  
Assemblyman Tom Grady

**COMMITTEE MEMBERS ABSENT/EXCUSED:**

Senator Mark E. Amodei  
Assemblyman Morse Arberry Jr.

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Jennifer Ruedy, Senior Research Analyst, Research Division  
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division  
Stephen J. Avillo, Deputy Legislative Counsel, Legal Division  
Sarah Coffman, Program Analyst, Fiscal Division  
Gayle Nadeau, Principal Research Secretary, Research Division  
Sally Trotter, Senior Research Secretary, Research Division  
Brian Van Geel, A/V Technical Assistant, Broadcast and Production Services  
Aaron Riley, A/V Technical Assistant, Broadcast and Production Services

## **OPENING REMARKS**

Assemblywoman Peggy Pierce, Chair, welcomed members, presenters, and the public to the third meeting of the Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System.

## **APPROVAL OF MINUTES OF THE FEBRUARY 29, 2008, MEETING IN CARSON CITY, NEVADA**

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR RHOADS MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE FEBRUARY 29, 2008, MEETING OF THE LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE WATER SYSTEM HELD IN CARSON CITY, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN GRADY AND PASSED UNANIMOUSLY.

## **PRESENTATION OF THE FINAL REPORT OF THE CALIFORNIA-NEVADA TAHOE BASIN FIRE COMMISSION**

- Kate Dargan, Co-Chair, California-Nevada Tahoe Basin Fire Commission, (Commission), State of California Fire Marshal, provided introductory remarks and mentioned she would review the deliberation process during her testimony on how the Commission identified the recommendations in the report ([Exhibit B-1](#)) and address the “Executive Summary” ([Exhibit B-2](#)) from the report, which contains matters the Commission considered to be the “priority issues.”
- Sig Rogich, Co-Chair, California-Nevada Tahoe Basin Fire Commission, Former United States Ambassador and Government Affairs Specialist, echoed the comments made by Ms. Dargan and remarked it was helpful to hear both sides of the issues. He opined what was most significant was the Commission’s reaffirmation of priorities of life, property, and the environment (Recommendation 74 of the *Emergency California-Nevada Tahoe Basin Fire Commission Report*).
- Allen Biaggi, Director, State Department of Conservation and Natural Resources (SDCNR), thanked the Committee for the opportunity to participate in the meeting and expressed appreciation of Ms. Dargan and Mr. Rogich’s efforts and leadership in the preparation of the Commission’s report.
- Continuing her testimony, Ms. Dargan provided a summary of her professional experience and explained her duties and responsibilities as co-chair of the California-Nevada Tahoe Basin Fire Commission. She reviewed the process the Commission used to develop the recommendations in the final report. Ms. Dargan stated the Commission adopted the 90 recommendations listed in the recommendations

section of the report ([Exhibit B-1](#)), which were compiled using input from governmental agencies, environmental communities, and private parties. She noted that the report process focused on ideas submitted by every stakeholder who had an interest in solutions to the fire problem in the Lake Tahoe Basin (Basin). Ms. Dargan stated the Commission attempted to provide governmental agencies with very specific recommendations.

- Mr. Rogich interjected that the report's recommendations provide a template that can be utilized beyond Lake Tahoe and throughout the respective states.
- Ms. Dargan reported the project enabled all conflicting parties to work together and form positive relationships between agencies which will allow for a smooth implementation of the report. She stated the final report should be distributed beginning the week of May 5, 2008. Ms. Dargan pointed out that a driving force for the Commission was to obtain an "Emergency Declaration" for the Basin in order to recognize that a catastrophic fire is a significant threat to this unique natural resource. She summarized and discussed the six main categories of recommendations incorporated in the report:
  1. Environmental protection;
  2. Issues of governance;
  3. Community and homeowner fire prevention;
  4. Forest and fuels management;
  5. Fire Suppression; and
  6. Funding.

Ms. Dargan reviewed key items within each category including: (1) defensible space; (2) steep slope and stream environment zones (SEZs); (3) improved biomass production; (4) enhanced fire suppression capacity; (5) a feasibility study to be conducted by CAL FIRE to analyze fire protection services; and (6) a \$60 million funding requirement to accomplish defensible space in the Basin.

