



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE FOR THE REVIEW AND
OVERSIGHT OF THE TAHOE REGIONAL PLANNING
AGENCY AND THE MARLETTE LAKE WATER SYSTEM
(Nevada Revised Statutes 218E.555)

SUMMARY MINUTES AND ACTION REPORT

The first 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 Monday, November 30, 2015, at 1 p.m. in Room 2135 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 <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Ben Kieckhefer, Chair
Assemblyman Jim Wheeler, Vice Chair
Senator James A. Settelmeyer
Assemblyman Michael C. Sprinkle
Assemblyman Robin L. Titus, M.D.

COMMITTEE MEMBER PRESENT IN LAS VEGAS:

Senator David R. Parks

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jennifer Ruedy, Principal Research Analyst, Research Division
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
Erin Roohan, Deputy Legislative Counsel, Legal Division
Jennifer Gamroth, Program Analyst, Fiscal Analysis Division
Lisa Gardner, Senior Research Secretary, Research Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—PUBLIC COMMENT

Assemblyman Michael C. Sprinkle, Chair, 2013–2014 Interim, opened the meeting and called for public comment; however, no testimony was presented.

AGENDA ITEM II—ELECTION OF CHAIR AND VICE CHAIR

Assemblyman Sprinkle called for a motion to elect a chair and a vice chair for the Committee.

MOTION: Senator Settlemeyer moved to nominate Senator Kieckhefer as chair of the Committee. The motion was seconded by Assemblyman Wheeler and passed unanimously.

MOTION: Assemblywoman Titus moved to nominate Assemblyman Wheeler as vice chair of the Committee. The motion was seconded by Chair Kieckhefer and passed unanimously.

AGENDA ITEM III—OPENING REMARKS AND INTRODUCTIONS

Chair Kieckhefer introduced Committee staff and solicited remarks from Committee members.

Senator Parks and Assemblywoman Titus shared brief comments regarding their interest in serving on the Committee.

AGENDA ITEM IV—OVERVIEW OF STATUTORY DUTIES OF THE COMMITTEE AND A SUMMARY OF COMMITTEE RECOMMENDATIONS FROM THE 2013–2014 INTERIM

Jennifer Ruedy, previously identified, presented information on the Committee’s statutory duties and recommendations from the 2013–2014 Interim ([Exhibit B](#)). She commented on agency reports relevant to the Committee and noted the Committee’s sole piece of legislation, which pertains to the outstanding debt of the Nevada Fire Safe Council (NFSC), was adopted during the 2015 Session (Assembly Joint Resolution No. 3 [File No. 10, *Statutes of Nevada*]).

Jennifer Gamroth, previously identified, provided an update on Committee recommendations from the 2013–2014 Interim pertaining to the Governor’s *Executive Budget* for the 2015–2017 Biennium. She noted the Governor recommended, and the 2015 Legislature approved, the following allocations for each fiscal year of the current biennium: (1) \$375,000 to the Tahoe Regional Planning Agency (TRPA) for the Lake Tahoe Aquatic Invasive Species (AIS) Boat Inspection Program; and (2) \$85,000 to the Division of State Parks, State Department of Conservation and Natural Resources (SDCNR), for the continuation of the shuttle service between Incline Village and Sand Harbor State Park (Sand Harbor), which is operated by the Tahoe Transportation District (TTD).

Ms. Ruedy discussed Senate Bill 414 (Chapter 380, *Statutes of Nevada 2015*), and California Senate Bill 605 (Chapter 657, *Statutes of 2015*). She explained the legislation enables a reciprocal agreement to transpire between the two states to allow waivers of nonresident tuition for students living in the Lake Tahoe Basin and attending Western Nevada College or Lake Tahoe Community College, regardless of which state they reside in. (See Exhibit B.)

AGENDA ITEM V—UPDATE ON STATUS OF OUTSTANDING DEBT OF THE NEVADA FIRE SAFE COUNCIL

Michael D. Brown, Fire Chief, North Lake Tahoe Fire Protection District, provided background information and an update pertaining to the outstanding debt of the NFSC. He stated the necessary audits are complete, and discussions have been taking place between the United States Department of Justice (DOJ) and bankruptcy clerks regarding the release of the funds.

Discussion ensued regarding: (1) amounts owed to contractors and fire districts; (2) the apparent change of course of the DOJ with the bankruptcy proceedings; and (3) the continuation of hazardous fuels treatment in the Lake Tahoe Basin.

Senator Settlemeyer expressed his concern with the length of time it is taking contractors to receive payment for services rendered through the NFSC.

MOTION: Senator Settlemeyer moved for the Committee to send a letter to Nevada's Congressional Delegation to request an update on the release of funds related to the Nevada Fire Safe Council. The motion was seconded by Vice Chair Wheeler and passed unanimously.

Senator Settlemeyer suggested the issue of the outstanding debt of the NFSC be placed on every Committee agenda for the remainder of the interim.

