

Legislative Committee  
for the  
Review and Oversight of the  
Tahoe Regional Planning Agency  
and the Marlette Lake Water System



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

**BULLETIN NO. 05-19**

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## SUMMARY OF RECOMMENDATIONS

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

*(Nevada Revised Statutes 218.53871)*

The following is a summary of the recommendations approved during the 2003-2004 Legislative Interim by the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. Requests for bill drafts will be submitted to 73rd Session of the Nevada Legislature for its consideration in 2005.

#### **RECOMMENDATIONS PERTAINING TO THE MARLETTE LAKE WATER SYSTEM**

##### **Recommendation Resulting in Legislation**

1. Request legislation that would add language to the Marlette Lake Water System statutes (NRS 331.160 through 331.180) authorizing the sale of revenue or general obligation bonds to fund capital improvement projects associated with the Marlette Lake Water System. **(BDR 309)**

##### **Recommendation Not Requiring Legislation**

2. Transmit a letter to the Tahoe Regional Planning Agency (TRPA) Governing Board requesting its expeditious review of the Marlette Lake Water System project application (for improvements to that portion of the system within the Lake Tahoe Basin) and related Environmental Improvement Statement (EIS).

#### **RECOMMENDATIONS PERTAINING TO THE TAHOE REGIONAL PLANNING AGENCY**

##### **Recommendations Resulting in Legislation**

3. Request legislation that would release the next phase of bonds in an amount of \$16.8 million to fund the Nevada's portion of the Environmental Improvement Program (EIP) for the 2005-2007 Biennium. The preliminary list of projects that will be submitted for consideration with this legislation includes \$14 million for grants to local jurisdictions and the Nevada Department of Transportation for water quality projects, \$650,000 for continuation of forest restoration projects at Lake Tahoe Nevada State

Park, \$1.5 million for certain stream restoration projects, and \$650,000 for project contingencies. **(BDR 308)**

4. Express, by resolution, support for the Healthy Forests Initiative by calling upon United States Congress, President George W. Bush, and Secretary Ann Veneman, U.S. Department of Agriculture, to fund the Healthy Forests Restoration Act of 2003 (Public Law 108-148), and other program authorities to address forest fuel reduction and desired future conditions for ecological forest health at Lake Tahoe. **(BDR 310)**

## **Recommendations Not Requiring Legislation**

### Budget-related Issues

5. Recommend that the Nevada Legislature's "Money Committees" (Senate Finance and Assembly Ways and Means) place restrictions on the Nevada portion of TRPA's budget to ensure successful completion of a series of specific performance objectives as defined by the Oversight Committee:
  - a) Necessary coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; completion of those portions of the Lake Tahoe Basin Fire Plan for which TRPA is responsible and has control; and demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a Memorandum of Understanding (MOU) with the Tahoe Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District;
  - b) Letter from the TRPA Executive Director to the TRPA Governing Board recommending that the four principles of public safety identified in John Singlaub's memo to the Board on February 17, 2004, be incorporated into the Pathway 2007 Regional Plan;
  - c) Adoption of a rule or policy by TRPA to address the issue of ex-parte communication (as described on pages 14 and 15 of the 2004 Strategica Report titled: *Independent Program/Operational Review of the Tahoe Regional Planning Agency*), including some form of disciplinary result if the rule or policy is violated;
  - d) Involvement of local government and private sector representatives (who are partners in implementing the EIP) as active and collaborative participants in the Pathway 2007 Regional Plan; and
  - e) Establishment of certain qualifications for the Regional Transit Staff position requested by TRPA in its special budget requests.

No later than February 1, 2005, TRPA will be directed to report to the Committee on its progress in meeting these objectives. No appropriated funds shall be withheld without first providing TRPA an opportunity to discuss the issue with the Committee.

6. Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of several special budget requests by the TRPA for the 2005-2007 Biennium. These requests will be included in TRPA's budget, for consideration by the Legislature in 2005.
  - a) Computer System Update - TRPA will request a total appropriation of \$138,500 from the State of Nevada (\$87,500 in Fiscal Year [FY] 05-06 and \$51,000 in FY 06-07) to be matched with a request for \$277,000 from the State of California.
  - b) GIS Parcel-Based Automated Permit System – TRPA will request an appropriation of \$300,000 from the State of Nevada (in FY 06-07) to be matched with a request for \$600,000 from the State of California.
  - c) Pathway 2007: Phase III Regional Plan – TRPA will request an appropriation of \$200,000 from the State of Nevada (in each year of the biennium) to be matched with \$400,000 from the State of California to fund Phase III of the Regional Plan (commonly referred to as Pathway 2007). In addition to this appropriation, TRPA is requesting that this amount become part of TRPA's annual base budget, as was previously done by the State of California for its share (\$400,000 annually).
  - d) Regional Program Management Approach for EIP – TRPA will request an appropriation of \$144,500 (in each year of the biennium) from the State of Nevada to be matched with \$289,000 from either Federal or State of California funding (if Nevada will accept a Federal matching source), to support staff needed to facilitate or coordinate project development and regional capital programming for EIP projects from project planning through permitting and bidding phases.
  - e) Salary Comparability – TRPA is requesting an appropriation of \$88,000 from the State of Nevada (in FY 05-06) to be matched with a request for \$176,000 from the State of California, to maintain TRPA's salary comparability with other Nevada and California state agency salaries.
  - f) Funding for Regional Transit Staff to Assist TRPA and the Tahoe Transportation District (TTD) –TRPA will request an appropriation of \$120,000 from the State of Nevada (in each year of the biennium) to be matched with a request for \$240,000 from Federal funding sources, to fully fund a regional transit staff position and its administration.

#### Public Health and Safety / Fire Prevention

7. Transmit a letter to the TRPA Governing Board encouraging TRPA's (a) coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; (b) completion of those portions of the Lake Tahoe Basin Fire Plan for which TRPA is responsible and has control; and (c) demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a MOU with the Tahoe Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District.
8. Transmit a letter to local fire districts and fire-related entities in the Lake Tahoe Basin supporting the intent of the current MOU between the TRPA and the North Lake Tahoe Fire Protection District regarding defensible space, and encouraging other similar MOUs on the Nevada side of the Lake Tahoe Basin.
9. Transmit a letter to the Lahontan Water Quality Control Board and the U.S. Forest Service encouraging their full participation and cooperation in the Fuels Management Action Plan, the subsequent Lake Tahoe Basin Fire Plan, and related fuels reduction programs in the Lake Tahoe Basin.

#### Pathway 2007 Regional Plan and Environmental Improvement Program

10. Transmit a letter to the TRPA Governing Board recommending that TRPA evaluate and update the projected cost of completing the EIP.
11. Transmit a letter to the TRPA Governing Board, Governor Kenny Guinn, the State Department of Conservation and Natural Resources, and local governments in the Lake Tahoe Basin requesting an evaluation of possible funding mechanisms for maintenance of completed EIP projects, including the possibility of a regional revenue source.

#### Other Recommendations

12. Transmit a letter to the TRPA Governing Board urging it to exercise the lease option for purchase of the existing TRPA building, and expressing the Oversight Committee's support to maintain the Agency's location in Nevada.
13. Transmit a letter to the U.S. Department of Housing and Urban Development:
  - a) Expressing support for the creation of a bi-state Community Housing Development Office to facilitate and implement efforts to provide affordable housing within the Lake Tahoe Basin;

- b) Requesting the Department's active participation in the Federal Interagency Partnership on the Lake Tahoe Ecosystem and the Lake Tahoe Federal Advisory Committee; and
  - c) Expressing support for the Department's efforts to include the relevant Nevada and California housing agencies as joint participants in the housing programs in the Lake Tahoe Basin.
14. Transmit a letter to members of Nevada's Congressional Delegation requesting necessary language in the upcoming Federal transportation reauthorization bill that would provide Federal urban transit operating assistance to the Tahoe Metropolitan Planning Organization.
15. Transmit a letter to Secretary Gale Norton, U.S. Department of Interior, urging approval of Federal funding from land sales through the Southern Nevada Public Lands Management Act in support of an effort that would allow public agencies to acquire the Ponderosa Ranch at Incline Village, Nevada.