- Responding to a query from Senator Rhoads regarding whether the Governors of California and Nevada had approved the report, Ms. Dargan replied that the report had been accepted by both Governors.
- Mr. Rogich commented that Nevada's U.S. Senators Harry Reid and John Ensign have been briefed on the report.
- In response to a question from Senator Rhoads regarding whether further penalties for tree cutting were included in the report's recommendations, Mr. Biaggi explained that the Tahoe Regional Planning Agency (TRPA) had the authority to apply penalties for tree cutting. He further stated the report did not enhance that authority but it did allow for tree removal by homeowners without unnecessary permitting consequences, which he added was a critical component of the recommendations.

Discussion ensued regarding possible bill draft requests and potential legislation by the Committee or Nevada's Executive Branch using the recommendations included in the report.

- Responding to Chair Pierce's request for clarification regarding monitoring requirements, Ms. Dargan explained that from one to three years after a fuel hazard reduction project is performed part of the permitting requirement is to analyze, evaluate, and report back to the regulatory agencies the sedimentation, soil erosion, and water quality information. She stated grants are funded to employ contractors to perform fuels management reduction projects; however, monitoring costs are not covered. Ms. Dargan commented that inadequate funding could hamper projects.

Discussion ensued between Chair Pierce and Ms. Dargan regarding fuels reduction practices and environmental impacts, with reference to "adaptive management" in the report that addresses unanticipated environmental impacts as a result of fuels management programs. Stream environment zones and biomass issues were also discussed relative to the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan ([Exhibit C](#)). During the discussion, Mr. Rogich commented there is a recommendation in the report ([Exhibit B-1](#)) for an ongoing smaller committee to oversee the implementation of the recommendations adopted by the Commission.

A discussion ensued among Chair Pierce, Ms. Dargan, and Mr. Rogich regarding the Chair's concerns about the 10-year time frame to replace combustible roofs in the Basin, the costs associated to retrofit roofs with noncombustible material, and if regulations existed that would prohibit reroofing a house with combustible materials.

- Responding to Chair Pierce's question regarding the existence of an agreement to streamline the permitting processes and shift permitting authority from one agency to another, Ms. Dargan replied that some conflicts in regulatory policy had been identified; however, most of the regulatory agencies were working cooperatively on these issues. Mr. Rogich added that the agencies realized there was a need to remove duplication of efforts.
- Chair Pierce reported the Committee had asked, without success, for a \$100,000 budget increase during the 2007 Session to enhance TRPA's baseline funding for compliance enforcement and legal service needs. In reading the report she commented she found no mention about campfire rules enforcement and suggested a public information campaign on that issue.
- Ms. Dargan stated that ignition sources had been discussed with the U.S. Forest Service (USFS) and currently the USFS has a campaign in place.
- Mr. Biaggi commented every year more restrictions are placed on activities in the forest, but there are always individuals who have no regard for the rules.

- Responding to Senator Carlton’s question whether The Nevada Fire Safe Council (NFSC) was involved in fire prevention activities Mr. Biaggi replied the NFSC was instrumental in increasing public awareness on defensible space. He noted the NFSC’s effectiveness was recognized and funded by the Nevada State Legislature through the Division of Forestry, SDCNR. Mr. Biaggi stated that funding of the NFSC was crucial to their outreach activities.
- Ms. Dargan reported on NFSC’s efforts in public education and outreach. She mentioned that several of the federal, state, and local agencies formed a multi-agency coordinating group (MAC) that is working in conjunction with the NFSC. She noted that within the MAC a self-organized subgroup was formed—the Tahoe Fire and Fuels Team. Continuing, Ms. Dargan stated that MAC’s specific purpose is to implement the forest fuels reduction 10-year plan ([Exhibit C](#)). She conveyed that all the community wild fire protection plans have been grouped together, and the MAC is working collaboratively to identify priorities in an effort to submit one set of grants to bring full funding to the Basin and address priorities starting with community-level protections.
- Mr. Biaggi commented that the NFSC also receives Southern Nevada Public Land Management Act (SNPLMA) funding.
- Responding to Chair Pierce’s question regarding any recommendation for a collaborative body continuing in the future, Ms. Dargan stated currently there was no specific recommendation. She opined an environment was created where the agencies will recognize the value of the MAC.
- Mr. Rogich suggested the MAC provide an annual progress report on the activities recommended by the Commission.
- Chair Pierce expressed apprehension about the SEZs and noted concern regarding fire prevention efforts possibly causing environmental damage. In conclusion, she thanked the Commission for their efforts.

