

**MINUTES OF THE MEETING
OF THE
NEVADA LEGISLATURE'S MARLETTE LAKE WATER SYSTEM
ADVISORY COMMITTEE
(Nevada Revised Statutes 331.165)
October 30, 2001
Carson City, Nevada**

The first meeting of the Nevada Legislature's Marlette Lake Water System Advisory Committee (*Nevada Revised Statutes* [NRS] 331.165) was held on October 30, 2001, at 9:30 a.m. in Room 2144 of the Legislative Building, Carson City, Nevada. Page 2 contains the "Meeting Notice and Agenda."

COMMITTEE MEMBERS PRESENT:

Assemblyman Joseph (Joe) E. Dini, Jr., Chairman
Senator Mark E. Amodei
Assemblywoman Bonnie L. Parnell
Robert E. Erickson, Research Director, Legislative Counsel Bureau (LCB)
(nonvoting member)
Gene Weller, Deputy Administrator, Division of Wildlife, State Department of Conservation and Natural Resources (SDCNR)
Mike Meizel, Chief, Buildings and Grounds Division, Department of Administration
Wayne R. Perock, Administrator, Division of State Parks, SDCNR
Steve Robinson, State Forester, Division of Forestry, SDCNR

OTHER LEGISLATOR PRESENT:

Senator Lawrence E. Jacobsen

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

M. Scott McKenna, Principal Deputy Legislative Counsel, Legal Division
Nenita Wasserman, Senior Research Secretary, Research Division

MEETING NOTICE AND AGENDA

Name of Organization:	Nevada Legislature's Marlette Lake Water System Advisory Committee (<i>Nevada Revised Statutes</i> 331.165)
Date and Time of Meeting:	Tuesday, October 30, 2001 9:30 a.m.
Place of Meeting:	Legislative Building Room 2144 401 South Carson Street Carson City, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the Legislative Web site is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

A G E N D A

- *I. Election of Chair and Vice Chair of Advisory Committee
- II. Overview Reports by State and Local Government Entities
 - A. Division of Forestry, State Department of Conservation and Natural Resources
 - B. Division of Wildlife, State Department of Conservation and Natural Resources
 - C. Division of State Parks, State Department of Conservation and Natural Resources
 - D. Buildings and Grounds Division, Department of Administration
 - E. Division of State Lands, State Department of Conservation and Natural Resources

F. Local Governments

*III. Discussion of Issues Related to Marlette Lake Water System

A. Update on Pipeline to Virginia City and Related Issues

Storey County Representatives
Bureau of Land Management Representatives
George Georgeson, Professional Engineer, CSA Engineers

B. Supplementing Water Supply for Carson City through Marlette Lake Water System

Edwin D. James, P.E., General Manager, Carson Water Subconservancy District

IV. Public Comment

*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Nenita Wasserman at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's Web site at www.leg.state.nv.us.

**ELECTION OF CHAIR AND VICE CHAIR
OF ADVISORY COMMITTEE**

Robert E. Erickson, Research Director, Research Division, Legislative Counsel Bureau, called the meeting to order at 9:34 a.m.

Mr. Erickson requested nominations for chairman.

ASSEMBLYWOMAN PARNELL NOMINATED ASSEMBLYMAN JOSEPH E. DINI, JR., FOR CHAIRMAN OF THE NEVADA LEGISLATURE'S MARLETTE LAKE WATER SYSTEM ADVISORY COMMITTEE. MR. PEROCK SECONDED THE MOTION.

GENE WELLER MOVED TO CLOSE NOMINATIONS FOR CHAIRMAN. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN PARNELL, WHICH PASSED UNANIMOUSLY.

Mr. Dini thanked the committee members for electing him chairman and requested Senator Lawrence E. Jacobsen sit as an advisory member to the committee.

**OVERVIEW REPORTS BY STATE AND
LOCAL GOVERNMENT ENTITIES**

Division of Forestry, State Department of Conservation and Natural Resources

Steve Robinson

Steve Robinson, State Forester, Division of Forestry, SDCNR, introduced Tim Rochelle, Forester, Nevada Resource Team, Division of Forestry, SDCNR, who gave an overview of the Division's activities.

