



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] 218E.555)

SUMMARY MINUTES AND ACTION REPORT

The fifth 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, July 15, 2016, at 1 p.m. in the Boardroom of the Tahoe Regional Planning Agency, 128 Market Street, Stateline, Nevada. The "Summary Minutes and Action Report," the "Meeting Notice and Agenda," and other meeting materials are available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio 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 STATELINE:

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 ABSENT:

Senator David R. Parks

SPECIAL GUESTS IN ATTENDANCE:

Assemblyman Brian Dahle, State of California, Assembly District No. 1
Assemblyman Richard S. Gordon, State of California, Assembly District No. 24

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jennifer Ruedy, Principal Research Analyst, Research Division
Eileen G. O'Grady, Chief 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—OPENING REMARKS AND INTRODUCTION OF GUEST CALIFORNIA STATE LEGISLATORS

Chair Kieckhefer called the meeting to order. He welcomed special guests, California Assemblymen Brian Dahle and Richard Gordon, who joined the Committee at the dais.

Assemblymen Dahle and Gordon shared brief remarks concerning their interest in Lake Tahoe and the Committee.

AGENDA ITEM II—PUBLIC COMMENT

Chair Kieckhefer called for public comment; however, no testimony was presented.

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON MAY 26, 2016, IN INCLINE VILLAGE, NEVADA

MOTION: Senator Settelmeyer moved to approve the minutes of the meeting held on May 26, 2016, in Incline Village, Nevada. The motion was seconded by Assemblyman Sprinkle and passed unanimously.

AGENDA ITEM IV—UPDATE ON THE BISTATE EFFORTS OF CALIFORNIA AND NEVADA TO ACHIEVE THE GOALS SET FORTH IN THE TAHOE REGIONAL PLANNING COMPACT

Leo M. Drozdoff, P.E., Director, State Department of Conservation and Natural Resources (SDCNR), and John Laird, Secretary, California Natural Resources Agency, briefed the Committee on collaborative, bistate efforts to achieve the goals set forth in the Tahoe Regional Planning Compact.

The following topics were discussed:

- Tree mortality and forest health;
- The Tahoe Science Advisory Council;
- The Lake Tahoe Restoration Act of 2015;
- The Regional Transportation Plan update;
- The Total Maximum Daily Load (TMDL) Program;
- The development of a new shoreline plan for Lake Tahoe;

- Federal formula funding for transportation in the Lake Tahoe Basin;
- Nevada’s priorities with the Lake Tahoe Environmental Improvement Program;
- California and Nevada funding for the Lake Tahoe Aquatic Invasive Species (AIS) Program;
- Companion legislation triggered by Nevada Senate Bill 271 (Chapter 530, *Statutes of Nevada 2011*)—Senate Bill 229 (Chapter 424, *Statutes of Nevada 2013*) and California S.B. 630 (Chapter 762, *Statutes of 2013*); and
- California funding streams for projects in the Lake Tahoe Basin—S.B. 630, Proposition 1 (Chapter 188, *Statutes of 2014*), cap-and-trade funding, and transportation allocations.

Mr. Drozdoff and Mr. Laird conveyed that among the shared priorities of the two states, a major focus is to improve transportation in the Lake Tahoe Basin.

AGENDA ITEM V—UPDATE ON THE ACTIVITIES OF THE TAHOE REGIONAL PLANNING AGENCY (TRPA)

Joanne S. Marchetta, Executive Director, TRPA, discussed the major priorities of the TRPA Governing Board, which include:

- Resource management—AIS control and forest fuels reduction;
- The Regional Transportation Plan update—focusing on trails, transit, and technology;
- Recreational access to Lake Tahoe—developing a consensus-based plan to increase boat access with shoreline development; and
- Environmental redevelopment/community revitalization—increasing the rate of change with a streamlined permitting process, online tools, and a development rights initiative.

There was discussion concerning biomass facilities, the Lake Tahoe Passenger Ferry Project, and the U.S. Highway 50/South Shore Community Revitalization Project.

AGENDA ITEM VI—DISCUSSION OF WATER QUALITY WITHIN THE LAKE TAHOE BASIN RELEVANT TO THE IMPLEMENTATION OF THE LAKE TAHOE TOTAL MAXIMUM DAILY LOAD PROGRAM

Jennifer Carr, P.E., Deputy Administrator, Administrative Services and Water Programs, Division of Environmental Protection, SDCNR, and Patty Kouyoumdjian, Executive Officer, Lahontan Regional Water Quality Control Board, California Environmental Protection Agency,

gave a joint presentation on the TMDL Program, which is restoring the clarity of Lake Tahoe through the control of fine sediment particles ([Agenda Item VI](#)).

There was discussion concerning Secchi disk measurements and the goal of reaching 97.4 feet in lake clarity; the existing condition is 73 feet.

AGENDA ITEM VII—DISCUSSION OF PROGRAMS RELATED TO AQUATIC INVASIVE SPECIES IN THE LAKE TAHOE BASIN

Dennis Zabaglo, Aquatic Resources Program Manager, TRPA, provided an overview of the Lake Tahoe AIS Program ([Agenda Item VII A](#)). He noted accomplishments of the Program's prevention, early detection/rapid response, and control activities—there are no new invasions of AIS to report and existing AIS have been controlled in certain areas of the lake. Mr. Zabaglo mentioned \$11 million is needed for new control projects associated with the Comprehensive Implementation Plan for the Control of Aquatic Invasive Species within Lake Tahoe (Implementation Plan).

There was discussion concerning the current 50/50 (approximate) cost share for the AIS Program, which is split between boater fees and state allocations from California and Nevada.