**REPORT OF THE LEGISLATIVE COMMITTEE FOR  
THE REVIEW AND OVERSIGHT OF  
THE TAHOE REGIONAL PLANNING AGENCY AND  
THE MARLETTE LAKE WATER SYSTEM**  
*Nevada Revised Statutes (NRS) 218.53871*

**I. INTRODUCTION**

The 72nd Session of the Nevada Legislature enacted Senate Bill 216 (Chapter 408, *Statutes of Nevada 2003* and codified as NRS 218.53871), creating a permanent statutory committee to provide oversight and review of the budget, programs, activities, responsiveness, and accountability of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System. The bill further directed the Legislative Commission to appoint three members of the Senate and three members of the Assembly to the Oversight Committee, chosen with regard to their experience with and knowledge of matters relating to the management of natural resources, and appointed to provide representation from various geographic regions of the State. (See Appendix A)

In previous interims, review and oversight of the TRPA and Marlette Lake Water System was conducted by two separate committees. The Marlette Lake Water System Advisory Committee was a permanent committee authorized by NRS 331.165, repealed by S.B. 216. The Committee to Continue the Review of Programs and Activities in the Lake Tahoe Basin (including the TRPA) was authorized as an interim study during each Legislative Session except one since 1985. With passage of S.B. 216, the permanent, statutory Oversight Committee was created with responsibility for both the Marlette Lake Water System and the TRPA.

**A. Committee Members and Staff**

The Legislative Commission appointed the following six members to the Oversight Committee:

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

Staff services from the Legislative Counsel Bureau (LCB) were provided by:

Linda Eissmann, Senior Research Analyst;  
Eileen O'Grady, Principal Deputy Legislative Counsel; and  
Nenita Wasserman, Senior Research Secretary.

## **B. Meetings and Recommendations**

The Oversight Committee held five meetings, including a work session, during the 2003-2004 Legislative Interim. All meetings were open to the public, and three were conducted through simultaneous videoconferences between the Legislative Building in Carson City and the Grant Sawyer State Office Building in Las Vegas. Two other meetings were held in the Lake Tahoe Basin where videoconferencing was not available. Additionally, the Oversight Committee participated in an informational tour of the Marlette Lake Water System, which included a demonstration of the fish spawning program by Nevada's Department of Wildlife at Marlette Lake and an overview of several Environmental Improvement Program (EIP) projects by representatives of the Divisions of Forestry, State Lands, and State Parks within the State Department of Conservation and Natural Resources.

The meetings addressed a variety of issues, programs, and activities pertaining specifically to the TRPA and Marlette Lake Water System, and relating generally to the Lake Tahoe Basin and the Carson Range. As a result of these hearings, the Oversight Committee adopted 15 recommendations, including three recommendations for bill drafts, for consideration by the 2005 Legislature. The recommendations address the following major topics:

- Improvements to the Marlette Lake Water System;
- Nevada's ongoing participation in the EIP, including completion and ongoing maintenance of the EIP projects;
- Status of the Pathway 2007 – Regional Plan update;
- Various funding needs of the TRPA;
- Public health and safety issues, particularly those relating to fire prevention and forest fuels reduction in the Lake Tahoe Basin; and
- Meaningful oversight by the Committee of TRPA policies and activities.

## **II. OVERVIEW OF THE TAHOE REGIONAL PLANNING COMPACT**

Several previous reports of the former TRPA and Marlette Lake Water System legislative committees contain extensive background information and recommendations. Copies of these reports are available through the LCB Publications Office at (775) 684-6835.

The following is a brief summary of select topics that may be of special interest.



## **A. History and Major Elements of the Bistate Compact**

### **Creation of the Bistate Compact**

In the 1960s, Nevada Governor Paul Laxalt and California Governor Ronald Reagan began discussing how best to address bistate issues in the Lake Tahoe Basin. California Assemblyman Edwin L. Z'Berg and Nevada State Senator Coe Swobe carried the resulting legislation in each state.

