



**NEVADA LEGISLATURE  
LEGISLATIVE COMMITTEE FOR THE REVIEW AND  
OVERSIGHT OF THE TAHOE REGIONAL PLANNING  
AGENCY AND THE MARLETTE LAKE WATER SYSTEM**

*(Senate Bill 216, Chapter 408, Statutes of Nevada 2003)*

**SUMMARY MINUTES AND ACTION REPORT**

---

The first meeting of the Nevada Legislature's Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System (TRPA) was held on Monday, December 8, 2003, at 10 a.m. in the Incline Village General Improvement District Board Room, 893 Southwood 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 Web site at [www.leg.state.nv.us/72nd/Interim](http://www.leg.state.nv.us/72nd/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:**

Assemblyman Lynn C. Hettrick, Chairman  
Senator Maggie Carlton, Vice Chairwoman  
Senator Mark E. Amodei  
Senator Dean A. Rhoads  
Assemblywoman Peggy Pierce

**COMMITTEE MEMBER ABSENT:**

Assemblyman Morse Arberry Jr.

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Linda J. Eissmann, Senior Research Analyst, Research Division  
Eileen G. O'Grady, Principal Deputy Legislative Counsel, Legal Division  
Maryann Elorreaga, Senior Research Secretary, Research Division

## **ELECTION OF CHAIRMAN/OPENING REMARKS AND INTRODUCTIONS**

Assemblyman Lynn C. Hettrick called the meeting to order.

The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR RHOADS MOVED TO ELECT ASSEMBLYMAN HETTRICK TO SERVE AS COMMITTEE CHAIRMAN AND TO ELECT SENATOR CARLTON TO SERVE AS COMMITTEE VICE CHAIRWOMAN. THE MOTION PASSED BY UNANIMOUS VOTE OF ALL COMMITTEE MEMBERS PRESENT EXCEPT SENATOR AMODEI WHO WAS ABSENT FROM THE ROOM AT THE TIME OF THE VOTE.

Chairman Hettrick said the Committee is now a legislative standing committee and noted the primary responsibility of the Committee is to review and oversee the Tahoe Regional Planning Agency and the Marlette Lake Water System. Chairman Hettrick then introduced the Legislative Counsel Bureau staff.

## **HISTORY OF COMMITTEE ACTIVITIES AND RECOMMENDATIONS, INCLUDING OVERVIEW OF SENATE BILL 216 (CHAPTER 408, *STATUTES OF NEVADA 2003*)**

Linda Eissmann, Senior Research Analyst, Research Division, gave a brief explanation of the creation of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. The oversight responsibilities had previously been assigned to two separate committees, which were effectively combined into the statutory committee by enactment of Senate Bill 216. For clarification, she noted oversight of the Colorado River Commission and various public and private water districts and systems have been assigned to the Legislative Committee on Public Lands by S.B. 216. Ms. Eissmann listed activities and recommendations that have been supported by the Committee for funding of programs to improve and enhance the environment at Lake Tahoe. She also summarized a few activities supported by the Marlette Lake Water System Advisory Committee.

## **REPORT OF PROGRAMS AND ACTIVITIES ASSOCIATED WITH THE TAHOE REGIONAL PLANNING AGENCY**

### ***Overview of TRPA: Organizational Structure, Programs, and Budget***

Jerry Wells, Acting Executive Director, TRPA, gave a PowerPoint presentation ([Exhibit B](#)) which explained the organizational structure, programs, and budget of the TRPA. He also noted issues that may be of interest to the Committee: (1) Pathway 2007 (Threshold/Regional Plan Update); (2) forest fuel reduction/wildfire prevention action plan; (3) EIP update and project management; (4) new shore zone regulations; (5) efficiency and

effectiveness analysis; (6) vacation rental policy; (7) budget reductions; and (8) TRPA's new office building.

