

WORKSHOP DOCUMENT

Legislative Commission's Committee To Continue the Review of Programs and Activities in the Lake Tahoe Basin

May 10, 2002

The following "Workshop Document" has been compiled by the staff of the Legislative Committee. It is designed as an outline to assist the Committee members in making decisions concerning recommendations to be forwarded to the Legislative Commission and ultimately to the 2003 Session of the Nevada Legislature.

The document contains a summary of the recommendations which have been presented to the Committee during the hearing process with supplemental details provided to the staff as necessary. A citation for the source of each recommendation is noted at the end of the recommendation.

IMPLEMENTATION OF PROJECTS CONTAINED IN THE ENVIRONMENTAL IMPROVEMENT PROGRAM (EIP)

The following recommendations address federal, state, and local funding to implement projects contained in the EIP:

1. Transmit a letter to the members of Nevada's Congressional Delegation urging them to actively support appropriation of funds to implement federal EIP projects as outlined in the Lake Tahoe Transportation and Water Quality Coalition's "Environmental Improvement Program Request for Congressional FY '03 Appropriations."

(Copies of referenced document are available by contacting Deborah Rengler at 775/684-6825.)

(Recommended by the Tahoe Regional Planning Agency [TRPA] and the Lake Tahoe Transportation and Water Quality Coalition.)

2. Enact legislation:

- a. Highlighting that Subsection 3 of Section 1 of Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*) provides for the periodic issuance of general obligation bonds in a total face amount of not more than \$53.2 million between July 1, 2001, and June 30, 2007, to implement EIP projects identified in a schedule established by the Administrator of the Division of State Lands and approved by the Legislature or the Legislature's Interim Finance Committee;
- b. Authorizing the issuance of state bonds and the use of revenue in the amount of approximately \$12.9 million for EIP projects during the 2003-2005 biennium; and
- c. Outlining the schedule of EIP projects for which the revenue may be used.

(Bill modeled after Assembly Bill 177 [Chapter 302, *Statutes of Nevada 2001*], copy included as Attachment "A.")

(Recommended by Nevada's Division of State Lands, TRPA, and the Lake Tahoe Transportation and Water Quality Coalition.)

3. Transmit a letter to the members of the Nevada Legislature's "money committees" urging them to continue to provide adequate and appropriate levels of funding to support the activities of the State agencies involved in the Nevada Tahoe Resource Team or otherwise involved in implementation of the Nevada EIP projects.

(Recommended by the Lake Tahoe Transportation and Water Quality Coalition.)

4. Transmit a letter to the members of Nevada’s Congressional Delegation and the Nevada Legislature’s “money committees” (1) explaining that the local governments in the Lake Tahoe Basin have accepted the responsibility for long-term maintenance of local EIP projects, but have no dedicated funding source to support this function and are severely constrained in their ability to independently obtain new revenue; and (2) urging these public officials to work with the local entities in efforts to identify the necessary funding sources and assist in implementing recommended actions resulting from these efforts.

(Recommended by TRPA, Nevada’s Division of State Lands, and the Lake Tahoe Transportation and Water Quality Coalition.)

TRANSIT COMPONENTS OF THE EAST SHORE ACCESS PLAN

5. Include in the final report a statement of support for efforts to identify sources of funding to provide “seed money” to initiate the transit program envisioned through the East Shore Access Plan until a permanent support/fee structure can be established, and efforts to explore funding sources to sustain the transit program on a continuing, long-term basis.

(Recommended by Tahoe Transportation District.)

TAHOE REGIONAL PLANNING AGENCY ACTIVITIES

6. Transmit a letter to the Nevada Legislature’s “money committees” requesting that these committees, as a part of the budget review process, require the TRPA to provide a report concerning implementation of the “Legislative Oversight” Committee’s recommendations relating to priorities and administration of the Agency’s responsibilities and programs.

(Recommended by the Tahoe Lakefront Owners’ Association.)

7. Transmit a letter to the TRPA Governing Board requesting that the Board investigate whether the staff is implementing requirements administratively as part of the permitting process when these types of requirements should be adopted by the Board before their application.

(Recommended by the Tahoe Lakefront Owners’ Association.)

8. Transmit a letter to the TRPA Governing Board explaining that the “Legislative Oversight” Committee has received a considerable amount of testimony on the topic of scenic thresholds and recommending that the Board ensure that any interim requirements relating to scenic thresholds be applied uniformly to all activities within the scenic threshold unit (rather than applying only to lakefront properties).

(Recommended by the Tahoe Lakefront Owners’ Association.)