Senator Swobe based Nevada's legislation on: (1) a California proposed draft; (2) participation in more than 30 meetings with public and private interests; and (3) the review and modification of five preliminary drafts.

In February 1968, Governor Laxalt called a Special Session of the Nevada Legislature to consider the proposals to create a Bistate Compact between the States of Nevada and California. After a joint hearing of four Senate and Assembly committees, and 19 days of additional testimony and amendments, Senate Bill 9 was approved by the Legislature and signed by the Governor on February 23, 1968. The President signed federal legislation ratifying the Bistate Compact on December 18, 1969.

### **Efforts to Revise the Compact – 1975 through 1979**

Several provisions in the original Compact resulted in serious controversy as it was being implemented. The basic structure of the Governing Board and a voting system that considered a project approved unless a majority of the members from each state voted to deny it, proved unworkable in achieving several of the Compact's objectives. Additionally, specific controversy arose over the location and control of gaming in the Basin, as well as inadequate requirements for establishing planning standards and criteria for environmental evaluations.

From 1975 to 1979, each state unilaterally attempted to prepare compact revisions that would be acceptable to the other state. Nevada enacted its proposal in 1975, California developed amendments in 1976, and Nevada proposed a different set of amendments in 1977. Each attempt was rejected by the other state.

Between 1977 and 1979, representatives of Nevada Governor Mike O'Callaghan and California Governor Jerry Brown began working on draft proposals to revise the Compact. This effort formed the starting point for legislative negotiations.

Before the 1979 Legislative Session, a Special Committee of 13 Nevada legislators was appointed to work on revisions to the Compact with their counterparts in California. This Special Committee, under the chairmanship of Assembly Speaker Joseph E. Dini Jr., met 18 times to debate the issue, and met another eight times for direct negotiations with California legislators. Thirteen redrafts of different portions of the Compact were exchanged between the states during this time.

As Nevada's legislative session neared adjournment in 1979, several substantive points had not reached agreement. On session's closing day, Nevada enacted Assembly Bill 503 without obtaining California's agreement on these points. The California Legislature subsequently rejected the Nevada bill.

#### *Amendment of the Bistate Compact in 1980*

In late 1979, attempts were renewed to resolve the remaining issues associated with revision of the Compact. Nevada Senator Thomas "Spike" Wilson and Speaker Joseph (Joe) E. Dini, Jr. began discussions with California Senator John Garamendi and Assemblyman Victor Calvo.

Through numerous meetings, conference calls, and work sessions, 15 different drafts exchanged hands between the two states. On August 25 and 26, 1980, the California Legislature enacted revisions to the Compact. Once Governor Brown signed the bill, Governor Robert List called a special session of the Nevada Legislature. On September 12, 1980, the Nevada Legislature met as a Special Committee of the Legislative Commission. On September 13, they enacted the bill and the measure was signed by the Governor.

Congress passed a bill ratifying the amended Compact on December 4, 1980. It was signed by the President on December 19, 1980.

#### *Further Proposals to Amend the Compact*

Since 1980, additional modifications to the Compact were attempted. One bill was approved in each of Nevada's 1981, 1983, and 1985 Legislative Sessions. In 1987, Nevada passed Assembly Bill 5, which combined the previous measures and conformed them with relevant California legislation. The major proposed change was with the structure of Nevada's delegation to the TRPA Governing Board.

Bills to ratify this amendment were introduced in Congress in 1987, but no action was taken. Nevada subsequently adopted resolutions in 1989, 1991, 1993, and 1995 urging Congress to ratify the proposed amendment. To date, Congress has taken no action.

#### *Modification of the Compact in 1997*

Article IX of the Bistate Compact establishes the Tahoe Transportation District (TTD) and authorizes amendment of these provisions by joint actions of the two states without Congressional ratification. In 1997, the states agreed to modify the structure and authorities of the TTD to provide for expanded public-private cooperative activities.

