



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

The second 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, February 29, 2008, at 2 p.m. in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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. 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; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

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

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Maggie Carlton
Assemblyman Morse Arberry Jr.

COMMITTEE MEMBER ABSENT:

Senator Mark E. Amodei

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jennifer Ruedy, Senior Research Analyst, Research Division
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
Sally Trotter, Senior Research Secretary, Research Division

OPENING REMARKS

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

DISCUSSION OF THE IMPACTS OF CLIMATE CHANGE IN THE LAKE TAHOE BASIN

Overview of the Impacts of Climate Change in the Lake Tahoe Basin

- Robert Coats, Ph.D., Hydroikos Ltd., Berkley, California, discussed his experience regarding water quality issues in the Lake Tahoe Basin (Basin) and provided a Microsoft PowerPoint presentation ([Exhibit B](#)) on the effects of climate changes in the Basin. He reported on possible implications of increased temperature and thermal stability in Lake Tahoe (Lake) and the effect of climate changes on animals in the Basin. Dr. Coats reviewed slides of the Angora Fire and discussed the impacts of dense tree growth, fire exclusion, and heavy logging. He displayed a graph pointing out the correlation between the temperatures, spring snowmelt, and the length of the fire season.

Dr. Coats presented a forecast of what to expect in the Basin in future years that included: (1) diminishing snowpack and earlier snowmelt; (2) wetter wet years and drier dry years; (3) stressed vegetation; (4) increased risk of wildfire; (5) increased sediment load to the Lake; and (6) aquatic and terrestrial invasions by alien species. In conclusion, he called attention to various online resources for information on climate change.

- Chair Pierce asked Dr. Coats to explain the mixing cycle of the Lake's water and its connection to global warming.
- Dr. Coats explained as the Lake becomes warmer the density gradient becomes greater and the water becomes less dense contributing to the Lake's stability.

Review of the Impact of Climate Change on Aquatic Invasive Species

- Sudeep Chandra, Ph.D., Assistant Professor of Limnology and Conservation Ecology, Department of Natural Resources and Environmental Science, University of Nevada, Reno, provided a presentation on the stressors of lake ecosystems and invasive species on the Lake. (Please see [Exhibit C.](#))

His presentation included: (1) a 130-year biological assemblage history of the Lake; (2) a timeline of species introductions; (3) feeding shifts; (4) feeding behavior; (5) the impact of water milfoil; (6) increasing presence of more warm water nonnative species; and (7) the decline of native species. He mentioned that the Lake Tahoe Aquatic

Invasive Species Working Group had been established shortly after the discovery of Quagga Mussels in Lake Mead.

Dr. Chandra listed boats, fishing equipment, waterfowl, and waterway connections as major contributors to the spreading of invasive species. He discussed ideas developed to minimize the spread and introduction of invasive species. Dr. Chandra recommended education programs, monitoring, and sampling as preventative measures. He stated the importance of boat washing stations and enforcement of preventative measures through fines, if necessary. Dr. Chandra suggested utilizing increases in fines and boater fees to finance preventative programs.

- Assemblyman Grady asked if the snowpack and resulting streams in the area were causing an increase in invasive plant problems.
- Dr. Chandra responded that habitat issues rather than movement issues attributed to the problems related to invasive plants.
- Chair Pierce asked where the Quagga Mussel originated and requested a clarification of the term “game fish.”
- Dr. Chandra stated the Quagga Mussel, along with a group of many other invasive species, came from Eurasia. He explained how the invasive species travel into the Great Lakes area on ships and then spread into other waters. Dr. Chandra described game fish as fish that are typically caught for sport or food.

Review of the Impacts of Climate Change on Vegetation and Fire Potential

- Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources (SDCNR) discussed the effects of climate change on the forests and shared that long-term climate changes are occurring that require alternative management tools. He noted climate changes will have a direct effect on the vegetation in the Basin and could also contribute to vegetation die-out. Mr. Anderson reported there is currently a 20 to 60 percent chance of another catastrophic fire in the Basin and stressed the benefits of healthy forests in reducing the risk of catastrophic fires, including the role of healthy forests in decreasing greenhouse gases. He emphasized the need to fund and aggressively pursue scientifically-based management of Nevada’s forests and woodlands, including those in the Lake Tahoe Basin. (Please see [Exhibit D.](#))