Tim Rochelle

Tim Rochelle, identified in the previous paragraph, presented an overview of the various phases of the Environmental Improvement Projects (EIPs). He reviewed the locations of the EIPs on a map and indicated the EIPs encompass approximately 14,500 acres. He provided a brochure to the committee that is titled "Information about future changes within Lake Tahoe Nevada State Park" which is Exhibit A of these minutes. He described the projects scheduled within the Lake Tahoe Nevada State Parks for the coming year:

- Improvements to the Upland Wildlife Habitat Enhancement Project designed to improve forage, cover, and other habitat needs for a variety of wildlife species.

- Forest stand treatments and subsequent revegetation of forage species for wildlife for food and cover to improve soil retention and reduce soil erosion potential.
- Water quality/stream environment zone projects to upgrade the Hidden Beach trail and revegetation for erosion control.
- The Sand Harbor and Spooner areas of the Park are in the planning phases for addressing water quality issues in parking areas and shoreline erosion.
- Purchase of a \$66,000 chipper to remove certain biomass.
- Improvements to North Canyon and Tunnel Creek roads to prevent erosion and assist in removal of desired volumes of dead and downed fuel biomass.
- Two projects specifically dedicated to enhancing old growth and attaining habitat characteristics of old growth in the future; however, general forest restoration practices will also prescribe treatments conducive to old growth perpetuation.

In response to Mr. Perock's question, Mr. Rochelle stated that a Class 1A stream is based on natural stream processes to make it function. The health of a stream affected by: the amount of cobble, deadwood debris, fish, meanders, large rocks, and the condition of banks.

Addressing Senator Amodei's statement, Mr. Rochelle stated that the Division of Forestry was the lead agency for purposes of regional archaeological clearance. He stated the other key agencies include the State Lands Division, SDCNR; Division of State Parks, SDCNR; and Division of Wildlife (Habitat-Fisheries), SDCNR.

In response to Chairman Dini's question as to what the committee can do to assist the Division of Forestry with its current needs, Mr. Robinson stated that the Governor has sent a letter the President regarding the risk of catastrophic fire in the Lake Tahoe Basin. He added that a similar letter from the committee would be helpful in emphasizing the concern.

Chairman Dini requested that a letter be drafted for his signature from the committee.

Chairman Dini called for the nomination of the vice chairman of the committee.

ASSEMBLYWOMAN PARNELL MOVED TO NOMINATE SENATOR AMODEI FOR VICE CHAIRMAN OF THE LEGISLATIVE COMMISSION'S MARLETTE LAKE ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY MR. ROBINSON, WHICH PASSED UNANIMOUSLY.

Division of Wildlife, State Department of Conservation and Natural Resources

Gene Weller

Gene Weller, identified on page 1 of these minutes, gave a recap of spawning activities for the year 2001. His handout is Exhibit B of these minutes and is titled "Lake Spawning Report 2001." His testimony covered the following points:

- Mason Valley Hatchery personnel, biologists, and summer students manned the spawning station in 2001. The climate conditions for spawning were good this year and a total of 829,362 eggs were taken. The hatchery spawned 811 females for an average of 1,205 eggs per female.
- Volunteers were used extensively to set up the trap, gather the fish out of the frame nets, perform spawning activities, and break down the spawning site.
- Senator Lawrence E. Jacobsen assisted in spawn taking activities on June 8, 2001.
- A solar powered electric fence is being utilized to keep bears off the fish trap site.

Addressing Mr. Perock's questions, Mr. Weller stated:

- There are no changes in the status of the fishery at Hobart. There have been some efforts to remove Brook Trout from the fishery at Hobart because they reproduce so well in the reservoir creating is an overpopulation of the species. Historically, there has been law enforcement problems in the area, with people taking fish illegally.

- There is minor fishing activity at the Red House located near Marlette Lake at this time.