## **OVERVIEW OF CALIFORNIA’S PERMITTING PROCESS FOR FOREST FUELS TREATMENTS IN THE TAHOE BASIN**

- Mary Brown Huggins, Registered Professional Forester No. 2507, Division Chief/Forester, Tahoe Basin and Alpine County, Amador-El Dorado Unit, California Department of Forestry and Fire Protection, testified regarding timber tree removal in California, the timber harvest plan, and tree removal processes. She reported timber harvest plans are reviewed by other agency partners and noted the tree removal process is very transparent. Ms. Huggins stated that the *Public Resources Code* 45-27 “Commercial Tree Removal” is the primary law that addresses and triggers the tree removal permitting process in California. She defined commercial tree removal and explained the differences between private and commercial removal. Ms. Huggins commented that all commercial timber harvesting is tracked using a database. She noted that fuel reduction efforts in California and the Basin are typically

noncommercial. Ms. Huggins stated that enforcement and monitoring and completion follow-up are included in all of the harvest plans. Concluding, she discussed the merits of utilizing civil and criminal penalties for tree removal and harvest violations.

Responding to Assemblyman Grady's query about the process required for an individual to cut trees to sell for firewood, Ms. Huggins stated that the individual would need to obtain an exemption.

In response to Senator Carlton's question about any successes for California's biomass products, Ms. Huggins provided an overview of both the positive and negative issues regarding the state's biomass industry.

- Chair Pierce asked for a representative from the Lahontan Regional Water Quality Control Board (LRWQCB) to address the Committee.
- Lauri Kemper, P.E., Division Manager, LRWQCB, South Lake Tahoe, California, stated she was available to answer questions regarding water quality regulations and the permitting process. She explained that California's Water Quality Control Board issues permits to allow for tree removal and vegetation management activities. Ms. Kemper stated that there is no fee or review requirement associated with the permit.

Responding to Chair Pierce's question about the permitting processes for homeowners, Ms. Kemper stated that homeowners are not required to obtain a permit. She commented there is a waiver for homeowners working on fire safe projects.

## **UPDATE ON PROGRAMS AND ACTIVITIES OF THE LAKE TAHOE TRANSPORTATION AND WATER QUALITY COALITION**

(Steve Teshara, Co-Chair, Lake Tahoe Transportation and Water Quality Coalition President and CEO, North Lake Tahoe Resort Association was unable to appear before the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. The presentation will be rescheduled for the next meeting of the Committee.)

## **OVERVIEW OF THE STATE OF NEVADA'S TEN-YEAR COMMITMENT FOR THE ENVIRONMENTAL IMPROVEMENT PROGRAM AT LAKE TAHOE**

- Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, SDCNR, provided the Committee with an informational sheet on Lake Tahoe's environmental program. (Please see [Exhibit D](#).) She introduced Jim Lawrence, Deputy Administrator, Division of State Lands, SDCNR, and Charlie Donohue, Coordinator, Nevada Tahoe Resource Team, Division of State Lands, SDCNR. Ms. Wilcox thanked all of the agencies that have contributed to the Environmental Improvement Program (EIP) 10-year plan and noted that Phase I should be completed by 2010. Ms. Wilcox stated since the Angora Fire, fuels management was made



a priority. She discussed the effects of climate change on the Basin. Concluding, she offered tours of the various projects to the Committee.