Sudeep Chandra, Ph.D., Associate Professor of Limnology and Conservation Ecology, and Associate Director, Castle Lake Environmental Research and Education Program, Biology Department, College of Science, University of Nevada, Reno, gave a presentation on the Implementation Plan, which is a science-based framework that identifies feasible AIS control options for Lake Tahoe ([Agenda Item VII B](#)). He explained that certain species and sites have been prioritized for control and removal efforts over the next three to five years.

There was discussion concerning:

- The decision to prioritize the eradication of Asian clams in Emerald Bay;
- Physical methods of removing large, warmwater fish—gillnets and electroshocking;
- Tools not currently allowed in Lake Tahoe—pesticides, herbicides, and the introduction of other species; and
- Possible alternatives to using chemical agents, such as directing ultraviolet light onto certain species.

AGENDA ITEM VIII—OVERVIEW OF THE TAHOE SCIENCE ADVISORY COUNCIL

Zachary Hymanson, Program Officer, Tahoe Science Advisory Council, California Natural Resources Agency, provided an overview of the bistate Tahoe Science Advisory Council ([Agenda Item VIII A-1](#)), which was established through a memorandum of understanding (MOU) between California and Nevada for purposes of promoting and enhancing the best science available on matters of mutual interest to both states ([Agenda Item VIII A-2](#)).

There was a brief conversation pertaining to Nevada's participation with the MOU.

AGENDA ITEM IX—UPDATE ON PLAGUE DETECTION ACTIVITIES RELATED TO THE FALLEN LEAF LAKE CAMPGROUND OPERATIONS

Jeff Marsolais, Forest Supervisor, Lake Tahoe Basin Management Unit, Region 5, United States Forest Service, briefed the Committee on screening and detection activities that preceded the closure of Fallen Leaf Campground from June 27, 2016, through June 30, 2016. He noted health officials recommended closure of the campground after an elevated risk of the plague was detected at the facility; burrows and holes were treated for fleas during the time of closure and visitors were directed to other camping locations.

Discussion ensued on the coordinated efforts of federal, state, and local agencies to protect the public from the disease.

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

Forest Schafer, Forester, North Lake Tahoe Fire Protection District, discussed the events that led up to the bankruptcy of the Nevada Fire Safe Council and the legal proceedings involved with the remaining debt of over \$2.7 million owed to contractors.

He discussed:

- The \$1.4 million subrecipient fund that is detailed in the settlement offer ([Agenda Item X A-1](#));
- The opposition to the settlement offer, filed by fire protection districts in the Lake Tahoe Basin ([Agenda Item X A-2](#)); and
- The Committee's letter sent to Nevada's Congressional Delegation, which requests information on the accounting methodology used by the U.S. Department of Justice (DOJ) to determine the amounts to be paid to contractors ([Agenda Item X A-3](#)).

Mr. Schafer said the DOJ has provided assurances that it will submit a full accounting by the August 1, 2016, status conference; the settlement hearing is scheduled for August 29, 2016.

Senator Settelmeyer requested a status update on this issue at the Committee's next meeting. He said he is particularly interested in learning how creditors, who did not claim anything on the claims register ([Agenda Item X A-4](#)), have been awarded tens of thousands of dollars.

AGENDA ITEM XI—PUBLIC COMMENT

Steve Teshara, Principal, Sustainable Community Advocates, commented on the Tahoe Fire and Fuels Team and noted the region may receive \$29 million in grant funding for forest fuels reduction and planning efforts through Round 16 of the Southern Nevada Public Land Management Act.

Assemblymen Dahle and Gordon expressed their appreciation for being included at the the meeting.

Chair Kieckhefer noted that, due to a scheduling conflict, the last Committee meeting of the interim will be rescheduled from August 17, 2016, to a date that has yet to be determined.

AGENDA ITEM XII—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4: 09 p.m.

Respectfully submitted,

Lisa Gardner
Senior Research Secretary

Jennifer Ruedy
Principal Research Analyst

APPROVED BY:

Senator Ben Kieckhefer, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
<u>Agenda Item VI</u>	Jennifer Carr, P.E., Deputy Administrator, Administrative Services and Water Programs, Division of Environmental Protection, State Department of Conservation and Natural Resources	Microsoft PowerPoint Presentation
<u>Agenda Item VII A</u>	Dennis Zabaglo, Aquatic Resources Program Manager, Tahoe Regional Planning Agency	Microsoft PowerPoint Presentation
<u>Agenda Item VII B</u>	Sudeep Chandra, Ph.D., Associate Professor of Limnology and Conservation Ecology, and Associate Director, Castle Lake Environmental Research and Education Program, Biology Department, College of Science, University of Nevada, Reno	Microsoft PowerPoint Presentation
<u>Agenda Item VIII A-1</u>	Zachary Hymanson, Program Officer, Tahoe Science Advisory Council, California Natural Resources Agency	Microsoft PowerPoint Presentation
<u>Agenda Item VIII A-2</u>	Zachary Hymanson, Program Officer, Tahoe Science Advisory Council, California Natural Resources Agency	Memorandum of Understanding
<u>Agenda Item X A-1</u>	Jennifer Ruedy, Principal Research Analyst, Legislative Counsel Bureau (LCB)	Settlement Offer
<u>Agenda Item X A-2</u>	Jennifer Ruedy, Principal Research Analyst, LCB	Opposition to Settlement Offer
<u>Agenda Item X A-3</u>	Jennifer Ruedy, Principal Research Analyst, LCB	Committee Letter
<u>Agenda Item X A-4</u>	Jennifer Ruedy, Principal Research Analyst, LCB	Claims Register

The “Summary Minutes and Action Report” are supplied as an informational service. Copies of all meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or (775) 684-6827.