### **B. Major Elements of the Bistate Compact**

The following outlines major elements of the Tahoe Regional Planning Compact.

### General Policy

The “Findings and Declarations of Policy” described in Article I highlight the Lake Tahoe Basin’s unique environmental and ecological values while simultaneously addressing opportunities for orderly growth and development consistent with the Basin’s environmental threshold carrying capacities.

### Governing Body and Voting Structure

The TRPA Governing Board and its relatively complicated voting structure are described in Article III of the Compact. The Governing Board consists of 14 members (seven from each state). A dual majority (at least four members from each state) is required to act upon environmental threshold carrying capacities, the regional plan, ordinances, rules, regulations, and variances. Approval of a project requires the affirmative vote of at least five members from the state in which the project is located and at least nine members of the overall Governing Board. A simple majority is required to undertake routine business.

### Major Planning-Related Requirements

Planning requirements of the TRPA are outlined in Article V. In summary, the TRPA is directed to adopt:

1. Environmental threshold carrying capacities (defined on the following page);
2. A regional plan which, at a minimum, achieves and maintains the adopted environmental threshold carrying capacities; and
3. The ordinances, rules, and regulations necessary to effectuate the adopted regional plan.

### Agency Funding

Local governments pay a portion of the TRPA annual budget, apportioned as outlined in Article VIII. State funding is also described. Specifically, the Compact directs the TRPA to request state funding in the proportion of two-thirds from California and one-third from Nevada. While the actual state appropriations have usually approximated this ratio, several instances exist in which the formula was not observed.

### Other Relevant Provisions

Among the Compact’s other provisions are:

- A series of definitions explaining relevant terminology is contained in Article II. One of the terms defined in the Compact that is particularly unique to the Compact and the activities of the TRPA is “Environmental threshold carrying capacity,” which means “an

environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation, and noise.”

- The TRPA’s powers are defined in Article VI, including (a) its ability to adopt ordinances, rules, and regulations necessary to effectuate the regional plan; (b) its project approval responsibilities (as well as those relating to casinos); (c) the venue for appropriate legal actions; (d) records management; and (e) the Agency’s ability to enter into contracts and agreements.
- Environmental Impact Statements are required before the TRPA may act upon matters having significant effect on the environment, as described in Article VII.
- The TTD is established and its powers are defined in Article IX.

### **III. OVERVIEW OF THE MARLETTE LAKE WATER SYSTEM**

#### **A. Historical Background**

To appreciate the historical significance of the Marlette Lake Water System, it is important to understand its historic context.

The Comstock Lode, one of the richest mining areas in the world, was discovered in 1859 on the eastern flank of Mount Davidson in the Virginia Range. The Virginia Mining District was the first mining district organized in western Utah Territory, and Virginia City was one of the greatest mining towns of its day. Together with nearby Gold Hill and Silver City, these three towns supported large populations in the 1860s, 1870s, and 1880s.

Providing water to the mining towns on the Comstock posed a serious problem in early Nevada. Originally, several nearby springs and streams fed a series of tunnels, flumes, pipes, ditches, and reservoirs. By the early 1870s, however, these supplies of water had become inadequate to support the growing population.

The Virginia and Gold Hill Water Company decided in August 1871, to develop a water system stretching more than 21 miles west to the Carson Range – part of the Sierra Nevada. Surface water was plentiful in the Carson Range, but the key was bringing water out of the western mountains, across the Washoe Valley, and back up the Virginia Range to Virginia City (at an elevation of 6,620 feet). The solution was an inverted siphon pressure pipeline designed by Hermann Schussler, a German-born engineer from San Francisco.

In August 1873, the first water from Hobart Creek in the Carson Range reached Virginia City and Gold Hill. Wild celebrations by residents of the area reverberated up and down the surrounding canyons and mountainsides.