- Allen Biaggi, previously identified, reported on SDCNR's needs and efforts to continue the EIP 10-year plan. He stated that the SDCNR met with Nevada Governor Jim Gibbons and obtained an \$80 million to \$100 million bonding capacity commitment. He asked the Committee to consider a bill in the 2009 Session to provide for an issuance of bonds to allow the SDCNR to move forward with the 10-year plan.

In response to Assemblyman Grady's question about the biomass project at the Nevada State Prison, Mr. Biaggi reported on problems with the biomass project and efforts to resolve them. He noted that locating feedstock and covering transportation costs due to an increase in oil prices are the two main problem areas. Mr. Biaggi commented the USFS provided grants in the amount of \$250,000 to ensure the facility can operate as intended.

Mr. Biaggi stated he would obtain the answer to Senator Carlton's question regarding vehicles using dyed fuels to save on transportation expenses.

- Responding to Chair Pierce's question about achieving a water clarity threshold of 20 feet in depth in Lake Tahoe by the year 2017, mentioned in the information sheet ([Exhibit D](#)), Ms. Wilcox replied the target date noted in the document was an error and that the correct date is 2027. She said the response to improved clarity in Lake Tahoe has been slow. Ms. Wilcox explained there is only one exit area and once impurities are deposited in the Lake they remain for extended periods of time. She noted that the water clarity is very dependent on precipitation.
- Chair Pierce asked if there had been a study of the impact of the Angora Fire on Lake Tahoe.
- Pam Robinson, Legislative Liaison, USFS, Lake Tahoe Basin Management Unit, South Lake Tahoe, California, reported that the returns from studies indicated the fire did not have the impacts originally expected. Ms. Robinson requested to return at a later date and address the Committee with more specifics on this issue.
- Ms. Kemper, previously identified, stated the LRWQCB worked collaboratively with agency partners to provide a monitoring program to evaluate the effects of the Angora Fire. She reported sampling was performed relative to air quality impacts and the deposition of ash onto the Lake's surface. Ms. Kemper commented there seemed to be very little erosion and noted that monitoring would continue.
- Chair Pierce, on behalf of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, presented a Proclamation to Pam Wilcox honoring her for 28 years of exemplary service to the State of Nevada and its citizens in the management of land and the operation of conservation districts statewide.

## PUBLIC COMMENT

- Garry Bowen, a resident of Zephyr Cove, Nevada, discussed water quality issues related to total organic compounds that might accrue and be transported via granitic soil into Lake Tahoe after major fires such as the 2007 Angora Fire. He provided copies of the July 15, 2004, written testimony ([Exhibit E](#)) of Hamlet J. Barry III, Manager of Denver Water, Denver, Colorado, before the Subcommittee on Forests and Forest Health, Committee on Resources, U.S. House of Representatives, regarding the important issues of forest health and the attendant protection of municipal water supply. Mr. Bowen offered his continued assistance with fire prevention activities in the Basin and commented on his efforts to obtain an ongoing funding source for these activities independent of SNPLMA funds. He also stated the importance of biomass utilization and expressed a desire to testify on that issue at a later date.
- Michael N. Donahoe, Tahoe Area Sierra Club, Zephyr Cove, discussed the fire prevention strategies from the Commission's report. He reported on a total maximum daily load study that concludes the pollutant loading from all sources needs to be reduced by 55 percent in order to restore 100 feet of clarity to Lake Tahoe. Mr. Donahoe commented on the impact fires have on property and the Lake. He stated there appears to be a conflict between fuels reduction and protecting the ecosystem in the Basin and opined that conflict does not have to exist. Mr. Donahoe said the Lake can be preserved and the public can be protected from fire hazards at the same time. He emphasized the importance of defensible space, education for homeowners, biomass issues, monitoring, and enforcement. Mr. Donahoe stated the Tahoe Science Consortium report should be included in the Commission's report. He opined there were details in the Commission's report that had not been fully tested. Concluding, he reviewed an ordinance ([Exhibit F](#)) from the City Council of the City of Big Bear Lake, California, regarding native bush and shrubs and health and safety. Mr. Donahoe emphasized the need for balance between fire protection efforts and environmental impacts.
- Patrick T. Sanderson, Lobbyist, Laborers Local International Union 872, Carson City, Nevada, discussed possible funding available through government grants for reroofing of homes in the Basin. He also suggested looking at other methods and resources such as animals for fire prevention noting that sheep grazing was successfully used in Carson City to rid burned areas of cheatgrass.
- Jennifer Quashnick, Conservation and Community Protection Advocate, Consultant to Tahoe Area Sierra Club, Sierra Forest Legacy, South Lake Tahoe, California, discussed her concerns with the Commission's report. She highlighted home protection, emergency preparedness and evacuation plans, reduction of ignitions, signage, and increased public awareness resources as extremely important prevention issues. Ms. Quashnick recommended support of the Tahoe Science Consortium monitoring process and streamlining the processes to accomplish fire protection tasks while maintaining the protections that are already in place.