Review of the Impacts of Climate Change on Water Resources

- Tracy Taylor, P.E., State Engineer, Division of Water Resources, SDCNR, discussed the potential effects of climate change on water resources during his presentation. Mr. Taylor reviewed: (1) decreased flows; (2) the timing of runoff; (3) surface water rights; and (4) the role of increased flows in allowing new appropriations. He reported that Nevada’s water law is one of the most comprehensive in the West. Mr. Taylor

stated that no changes in the law are necessary at this time; however, it may be necessary to adjust the period of usage in the event of earlier water flows. He relayed his concerns with uncertainties over the amount of groundwater that would be available in the future due to climate changes. (Please see [Exhibit E.](#))

A discussion ensued between Assemblyman Grady and Mr. Taylor regarding the value of replenishing ground water resources for future use, also known as “water banking.”

APPROVAL OF THE “SUMMARY MINUTES AND ACTION REPORT” OF THE NOVEMBER 5, 2007, MEETING

(As directed by Chair Pierce, this agenda item was taken out of order.)

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

SENATOR RHOADS MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE NOVEMBER 5, 2007, 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.

UPDATE ON CALIFORNIA LEGISLATION AND PRIORITIES RELEVANT TO THE LAKE TAHOE BASIN

- Patrick Wright, Executive Officer, California Tahoe Conservancy (Conservancy), South Lake Tahoe, California, provided a Microsoft PowerPoint presentation ([Exhibit F](#)) on the main priorities for the Conservancy in the Basin. He said there are new leaders in both houses of the California Legislature, and legislative interest in establishing a TRPA Oversight Committee similar to this one in Nevada has waned. Mr. Wright discussed climate change and climate action plans, roads, shore zone development, the bike trail network, and a water transit system. He noted a fuels management project is underway in conjunction with the Tahoe Science Consortium (Consortium). Mr. Wright commented on a current project to redesign the California Tahoe license plate. He mentioned the funding provided by the Southern Nevada Public Lands Management Act for environmental projects in the Basin. Mr. Wright discussed the Lake Tahoe Water Trail (Trail) and addressed both concerns and benefits regarding the project. He stated a working group is studying the concerns about the Trail. In conclusion, Mr. Wright commented on a water bond that would provide additional revenue for the Lake that is currently being considered by the California Legislature.

Discussion ensued between Chair Pierce and Mr. Wright regarding the origin, funding, and structure of the Consortium.

UPDATE ON CALIFORNIA-NEVADA TAHOE BASIN FIRE COMMISSION

- Allen Biaggi, Director, SDCNR, provided an overview of the bi-state Blue Ribbon Fire Commission (Commission). He summarized a sampling of the recommended topics made by the Commission to prevent another catastrophic fire such as the Angora Fire. Mr. Biaggi stated the Commission will consolidate and finalize these recommendations. He emphasized the Commission has a mandate by the Office of Nevada Governor Jim Gibbons to submit a report on the consolidated recommendations by the end of March 2008. (Please see [Exhibit G.](#))

A discussion ensued between Assemblyman Grady and Mr. Biaggi regarding preventative efforts utilized since the Angora Fire and future erosion into Lake Tahoe.

- Chair Pierce requested a presentation by the Commission at the next meeting of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. Additionally, she inquired about varied requirements for Nevada and California by the Environmental Protection Agency (EPA).
- Mr. Biaggi responded there are some variations between the two states because each state may enact regulations in addition to the EPA federal regulations.

UPDATE ON PROGRAMS AND ACTIVITIES ASSOCIATED WITH THE TRPA

- John Singlaub, Executive Director, Tahoe Regional Planning Agency (TRPA), provided a Microsoft PowerPoint presentation on the TRPA's five-year strategic plan that included six top priorities:
 1. Forest fuels reduction program;
 2. Pathway regional plan update;
 3. Aquatic invasive species eradication program;
 4. EIP project permit processing and update;
 5. Shorezone regulations update; and
 6. Project review permits processing.

He reported that funding received from California and Nevada is critical to the TRPA budget because the amount is matched by federal grants. Mr. Singlaub pointed out the TRPA's three largest expenditures are: (1) salaries and benefits, (2) operations, and (3) contract services. He stated that all of the following nine issues raised by the Tahoe Basin Fire Chiefs had been resolved and the actions taken by the TRPA Governing Board to resolve these issues were discussed:

1. Tree removal;
2. Ingress/egress emergency access;
3. Five-foot noncombustible "moat" around structures as a best management practices (BMP) option;

4. Pine needles and wood mulch within 30 feet of structures;
5. 100 feet of defensible space regardless of property ownership;
6. 300 feet of defensible space on sloped properties;
7. Removal of vegetation under drip lines or under docks;
8. Enforcement of building standards and defensible space; and
9. BMP conflicts.