AGENDA ITEM VI—UPDATE ON STATUS OF THE COMMITTEE'S RECOMMENDATION TO CONGRESS TO REVISE TECHNICAL LANGUAGE IN THE REAUTHORIZATION OF THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT OF 2012 (PUBLIC LAW 112-141 – MAP 21) TO ALLOW THE TAHOE METROPOLITAN PLANNING ORGANIZATION TO RECEIVE FEDERAL FORMULA FUNDS FOR CAPITAL PROJECTS AND TRANSIT SERVICES UNDER MAP 21

Carl Hasty, District Manager, TTD, provided an overview and update on efforts to revise technical language that would allow federal formula funding to be allocated for capital projects and transit services in the Lake Tahoe Basin. He reported the federal Moving Ahead for Progress Act has morphed into the Developing a Reliable and Innovative Vision for the Economy Act, which is currently under consideration as a 6-year reauthorization measure.

Mr. Hasty said the bill is expected to come out of a conference committee at any moment with the requested language.

There was a discussion regarding: (1) the permanency of the designation change (from rural to urban) for the Tahoe Metropolitan Planning Organization; and (2) formula funding for federal Fiscal Year (FY) 2016. Mr. Hasty explained the formula funding would primarily flow through California and Nevada's departments of transportation; the exact amount of the potential FY 2016 allocation has yet to be determined.

There was a discussion regarding a future update for the Committee on this topic.

In response to a question from Chair Kieckhefer, Mr. Hasty said there are a sufficient number of projects in the Lake Tahoe Basin that can utilize the federal funding.

AGENDA ITEM VII—OVERVIEW OF THE TAHOE REGIONAL PLANNING AGENCY (TRPA): ORGANIZATIONAL STRUCTURE, PROGRAMS, AND BUDGET

Joanne S. Marchetta, Executive Director, TRPA, introduced Mark Bruce, Governor of Nevada Appointee, Governing Board, TRPA.

Mr. Bruce shared brief remarks regarding the TRPA Governing Board and expressed his interest in meeting with members of the Committee to discuss issues pertaining to the Lake Tahoe Basin.

Ms. Marchetta provided an overview of the TRPA ([Exhibit C](#)). She pointed out the TRPA is in the process of updating its shorezone ordinances, which has been a highly controversial and litigated issue in the past. She also noted that, through the AIS funding enhancement approved during the 2015 Session, Nevada's share of funding the TRPA is 32 percent while California's share is 68 percent, which is very close to the one-third/two-thirds apportionment, as set forth by the Tahoe Regional Planning Compact (paragraph [a] of Article VIII).

Discussion ensued regarding: (1) threshold standards; (2) contract funding for science inputs; (3) nearshore monitoring efforts; (4) economic considerations with policy updates; (5) litigation with the 2012 Regional Plan Update; and (6) streamlining the permitting process.

AGENDA ITEM VIII—OVERVIEW OF THE ENVIRONMENTAL IMPROVEMENT PROGRAM (EIP)

A. Nevada Program

Charles Donohue, Administrator and State Land Registrar, Division of State Lands, SDCNR, gave a presentation on Nevada's EIP Program ([Exhibit D](#)). He pointed out Asian clams, which are a precursor to the degradation of nearshore water quality, were identified at Sand Harbor just a few weeks ago.

Mr. Donohue provided a status update on the issuance of general obligation bonds for Nevada's apportioned share of the Stateline-to-Stateline Bikeway and the Lake Tahoe EIP. He noted the Committee sent two letters to Governor Sandoval, subsequent to its August 2014 work session, which urged the sale of State bonds in the amount of \$2.1 million authorized for the Bikeway and \$10.5 million authorized for the Lake Tahoe EIP. Mr. Donohue reported \$1 million in bonds have been sold for the Bikeway since that time, and a sale of \$1.5 million in bonds designated for the Lake Tahoe EIP is anticipated to occur next fall. He said debt capacity issues for the State have impeded efforts to sell the full amounts authorized by the Legislature. Mr. Donohue explained that rationing the remaining authority, through smaller but more frequent issuances, would create a more sustainable funding stream for the Nevada program.

There was a discussion regarding the assessment and eradication of Asian clams at Sand Harbor.

B. California Program

Patrick Wright, Executive Director, California Tahoe Conservancy, gave a presentation on California's EIP Program ([Exhibit E](#)). He noted the program is transitioning its efforts from single to multipurpose projects, which integrate environmental, economic, and social factors.

There was a discussion regarding: (1) funding and local responsibility for sediment traps; and (2) cap-and-trade funding for projects in the Lake Tahoe Basin.

Mr. Wright expressed an interest in coordinating a joint legislative meeting in the Lake Tahoe Basin with California and Nevada legislators.

C. Federal Program

Jeff Marsolais, Forest Supervisor, Lake Tahoe Basin Management Unit, Region 5, U.S. Forest Service, gave a presentation on the role of the agency with the Lake Tahoe EIP ([Exhibit F](#)).