- Rochelle Nason, Executive Director, League to Save Lake Tahoe (League), provided a page from the League to Save Lake Tahoe's annual report. (Please see [Exhibit G](#).) She stated the League both supported and opposed items in the report. Ms. Nason said she had provided the page from the League's annual report in an attempt to summarize main points from the many issues in the Commission's report. She commented the League's goal is to protect life and property, and the ecosystem. Ms. Nason declared environmental issues must be prioritized and noted the importance of defensible space, emissions resistance, and fuels breaks in fuels management reduction. Ms. Nason expressed support for an emergency declaration if it provided funding. She opined a more sustainable way would be to use funding sources created for specific purposes.

#### **COMMITTEE DISCUSSION OF FUTURE MEETINGS**

- Chair Pierce stated she would like to hold a two-day tour and meeting the end of June 2008. Jennifer Ruedy, Senior Research Analyst, Research Division, Legislative Counsel Bureau, provided possible meeting and tour dates. Senator Carlton requested the next meeting include an agenda item containing the Tahoe Science Consortium report.

## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:14 p.m.

Respectfully submitted,

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Sally Trotter  
Senior Research Secretary

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Jennifer Ruedy  
Senior Research Analyst

APPROVED BY:

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Assemblywoman Peggy Pierce, Chair

Date: \_\_\_\_\_

## LIST OF EXHIBITS

[Exhibit A](#) is the Meeting Notice and Agenda provided by Jennifer Ruedy, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B-1](#) is a report dated May 2008 that was received subsequent to the meeting, titled *The Emergency California-Nevada Tahoe Basin Fire Commission Report*, which may also be obtained online at: <http://resources.ca.gov/TahoeFireCommission/TahoeReport.pdf>, provided by Jennifer Ruedy, Senior Research Analyst, Research Division, LCB.

[Exhibit B-2](#) is the “Executive Summary” from *The Emergency California-Nevada Tahoe Basin Fire Commission Report*, provided by Kate Dargan, Co-Chair, California-Nevada Tahoe Basin Fire Commission, State of California Fire Marshal.

[Exhibit C](#) is a document titled *Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan*, provided by Jennifer Ruedy, Senior Research Analyst, Research Division, LCB.

[Exhibit D](#) is a handout provided by Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources, titled “Informational Sheet, Lake Tahoe Environmental Program,” dated April 18, 2008.

[Exhibit E](#) is the July 15, 2004, written testimony of Hamlet J. Barry III, Manager of Denver Water, Denver, Colorado, before the Subcommittee on Forests and Forest Health, Committee on Resources, U.S. House of Representatives, submitted by Garry Bowen, Zephyr Cove.

[Exhibit F](#) is a document titled “An Ordinance of the City Council of the City of Big Bear Lake, California, Adding a New Chapter 8.94 (Native Bush and Shrubs) of Title 8 (Health and Safety) of the *Big Bear Lake Municipal Code*,” provided by Michael N. Donahoe, Tahoe Area Sierra Club, Zephyr Cove.

[Exhibit G](#) is a page from “The League to Save Lake Tahoe’s Annual Report,” provided by Rochelle Nason, Executive Director, League to Save Lake Tahoe.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.