Originally, the system included several components: (1) a small diversion dam on upper Hobart Creek at Red House; (2) a 4.62-mile wooden flume to a tank that marked the start of the pipeline, at an elevation 351 feet higher than the outlet end of the pipeline in the Virginia Range; (3) a riveted, wrought iron, 11½-inch pressure pipeline extending 7 miles down to the lowest point on the system at Lakeview (at the south end of Washoe Valley) and back up to the high point in the Virginia Range; (4) a 4.04-mile flume to a point where Five-Mile Reservoir was constructed; and (5) a 5.66-mile flume to tanks located above Virginia City and Gold Hill.

The pipe for the system was made of iron plates bent to a cylindrical shape and then riveted. The pipe was fabricated in San Francisco and shipped by train to Lakeview. It came in 26-foot sections and the thickness of each pipe segment varied depending on where engineering calculations showed differences in internal pressure. The first pipe segments were laid on June 11, 1873, and in just six weeks, the last section was in place on July 25, 1873. There were 1,524 joints in the pipeline; 1 million rivets and 35 tons of lead caulk were used in its installation.

In 1875, a second flume/pipeline was installed adjacent to the first, to double the original maximum production of 2.2 million gallons per day. Unfortunately, the flow of water in summer months from the Hobart drainage dwindled to only 700,000 gallons per day. An additional water source was needed.

During the time the original pipeline was constructed, a lumbering enterprise in the Carson Range created a small reservoir in the Marlette Basin above Lake Tahoe at an elevation of 8,000 feet. Originally named Goodwin Lake, it was renamed Marlette Lake, honoring Seneca Hunt Marlette, the first Surveyor General of the State of Nevada. The water collected in Marlette Lake was to be used for fluming purposes, to send logs through a six-inch V-flume south to Spooner Summit, then down the Clear Creek main flume to a lumberyard south of Carson City.

In 1876, the Virginia and Gold Hill Water Company received permission to draw water from Marlette Lake. The dam was raised to 37 feet high, 213 feet long, and 16 feet wide at the crest.

A covered box flume was constructed from Marlette Lake north along the mountainside above Lake Tahoe, to the west portal of a 3,994-foot tunnel driven through the granite ridge dividing the Lake Tahoe drainage from the Hobart Creek drainage. A secondary flume north of the tunnel captured water from many small creeks on the west side of the mountain, bringing the water to the tunnel to join with the flow from Marlette Lake.

With this increased water availability, a storage reservoir was needed on Hobart Creek to regulate the discharge of water and Hobart Reservoir was created.

In 1877, a third pressure pipe was installed in substantially the same location as the first two pipes. When completed, the water system included three reservoirs, a total of 21 miles of pressure pipes, approximately 46 miles of covered box flume, several structures, and one three-quarter mile tunnel. The total investment in the water system exceeded \$3.5 million.

With the decline of the Comstock in the years and decades to come, the fortunes of the water system suffered. In 1933, the water company's name was changed to the "Virginia City Water Company." By 1941, the company started to remove parts of the first (1873) and third (1887) pipelines to replace the flume between Five-Mile Reservoir and Virginia City. Continued failures in the aging pipeline and a lack of funds caused the company to sell the water system to Curtiss-Wright Corporation in 1957. That corporation planned to use water from the system for a proposed missile test site on lands it owned in Storey County. However, the contract for the missile testing program was never approved. After making certain improvements to the system, Curtiss-Wright subsequently sold it to the Marlette Lake Company. In 1963, the Marlette Lake Company offered to sell the water system to the State of Nevada for \$1.65 million of the State's general obligation bonds. Included in the sale approved by the 1963 Legislature were water rights, over 5,300 acres of land, easements, pipelines, flumes, the Red House structures, the caretaker's house at Lakeview (Lakeview House, 1873), and other water facilities. Administration of the system was assigned to Nevada's Department of Administration.

For many years, the State of Nevada was able to provide water to its Capitol Complex and the maximum security prison, in addition to the water it continued to provide to Virginia City. Subsequently, the State began selling water to Carson City, particularly during periods of peak demand.