9. Transmit a letter to the TRPA Governing Board requesting that an accounting of all mitigation fees, scenic bonding fees, and securities be compiled and provided to the public and the “Legislative Oversight” Committee, such accounting at a minimum to include statistics concerning amounts and allocations of these fees, location of the funds, and procedures for access and allocation of the funds; and that the Governing Board initiate broad public discussions of the most effective use of these funds.

(Recommended by representative of the Incline Village Board of Realtors and the Sierra Nevada Association of Realtors.)

10. Transmit a letter to the TRPA Governing Board requesting that the Board retain an outside firm to conduct an independent program audit of the TRPA designed primarily to prepare analyses and make recommendations concerning obstacles hindering the Agency from achieving the goals provided in the Tahoe Regional Planning Compact; staffing allocations in relation to Agency goals and programs; activities associated with implementation, compliance, and/or enforcement responsibilities; and efficiency of the Agency’s regulatory process.

(Recommended by representative of the Incline Village Board of Realtors and the Sierra Nevada Association of Realtors.)

FIRE SERVICE PROGRAMS IN THE LAKE TAHOE BASIN

11. Include in the final report a commendation and a statement of support for continued coordination and cooperation among the fire service agencies in the Basin, and expressing a recognition of the financial issues that continue to face these fire service agencies.

(Recommended through Committee discussion.)

12. Transmit a letter to the members of Nevada's "money committees" highlighting the value of inmate crews to the fire service programs in the Lake Tahoe Basin and requesting that maintenance of and access to these inmate crews be a considered a priority.

(Recommended by representatives of the fire service agencies.)

CONTINUATION OF LEGISLATIVE OVERSIGHT COMMITTEE

13. Provide, by resolution, for the continued existence of the "Legislative Oversight" Committee (during the 2003-2005 biennium) in a similar manner as prescribed in Assembly Concurrent Resolution No. 5 (File No. 124, *Statutes of Nevada 2001*).

(Copy of A.C.R. 5 included as Attachment "B.")

(Recommended by TRPA, the Lake Tahoe Transportation and Water Quality Coalition, and Nevada's Division of State Lands.)

Tahoe Workshop Document 5-10-02

Attachment A

Assembly Bill 177 (Chapter 302, *Statutes of Nevada 2001*)

Assembly Bill No. 177–Committee on Natural Resources,
Agriculture, and Mining

CHAPTER.....

AN ACT relating to the Lake Tahoe Basin; authorizing the issuance of general obligation bonds to carry out the Environmental Improvement Program; and providing other matters properly relating thereto.

WHEREAS, In October 1997, Governor Bob Miller, on behalf of the State of Nevada, signed a Memorandum of Agreement between the Federal Interagency Partnership on the Lake Tahoe Ecosystem, the States of Nevada and California, the Washoe Tribe, the Tahoe Regional Planning Agency and interested local governments, in which the parties affirmed their commitment to the Tahoe Regional Planning Compact, to the sound management and protection of the resources within the Lake Tahoe Basin and the support of a healthy, sustainable economy and to achieve environmental thresholds for Lake Tahoe, and agreed to cooperate to carry out, including, without limitation, providing financial support for, the Environmental Improvement Program; and

WHEREAS, The costs of carrying out the Environmental Improvement Program have been apportioned among the Federal Government, the States of Nevada and California, local governments and owners of private property within both states; and

WHEREAS, The cost of carrying out the Environmental Improvement Program that is apportioned to the State of Nevada and its political subdivisions is \$82,000,000 for the 10-year period that ends in fiscal year 2006-07; and

WHEREAS, The State of Nevada and its political subdivisions have already provided \$28,800,000 to meet their apportioned commitment, which includes:

1. General obligation bonds issued in the face amount of \$20,000,000 pursuant to chapter 361, Statutes of Nevada 1995, at page 907, and approved by the voters of this state at the general election held in 1996, to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin; and

2. General obligation bonds issued in the face amount of \$3,200,000 pursuant to chapter 514, Statutes of Nevada 1999, at page 2626; and

WHEREAS, Chapter 514, Statutes of Nevada 1999, created the fund to protect the Lake Tahoe Basin in the state general fund, directed the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to administer that fund and directed the Administrator, in cooperation with other state agencies, to coordinate the development and carrying out of a program of environmental improvement projects, for the Lake Tahoe Basin; and

WHEREAS, Chapter 514, Statutes of Nevada 1999, provided that money in an amount not to exceed \$53,200,000 would be made available to carry out the program of environmental improvement projects during the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, 2007, by the issuance of general obligation bonds and legislative appropriation; and