Division of State Parks, State Department of Conservation and Natural Resources

Jay Howard

Jay Howard, Division of State Parks, SDCNR, Nevada Resource Team made a presentation regarding the status of projects for the Division of State Parks. He provided the committee with a handout, Exhibit C of these minutes that is titled "State of Nevada Environmental Improvement Program, Lake Tahoe." He presented an overview of the backcountry and its resources covering the following points:

- The majority of the 14,000 acres of the Marlette/Hobart area is in the backcountry, which is basically east of Highway 28. The park is gated and no vehicles are allowed;
- There is a backcountry permit system that allows a limited number of vehicles to enter the park.
- Points of interest that are heavily used are the Tahoe Rim Trail, the historic structure mat used in the early 1900s by an employee of the Marlette Lake Water System called Red House, and steam boiler used in the 1800s that was piped into a steam engine to run a saw mill; and
- Summer use in the backcountry includes a large group of unicyclists from New Jersey, equestrians, hikers, primitive camping, fishing, cross country skiing, and snow shoeing.

Continuing his presentation, Mr. Howard reviewed the completed EIP projects, and projects for years 2001 and 2002, which are described in detail in Exhibit C of these minutes. The completed projects include:

- Construction of a scenic overlook at Memorial Point.
- Erosion control and water quality improvements constructed from the US 50 intersection to two miles north of US 50.
- A Stateline storm water treatment project on the Lake Parkway Loop and US 50 at Stateline, Nevada.
- Erosion control improvements, construction of a new restroom, and lake access at Hidden Beach.
- Sediment and water quality improvements at Ski Way Basin at Ski Way Boulevard.
- Erosion control and water quality improvements at Incline Village Unit No. 1.
- Water quality improvements at Incline Village Commercial and Lower Wood Creek.
- Restoration of Incline Creek by Lakeshore Boulevard and Incline Way by the Incline Village General Improvement District.
- Erosion control and water quality improvements at Kingsbury Estates, Tahoe Village, and Marla Bay.

Mr. Howard added that the new backcountry ranger position approval was very helpful. He noted it is very important for the agency because of the amount of tourism in the backcountry. It is the agency's goal to lengthen that position to a permanent nine-month position.

DISCUSSION OF ISSUES RELATED TO MARLETTE LAKE WATER SYSTEM

Update on Pipeline to Virginia City and Related Issues

George Georgeson

George Georgeson, Professional Engineer, CSA Engineers, Reno, explained he was hired by Storey County regarding the possibility of replacing the water pipeline from the siphon point to Five Mile Reservoir. In his testimony, Mr. Georgeson provided the committee with the status of the project:

- To date, he has applied to the Division of State Lands, SDCNR, to convey the easement from Highway 395 to Five Mile Reservoir. A letter has been written and submitted to Storey County.

- To receive a grant of approximately \$1.5 million, the county must contribute \$675,000, to receive a total of \$2.11 million to replace the pipeline. The route that was additionally planned to lay the pipe is no longer valid.
- A new route will be staked out, which will be at least 100 feet from the existing flume line that will be acceptable to the BLM. State Lands will also look at the possibility of transferring ownership to the county with the land around Five Mile Reservoir, which is approximately 80 acres, instead of retaining ownership of the route itself.
- The county be awards the grant when a letter is sent to the Division of Environmental Protection, SDCNR, which describes allocation of the matching funds.

Buildings and Grounds Division, Department of Administration

Pat McInness

Pat McInness, Building and Grounds Division, Department of Administration, gave an overview of the Division's involvement with Marlette Lake and made the following points during his testimony:

- Marlette Lake was pumped for the first time since 1984, a total of 6,425,000 gallons of water pumped into the Hobart drainage. During the time Marlette was pumped, the lake level dropped 20 inches.
- Out of the three months the pump was in operation, water was pumped for approximately six weeks. Down time was due to mechanical failures.
- It is expected that water will be pumped again in 2002. Some of the water pipes have been rebuilt and reconditioned.
- The State Public Works Board (SPWB) Project 99M3 is a capital improvement project. The SPWB will study both dams and connecting lines to Marlette year round.
- Marlette Lake poses significant risk to Highway 28 if there is a dam failure. The water would crest at 18 feet deep and 18 feet per second, should a flood occur. This is due to the size of Marlette, which is 10,000 acre feet, and has roughly a 40 percent grade towards Lake Tahoe.
- A cost analysis was completed similar to the study performed by the Carson Water Subconservancy regarding pipe analysis along the old flume route that involved a borehole approach from the Hobart side of the Lake that would tap into the bottom of Marlette Lake. The borehole seems to be the most inexpensive route. The current diesel pump is operating under a special use permit from the Tahoe Regional Planning Agency. A permanent permit will be applied for in July 2002.
- The Marlette/Hobart System is the only water supply for Virginia City other Comstock communities, and is a major contributor of water for Carson City.