Discussion ensued among Chair Pierce, Vice Chair Rhoads, and Mr. Singlaub regarding the aquatic invasive species program and prevention efforts used in the boat washing process to ensure contaminated water would not be returned to the Lake.

A discussion ensued between Chair Pierce and Mr. Singlaub regarding budget cuts and fuel reduction costs.

Discussion ensued between Senator Carlton and Mr. Singlaub regarding tree cutting requirements and uses for the cut timber.

PUBLIC COMMENT

- Coe Swobe, TRPA Governing Board, Reno, Nevada, reported on findings by the bi-state Blue Ribbon Fire Commission that included a request for the establishment of a standing committee and a requirement that this standing committee report at least annually to the Governors of California and Nevada regarding the status of: (1) the implementation of the ten-year plan of the Lake Tahoe Basin Multi-jurisdictional Fire Reduction and Wildfire Prevention Strategy; (2) remedial vegetation management; (3) the TRPA's compliance with the regional plan for the Lake; (4) the implementation of public awareness programs; and (5) efforts made by the TRPA to cooperate with the U.S. Forest Service. Mr. Swobe opined a very close oversight of the TRPA is necessary and stated his major concern was fire prevention. (Please see [Exhibit I-1](#) and [Exhibit I-2](#).)
- Mike Young, Dickson Realty, Incline Village, Nevada, voiced his apprehension over the water and kayaking trails at the Lake. He commented on the possibility of invasive species being brought into the Lake by kayaks. Mr. Young also noted his concerns with the lack of supervision of campers using the kayaking and water trails.

COMMITTEE DISCUSSION OF FUTURE MEETINGS

- Chair Pierce discussed possible dates for the Committee's third meeting. She suggested holding the third and fourth meetings at Lake Tahoe locations in addition to a field trip, and a final meeting and work session to be held in Carson City. Chair Pierce reviewed possible dates and requested that members advise Jennifer Ruedy, previously identified, with their preferences.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Sally Trotter
Senior Research Secretary

Jennifer Ruedy
Senior Research Analyst

APPROVED BY:

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.

[Exhibit B](#) is a Microsoft PowerPoint presentation titled “Climate Change in the Tahoe Basin: Trends and Impacts” provided by Robert Coats, Ph.D., Hydroikos Ltd, Tahoe Environmental Research Center, Berkeley, California.

[Exhibit C](#) is a document provided by Sudeep Chandra, Ph.D., Assistant Professor of Limnology and Conservation Ecology, Department of Natural Resources and Environmental Science, Aquatic Ecosystems and Analysis Laboratory, University of Nevada, Reno, titled “Invasive species and ecological impacts in Lake Tahoe.”

[Exhibit D](#) is a spiral bound document titled “Forestry & Climate Change,” dated February 20, 2008, submitted by Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources (SDCNR).

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “Review of the Impacts of Climate Change on Water Resources,” provided by Tracy Taylor, P.E., Nevada State Engineer, Division of Water Resources, SDCNR.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled “CA Priorities in the Tahoe Basin,” submitted by Patrick Wright, Executive Officer, California Tahoe Conservancy, South Lake Tahoe, California.

[Exhibit G](#) is a document titled “Overview to the TRPA/Marlette Oversight Committee on the Bi State Fire Commission,” provided by Allen Biaggi, Director, SDCNR.

[Exhibit H](#) is a Microsoft PowerPoint presentation titled “Tahoe Regional Planning Agency, Presentation to the Legislative Oversight Committee, February 29, 2008,” submitted by John Singlaub, Executive Director, Tahoe Regional Planning Agency (TRPA).

[Exhibit I-1](#) is a document provided by Coe Swobe, TRPA Governing Board, Reno, Nevada, titled “Finding and Recommendation(s) submitted by: Bud Hicks.”

[Exhibit I-2](#) is a document provided by Coe Swobe, TRPA Governing Board, Reno, titled “Finding and Recommendation(s) submitted by: Allen Biaggi, Director, SDCNR (Commission Ex-Officio Member).”

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 or telephone: 775/684-6827.