### ***Implementation of the Environmental Improvement Program (EIP)***

- Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources, and James R. Lawrence, Lake Tahoe Coordinator, Division of State Lands, State Department of Conservation and Natural Resources, reported on Nevada's progress in implementing its share of the EIP ([Exhibit C](#)). They explained the Nevada funding commitment, EIP organizational structure, and EIP project implementation.
- Dennis Machida, Executive Director, California Tahoe Conservancy, gave an overview of California's implementation of the EIP. He acknowledged the leadership demonstrated by Nevada in its implementation of the EIP. He noted California has committed \$245.4 million for the EIP—\$240 million for capital projects, and \$5.4 for research and monitoring. Mr. Machida said California is working on on-the-ground projects such as erosion control, restoration of streams, development of bike trails, and land restoration. He noted fuels management is a major issue. He said California will maintain, if not expand, its efforts in the future.
- Jeannie Stafford, EIP and Partnership Liaison, Lake Tahoe Basin Management Unit, United States Department of Agriculture Forest Service (U.S. Forest Service), read from her submitted document titled "The Environmental Improvement Program" ([Exhibit D](#)), and explained the Federal Interagency Partnership, Federal EIP projects, and U.S. Forest Service EIP projects. She also referenced a document titled "Restoring Lake Tahoe's Ecosystem" ([Exhibit E](#)) and noted some of the accomplishments of the Lake Tahoe Basin Management Unit in 2003.
- Dan St. John, Assistant Manager, Public Works, Incline Village General Improvement District, presented information on implementation of EIP local government programs ([Exhibit F](#)). He noted ongoing and completed projects in Douglas and Washoe Counties, sources of funding, partnerships, and offered some suggestions for improvements in the public works program.
- Andrew Strain, Vice President, Planning and Governmental Affairs, Heavenly Ski Resort, presented information on private sector programs. He said he was not speaking for all private sector members of the community but would present Heavenly Ski Resort's role in implementing the EIP. Mr. Strain stated Heavenly is strongly committed to stewardship of the environment in the Lake Tahoe Basin and is a long-time partner in the Lake Tahoe Transportation and Water Quality Coalition. He said the Heavenly Ski Resort Master Plan, adopted in 1996, focuses on three important thresholds: (1) outdoor recreation; (2) water quality and watershed restoration; and (3) air quality and transportation. The other project in which Heavenly has been a partner is the Park Avenue Redevelopment Project,

now known as Heavenly Village at Lake Tahoe, which offered strong improvements for water quality, visual and community design, and air quality and transportation.

***Status Report of the “Tahoe Amendment” to the Southern Nevada Public Lands Management Act of 1998 (with funding of Lake Tahoe Restoration Projects), and the related Draft Implementation Agreement***

- Steve Teshara, Executive Director, North Lake Tahoe Resort Association, said the Association is part of the Lake Tahoe Transportation and Water Quality Coalition. He gave an overview of the history and function of the Association and the Coalition. He said they have been working on drafting the Implementation Agreement and are using the Southern Nevada Public Land Management Act of 1998 (SNPLMA) as a model and customizing it for Tahoe purposes.
- Carl Hasty, Deputy Executive Director, TRPA, said the funds guaranteed by the SNPLMA mean a program of projects can be planned for years in advance and allow the TRPA to focus on implementation of the EIP. He said the program consists of more than physical projects; it also relates to science projects and planning. He said they were preparing an operational plan, seeking additional funding, determining what needs to be done on privately owned land as well as state-owned land, and how to address urban interface with forest land.
- Ms. Wilcox, previously identified on page 3 of these minutes, referred to her submitted document ([Exhibit G](#)) and explained the history of the SNPLMA, land sales associated with the Act, and the allocation of the proceeds of the land sales. She said \$300 million will be made available to implement the Lake Tahoe Restoration Act.