D. Local Government Programs

Peter Kraatz, P.E., Assistant Director, Placer County Department of Public Works and Facilities and Local Government Representative, TRPA's Tahoe Interagency Executives Steering Committee, gave a presentation on Placer County's EIP projects ([Exhibit G](#)).

Mimi Moss, Director, Douglas County Community Development Department; and Erik Nilssen, County Engineer, Engineering Division, Douglas County Community Development Department, provided an overview of Douglas County's EIP projects ([Exhibit H](#)).

There was a discussion regarding data collected from the Edgewood Lodge and Golf Course Improvement Project.

Dwayne Smith, P.E., Division Director, Engineering and Capital Projects, Washoe County Community Services Department, provided an overview of Washoe County's EIP projects ([Exhibit I](#)). He noted the importance of streaming EIP funds to the operation and maintenance of equipment.

E. Private Sector Programs

Amy R. Berry, Chief Executive Officer, Tahoe Fund, gave a presentation on philanthropic support of the Lake Tahoe EIP ([Exhibit J](#)).

There was a conversation regarding partnerships with the Incline Flume Trail and the financing and project management of the Incline Village to Sand Harbor Bike Path.

AGENDA ITEM IX—PRESENTATION ON THE LAKE TAHOE EIP PROJECT TRACKER, AN ONLINE INFORMATION EXCHANGE PLATFORM FOR EIP PROJECTS

Kim Caringer, Manager, Environmental Improvement Division, TRPA, provided a demonstration of the Lake Tahoe EIP Project Tracker ([Exhibit K](#)).

Responding to questions from the Committee, Ms. Caringer discussed the cost of the Tracker and the process of acquiring data from project implementers.

AGENDA ITEM X—UPDATE ON IMPROVEMENTS TO THE MARLETTE LAKE WATER SYSTEM

Gustavo Nuñez, P.E., Administrator, State Public Works Division, Department of Administration, provided an overview of the Marlette Lake Water System and apprised the Committee of recent upgrades to the system ([Exhibit L](#)).

Discussion ensued regarding: (1) revenue generated by user fees; (2) the reliability of the system; (3) emergency planning; (4) the rate agreement between Carson City, Storey County, and the State; and (5) old piping still in use.

AGENDA ITEM XI—COMMITTEE DISCUSSION OF FUTURE MEETINGS

Chair Kieckhefer said he will work with staff to schedule the rest of the Committee's meetings for the interim. He solicited input from Committee members regarding prospective tours and meeting venues.

Senator Settlemeyer expressed an interest in scheduling a joint meeting with California and Nevada legislators at Sierra Nevada College in Incline Village. He also suggested the Committee tour Edgewood Tahoe and Heavenly Mountain Resort.

AGENDA ITEM XII—PUBLIC COMMENT

Steve Teshara, Principal, Sustainable Community Advocates, suggested a future meeting agenda include a presentation on the updated Lake Tahoe Basin Community Wildfire Protection Plan.

AGENDA ITEM—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:44 p.m.

Respectfully submitted,

Lisa Gardner
Senior Research Secretary

Jennifer Ruedy
Principal Research Analyst

APPROVED BY:

Senator Ben Kieckhefer, Chair

Date: _____

EXHIBITS

EXHIBIT	WITNESS/ENTITY	DESCRIPTION
Exhibit A	Jennifer Ruedy, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB)	Agenda
Exhibit B	Jennifer Ruedy, Principal Research Analyst, Research Division, LCB	Overview of statutory duties and summary of Committee recommendations
Exhibit C	Joanne S. Marchetta, Executive Director, Tahoe Regional Planning Agency (TRPA)	Microsoft PowerPoint presentation
Exhibit D	Charles Donohue, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources	Microsoft PowerPoint presentation
Exhibit E	Patrick Wright, Executive Director, California Tahoe Conservancy	Microsoft PowerPoint presentation
Exhibit F	Jeff Marsolais, Forest Supervisor, Lake Tahoe Basin Management Unit, Region 5, United States Forest Service	Microsoft PowerPoint presentation
Exhibit G	Peter Kraatz, P.E., Assistant Director, Placer County Department of Public Works and Facilities and Local Government Representative, TRPA's Tahoe Interagency Executives Steering Committee	Microsoft PowerPoint presentation
Exhibit H	Mimi Moss, Director, Douglas County Community Development Department	Microsoft PowerPoint presentation
Exhibit I	Dwayne Smith, P.E., Division Director, Engineering and Capital Projects, Washoe County Community Services Department	Microsoft PowerPoint presentation
Exhibit J	Amy R. Berry, Chief Executive Officer, Tahoe Fund	Microsoft PowerPoint presentation
Exhibit K	Kim Caringer, Manager, Environmental Improvement Division, TRPA	Hyperlink
Exhibit L	Gustavo Nuñez, P.E., Administrator, State Public Works Division, Department of Administration	Microsoft PowerPoint presentation

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 and other materials distributed at the meeting 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.