Other notable dates in the history of the Marlette Lake Water System include:

- The tunnel carrying water from Marlette Lake to the east portal collapsed in 1957. Efforts by the State of Nevada to re-excavate the tunnel failed.
- In 1959, Marlette Dam was raised 15 feet, thus increasing the capacity in Marlette Lake to over 4 billion gallons (11,800 acre-feet).
- The wooden flume from the east portal to Red House was replaced with a pipeline in 1968.
- A diesel pump was installed at Marlette Lake in 1966, to pump water over a drainage divide to the Hobart Reservoir drainage.
- In 1974, a contract was signed between the State of Nevada and Storey County to ensure the supply of water by the State to Virginia City, Silver City, and Gold Hill on a

continuing basis, and to convey from the State to Storey County the siphon system and relevant rights-of-way east of Highway 395 at Lakeview.

## **B. Current Condition**

Currently, most of the water provided by the Marlette Lake Water System to Carson City, Gold Hill, Silver City, and Virginia City comes only from Hobart Reservoir. This shallow body of water is not a reliable resource in dry years, and pumping is required from Marlette Lake over a drainage divide into the Hobart Reservoir drainage. During periods of pumping, State personnel must monitor the diesel generator and pump on a 24-hour basis. Also, there are environmental considerations that must be addressed due to the location of Marlette Lake within the Lake Tahoe Basin and under the jurisdiction of the TRPA.

The current diesel pump water delivery system has been found to be seasonal, expensive, environmentally risky, and unreliable. (See photographs contained in Appendix B.) A 2000 study commissioned by the Carson Water Subconservancy District evaluated various alternatives to this supplemental pumping from Marlette Lake. The study pointed out that over the long-term the most cost-effective and environmental sensitive method of conveying water from Marlette Lake to Hobart Reservoir would be to bore a hole through the drainage divide between these two bodies of water.

The four alternatives being evaluated are:

- Alternative 1 – Gravity flow in borehole (two alignments considered);
- Alternative 2 – Re-establish box flume and tunnel from Marlette Lake to the East Portal (gravity flow);
- Alternative 3 – Natural gas-powered pump and pipeline; and
- Alternative 4 – Upgrade the diesel-powered pump and pipeline.

The four alternatives, their preliminary cost estimates, and possible funding sources were discussed with the Oversight Committee during the 2003-2004 interim. Cost estimates vary from approximately \$3.9 million for Alternative 4, to \$12.7 million for Alternative 2. The borehole option (Alternative 1) is estimated to cost about \$11 million, although operating and maintenance costs after construction of the borehole are the lowest among all of the alternatives considered, and long-term environmental concerns are reduced under this option.

#### **IV. SELECT TOPICS DISCUSSED BY THE OVERSIGHT COMMITTEE DURING THE 2003-2004 INTERIM**

The following is a summary of select topics discussed by the Oversight Committee during the 2003-2004 interim. These are the topics that generated the most discussion throughout the interim, and the topics to which most of the Committee's final recommendations apply.

##### **A. Marlette Lake Water System Improvements**

As previously described, a series of alternatives are being evaluated to replace the existing diesel pump water delivery system from Marlette Lake to the Hobart Reservoir drainage. The alternatives, their associated costs, funding prospects, approval procedures, and long-term operation and maintenance needs were discussed at several meetings. The Oversight Committee voiced its support for upgrades to the system and for efforts by the Department of Administration and the Carson Water Subconservancy District to pursue necessary funding.

##### **B. Forest Health and Fire Prevention**

Forest health and fire service programs in the Lake Tahoe Basin have always been significant for the Oversight Committee. Following the Waterfall Fire in Carson City in 2004, the historic fires near San Diego, California, in 2003, and the Gondola Fire near Heavenly Valley in 2002, the prospect of a catastrophic fire in the Lake Tahoe Basin has become a real concern. As a result, the Oversight Committee spent considerable time discussing fire prevention and fire response issues throughout the 2003-2004 interim.

For more than a century, forest management programs have been designed to specifically exclude fire from the Basin's natural ecosystem. Today, the forests of Lake Tahoe are in an undesirable condition due to drought, lack of natural fire, overstocking (too many trees), and beetle infestation. Accumulations of forest fuels have reached a level that requires immediate attention in order to avoid a high intensity catastrophic wildfire. Such a fire would have disastrous, long-term impacts to the environment, Lake Tahoe's clarity, private property, and the economy. The potential danger to public safety is also a serious concern in light of the limited potential for evacuation routes on the often winding and narrow roads in the area.