Chairman Dini asked if another meter would be installed for Storey County. Mr. McInness replied Storey County installed a meter just below the current meter is to check their readings, which agree very closely to his.

Division of State Lands, State Department of Conservation and Natural Resources

Pamela B. Wilcox

Pamela B Wilcox, Administrator and State Registrar, Division of State Lands, SDCNR, was to provide a status report during the committee's scheduled tour; however, the tour was cancelled due to inclement weather.

Supplementing Water Supply for Carson City Through Marlette Lake Water System

Edwin D. James, P.E.

Edwin D. James, P.E., General Manager, Carson Water Subconservancy District, gave an overview of the condition of the Hobart-Marlette Water System. He reviewed some slides for the committee depicting the tunnel collection system. His testimony highlighted the following points:

- The state was losing 80 percent of the water on the east slope. Based on the work Carson City completed, more water has been saved even though it is a drought year.
- Water supply is very important and the state has enough resources to meet all of its current needs; however, there are some concerns that need to be addressed.

- Currently, water may be pumped out of Marlette only by surface pipeline. The soil erodes the pipe very quickly, which creates sediment and water quality problems.
- The study explored at other ways to transport water from Marlette Lake to Hobart Lake. Boring a hole was considered, but the cost for a boring system is \$4 million.
- Storey County has received a grant from Assembly Bill 198 of the (Chapter 531, *Statutes of Nevada*, 2001) allowed Storey County to receive a grant in the amount of \$3 million.

Assemblywoman Parnell said there is some concern regarding the population growth in Lyon County and asked about the water source for western Lyon County. Mr. James responded that Mound House receives water from the Dayton area, which has several wells.

Mr. James requested the committee address a letter to Nevada's Congressional Delegation supporting federal funding for boring between Marlette and Hobart Lakes.

PUBLIC TESTIMONY

There was no testimony from the public.

Senator Jacobsen commented about the following issues:

- It is his opinion there is not enough information on record regarding the entire water system;
- He "looks forward" to the Legislature promoting a video or scenario of the operation of the entire water system.
- The water system itself is a phenomena and should be promoted so people are more familiar with it; and
- Lakeview is a nice informational center for the general public.

There being no further business before the committee, the chairman adjourned the meeting at 1:58 p.m.

Exhibit E is the "Attendance Record" for this meeting.

Respectfully submitted,

Nenita Wasserman
Senior Research Secretary

Robert E. Erickson
Research Director, Research Division and nonvoting member of Marlette Lake
Advisory Committee

APPROVED BY:

Assemblyman Joseph E. Dini, Jr.

Date: _____

Exhibit A is a brochure provided by Tim Rochelle, Forester, Nevada Tahoe Resource Team, Division of Forestry, State Department of Conservation and Natural Resources that is titled "Information About Future Changes Within Lake Tahoe Nevada State Park."

Exhibit B was provided by Gene Weller, Deputy Administrator, Division of Wildlife, State Department of Conservation and Natural Resources which is a status report regarding the spawning activity at Marlette Lake, that is titled "Marlette Lake Spawning Report 2001, Mason Valley Hatchery," dated October 25, 2001.

Exhibit C is a document provided by Jay Howard, Forester, Division of State Parks, State Department of Conservation and

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Natural Resources, Nevada Resource Team, titled “State of Nevada Environmental Improvement Program (EIP), Lake Tahoe,” which lists completed EIP projects and projects for 2001 and 2002.

Exhibit D consists transparencies projector layouts provided by Edwin P. James, P.E., General Manager, Carson City Water Subconservancy Agency.

Exhibit E is the “Attendance Roster” for this meeting.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at (775) 684-6827.

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