**OVERVIEW OF PROGRAMS AND ACTIVITIES ASSOCIATED WITH THE MARLETTE LAKE WATER SYSTEM**

***Reports by State and Local Government Entities***

- Dave Morrow, Administrator, Division of State Parks, State Department of Conservation and Natural Resources; Jay Howard, Division of State Parks, State Department of Conservation and Natural Resources; and Mike Leahy, Buildings and Grounds Division, Nevada’s Department of Administration, gave a PowerPoint presentation ([Exhibit H](#)), which included a history of the Marlette Lake Water System and a report on the current state of the system, monitoring and control, needed upgrades, and environmental impact issues.
- Gene Weller, Deputy Director, Nevada’s Department of Wildlife, said his department maintains four hatchery facilities in the state wherein fish are raised to stock lakes for recreational fishing. He referenced reports submitted to the

Committee ([Exhibit I](#)) and explained the process for harvesting fish eggs at Marlette Lake.

- Richard Bacus, Public Works Director, Storey County, Nevada, reported Five Mile Reservoir has been cleaned out and 3.7 miles of pipeline, from the top of the siphon to the reservoir, has been installed. Additional Assembly Bill 198 (Chapter 559, *Statutes of Nevada 1991*) grant funds to replace a water storage tank have been approved.

***Discussion of efforts to obtain funding to improve facilities for the transmission of water from Marlette Lake to Hobart Reservoir***

Ed James, General Manager, Carson Water Subconservancy District, said a \$1 million federal grant has been obtained to improve facilities for the transmission of water from Marlette Lake to the Hobart Reservoir. He said there are several environmental concerns, such as diesel fuel storage; chemical storage; and the possibility of surface pipeline breaking and causing soil erosion, surrounding the current system. Alternatives under consideration include a borehole underneath the hill to convey water and new power sources such as self-generated hydro-electric power. He also noted the need to replace deteriorating pipeline.

R. Michael Turnipseed, Director, State Department of Conservation and Natural Resources, noted most of the water comes from Hobart Creek or the headwaters of Franktown Creek. Marlette Lake water was only used when the Hobart system was insufficient.

Chairman Hettrick asked Mr. James to compile information needed to determine what size pipe would be required to convey the water, so costs of replacing the pipeline can be calculated. He said the matter would be put on an agenda for discussion at a future meeting.

**PUBLIC COMMENT**

- Steve Robinson, State Forester Fire Warden, Division of Forestry, State Department of Conservation and Natural Resources, representing Governor Kenny C. Guinn's office, noted two issues. First, the threat of catastrophic fire in the Tahoe Basin, the importance of fuels management, and plans to meet with the U.S. Forest Service to coordinate a joint plan of action to reduce fuels. The Committee will be advised of the results of that meeting. Second, several Nevada counties want to assume fire fighting responsibilities of the state, which has an adverse impact on the Division of Forestry's ability to fight fires statewide.
- Daniel C. Holler, Douglas County Manager, Douglas County, Nevada, also commented on the threat of catastrophic fire and the need for reduction of fuels. He said Douglas County has taken on responsibilities for fighting structure fires and

providing emergency medical care because they can provide the same level of service (as the state) at a lower cost to taxpayers.

The Committee, Mr. Robinson, and Mr. Holler engaged in a discussion regarding counties versus the state providing fire fighting services. Chairman Hettrick said the issues would be put on the agenda for a future meeting.

- Coe Swobe, member of the Board of Directors, TRPA, said he agreed a catastrophic fire could be the end of the Tahoe Basin. He said he is going to urge the TRPA to make forest fire prevention, forest fuel reduction, and thinning of the forest its first priority for a one-year period. Also, he wants to see the TRPA regulations amended to allow for timely and efficient thinning of the forest by the appropriate agencies.
- Mr. Teshara, previously identified on page 4 of these minutes, testified as a member of the Board of Trustees of the Round Hill General Improvement District. He submitted a written statement ([Exhibit J](#)) which addresses treatment of drinking water. On behalf of the Board of Directors, Tahoe Transportation District, he submitted a packet of information ([Exhibit K](#)) regarding the Transportation Division of the TRPA and asked for a discussion of the issues to be put on the agenda for the next meeting of the Committee.
- Mike Nolan, Budget Division, Nevada's Department of Administration, brought to the attention of the Committee the recommendation of the Governor to approve two civil engineer positions and a project manager position for the EIP programs in the 2001 budget. The recommendation was based on requests by the TRPA.
- Bob Wheeler, resident, Incline Village, Nevada, submitted a packet of information ([Exhibit L](#)) which addressed scenic regulations passed by the TRPA.
- Peter King, resident, Incline Village, gave his perspective on fire hazards and the scenic regulations that interfere with fuel removal and defensible space activities.
- Don Simmons, resident, Incline Village, said the TRPA has ignored human health and safety by imposing scenic regulations which hinder establishing defensible space. He asked the Committee to address the topic.