WHEREAS, The general obligation bonds authorized by chapter 514, Statutes of Nevada 1999, may only be issued with the prior approval of the Legislature or the Interim Finance Committee and pursuant to a schedule established by the Administrator of the Division of State Lands; now, therefore,

**THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. The Legislature hereby finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to this act:

1. Are necessary for the protection and preservation of the natural resources of this state and for the purpose of obtaining the benefits thereof; and

2. Constitute an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the Constitution of the State of Nevada.

Sec. 2. Money to carry out the program of environmental improvement projects for the Lake Tahoe Basin established pursuant to section 1 of chapter 514, Statutes of Nevada 1999, at page 2627, in an amount not to exceed \$16,200,000 must be provided for the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, 2003, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$16,200,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this section must be deposited in the fund to protect the Lake Tahoe Basin created pursuant to section 2 of chapter 514, Statutes of Nevada 1999, at page 2628, and, except as otherwise provided in this section, must be used as follows:

1. Projects of the Environmental Improvement Program to be carried out by the State Department of Conservation and Natural Resources:

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|---|-------------|---------|
| (a) Forest Restoration Phase II | \$1,450,000 | |
| (b) East Shore Access Erosion Control | 150,000 | |
| (c) Riparian Wildlife Habitat Enhancement | | 168,000 |
| (d) Water Diversion Survey to Maintain Stream Flows | | 25,000 |
| (e) East Shore Fur Bearer Study | 40,000 | |
| (f) Van Sickle State Park Phase I | 400,000 | |
| (g) Sand Harbor BMP Retrofit | 80,000 | |

- (h) Spooner Lake Visitor Center (Planning/Design) 200,000
- (i) Shorezone/Stream Restoration Project 500,000
- (j) Land Coverage Restoration 2,000,000

2. Water Quality, Erosion Control and Stream Restoration/Enhancement Projects of the Environmental Improvement Program to be carried out pursuant to grants and project agreements..... \$9,300,000

3. Contingency money to carry out projects set forth in subsections 1 and 2 \$1,887,000

If an amount authorized pursuant to this section is insufficient to allow the completion of the project for which it is authorized, including, without limitation, any monitoring necessary to ensure the continued effectiveness of the project, the Interim Finance Committee, upon the request of the Division of State Lands of the State Department of Conservation and Natural Resources, may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another project or projects pursuant to this section by the amount of the increase. The Division of State Lands may use money authorized pursuant to this section for a project other than a project listed in this section if the Interim Finance Committee approves such a use in writing before the Division of State Lands engages in the project. The Division of State Lands may allocate the money for project contingencies pursuant to subsection 3 without the prior approval of the Interim Finance Committee.

Sec. 3. This act becomes effective on July 1, 2001.

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Attachment B

Assembly Concurrent Resolution No. 5 (File No. 124, *Statutes of Nevada 2001*)

Assembly Concurrent Resolution No. 5—Committee on Natural
Resources, Agriculture, and Mining

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact.

WHEREAS, The Tahoe Regional Planning Compact provides for the maintenance of the scenic, recreational, educational, scientific, natural and public health values of the entire Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Compact establishes the Tahoe Regional Planning Agency to adopt and enforce a regional plan and to provide opportunities for the orderly growth and development of the Lake Tahoe Basin; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving regional goals in conserving the natural resources of the entire Lake Tahoe Basin and with the programs and activities of the Tahoe Regional Planning Agency that affect these goals; and

WHEREAS, As a necessary corollary to this vital concern and for the protection of Lake Tahoe, the Legislature of the State of Nevada is also concerned with the role and efforts of those federal and state agencies that have authority to regulate activities in the Lake Tahoe Basin and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and

WHEREAS, Subcommittees of the Legislative Commission have successfully reviewed the programs and activities of the Tahoe Regional Planning Agency on previous occasions; and

WHEREAS, Senate Concurrent Resolution No. 16 of the 70th Legislative Session directed the Legislative Commission to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency; and

WHEREAS, The review and oversight of the programs and activities of the Tahoe Regional Planning Agency and the role of each federal and state agency having authority and responsibility in the Lake Tahoe Basin continue to be necessary to ensure the proper functioning of those agencies; and

WHEREAS, It is vital to remain in communication with members of the Legislature of the State of California to continue to achieve the goals set forth in the Tahoe Regional Planning Compact; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency and each federal and state agency having authority to regulate activities in the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to:

1. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency; and

2. Study the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin, including, without limitation, their role in the protection of Lake Tahoe and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to communicate with members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Executive Director of the Tahoe Regional Planning Agency, each member of the California delegation to the Tahoe Regional Planning Agency, the President pro Tempore of the Senate of the State of California and the Speaker of the Assembly of the State of California.