Chairman Hettrick suggested Mr. Simmons should approach the governing board of the TRPA with his concerns. He said change supported at the legislative level is more time consuming and complicated, and any change to the bi-state compact requires approval of the Federal Government.

## **COMMITTEE DISCUSSION OF FUTURE MEETINGS**

The Committee scheduled its next meeting for March 15, 2004, in the Legislative Building in Carson City, Nevada.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 3:38 p.m.

Respectfully submitted,

---

Maryann Elorreaga  
Senior Research Secretary

---

Linda Eissmann  
Senior Research Analyst

APPROVED BY:

---

Assemblyman Lynn C. Hettrick, Chairman

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

## **LIST OF EXHIBITS**

**Exhibit A** is the “Meeting Notice and Agenda.”

**Exhibit B** is a hard copy of a PowerPoint presentation by Jerry Wells, Acting Executive Director, Tahoe Regional Planning Agency.

**Exhibit C** is a document titled, “Implementation of the Tahoe Environmental Improvement Program,” prepared and presented by Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources, and James R. Lawrence, Lake Tahoe Coordinator, Division of State Lands, State Department of Conservation and Natural Resources.

**Exhibit D** is a document titled, “The Environmental Improvement Program Lake Tahoe Basin Management Unit,” prepared and presented by Jeannie Stafford, Environmental Improvement Plan (EIP) and Partnership Liaison, Lake Tahoe Basin Management Unit, United States Department of Agriculture Forest Service.

**Exhibit E** is a document titled, “Restoring Lake Tahoe’s Ecosystem,” prepared by the Lake Tahoe Basin Management Unit and presented by Jeannie Stafford, EIP and Partnership Liaison, Lake Tahoe Basin Management Unit, United States Department of Agriculture Forest Service.

**Exhibit F** is a document titled, “Implementation of the EIP-Local Government Programs,” prepared and presented by Dan St. John, Assistant Manager, Public Works, Incline Village General Improvement District.

**Exhibit G** is a document titled, “The Southern Nevada Public Land Management Act of 1998,” prepared and presented by Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources.

**Exhibit H** is a hard copy of a PowerPoint presentation by Dave Morrow, Administrator, Division of State Parks, State Department of Conservation and Natural Resources; Jay Howard, Division of State Parks, State Department of Conservation and Natural Resources; and Mike Leahy, Buildings and Grounds Division, Nevada’s Department of Administration.

**Exhibit I** is a document titled, “Marlette Lake Spawning Report 2003,” prepared and presented by Gene Weller, Deputy Director, Nevada’s Department of Wildlife.

**Exhibit J** is a document titled, “Submitted Testimony-Water Treatment Options for RHGID Request for Direction & Assistance,” prepared and presented by Steve Teshara, Member, Board of Trustees, Round Hill General Improvement District.



[Exhibit K](#) is a document titled, “Submitted Testimony-What’s Wrong with the TRPA, Transportation & Why, Request for Committee Agenda Item, Discussion and Possible Direction,” prepared and presented by Steve Teshara, At-Large Member, Board of Directors, Tahoe Transportation District.

[Exhibit L](#) is a packet of information submitted by Bob Wheeler of Incline Village, Nevada, regarding scenic regulations imposed by the Tahoe Regional Planning District.

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.