In March 2004, a Lake Tahoe Wildfire Prevention Forum was organized by U.S. Senator Dianne Feinstein (of California) and California Assemblyman Tim Leslie. The purpose of the meeting was to initiate a basin-wide fire plan that came to be known as the "Fuels Management Action Plan for Lake Tahoe," comprised of community fire plans developed by the seven local fire districts (two of these districts are located on the Nevada side of the Basin). With the plans completed, it is hoped that Lake Tahoe can be one of the first places in the nation to receive a portion of the \$760 million in federal funds provided through the Healthy Forests Restoration Act of 2003. The local community plans are modeled after the North Lake Tahoe Fire Protection District's plan, already in place.



The Oversight Committee expressed its support for completion of the Fuels Management Plan, and particularly those community plans developed in Nevada.

In addition to these planning efforts, the North Lake Tahoe Fire Protection District and the TRPA signed a Memorandum of Understanding (MOU) in 2004, allowing the fire district to issue tree removal permits in an effort to increase defensible space around homes. The Oversight Committee also supported this effort and encouraged the TRPA and the Tahoe-Douglas Fire Protection District at Stateline (the other fire district on the Nevada side of the Basin) to work toward a similar agreement.

### **C. Environmental Improvement Program**

In 1997, the President sponsored a series of events relevant to Lake Tahoe, known collectively as the Lake Tahoe Presidential Forum. Nevada Governor Bob Miller participated in these events, joining the President and others in committing to work together to implement the Environmental Improvement Program (EIP).

Discussed as a major aspect of implementing the agreements reached through the Presidential Forum, the EIP is an integrated procedure for identifying the projects, continuing programs, and studies necessary to achieve environmental goals in the Lake Tahoe Basin. Of special significance has been the EIP's capital improvements element, which outlines specific projects (categorized by environmental threshold) and funding sources. In summary, the total funding for projects basin-wide is \$908 million, while the allocation for projects by the State of Nevada is \$82 million.

At the time Nevada committed to implement its share of the EIP, the State already had \$25.6 million committed toward the EIP, leaving a balance of \$56.4 million. (The sources of the \$25.6 million were a \$20 million erosion control bond in 1996 and \$5.6 million in current projects and programs by various state agencies.) In 1999, the Nevada Legislature enacted Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*), providing for the periodic issuance of up to \$56.4 million in bonds to implement projects in the EIP between 2001 and 2007. The bill also specifically approved the immediate issuance of a \$3.2 million portion of these bonds.

Subsequently in 2001, the Legislature enacted Assembly Bill 177 (Chapter 302, *Statutes of Nevada 2001*), approving \$16.2 million of the bonds. In 2003, the Legislature enacted Senate Bill 46 (Chapter 438, *Statutes of Nevada 2003*), approving \$9.87 million of the bonds.

As described later in this report, the sale of \$16.8 million of the bonds is recommended by the Oversight Committee during the upcoming 2005-2007 Biennium. The recommendation will be forwarded to the 2005 Legislature for approval. This leaves a balance of \$10.33 million in bond funds that will likely be requested in 2007.

#### **D. Pathway 2007 – Regional Plan Update**

The Regional Plan currently enforced by TRPA was adopted in 1987 and is due to be updated by 2007. The new planning process is commonly referred to as “Pathway 2007.” As previously mentioned, the Regional Plan is the document that describes how the environmental thresholds carrying capacities will be achieved and maintained. It is also the document from which the Agency’s ordinances, rules, and procedures are derived.

All nine of the environmental thresholds will be evaluated as part of the Pathway 2007 planning process. The thresholds are evaluated by professionals, researchers, and scientists, to be followed by extensive participation by the public and community stakeholders.

Work on Pathway 2007 started in 2001. The TRPA is working in partnership with the U.S. Forest Service, Lahontan Regional Water Control Board, and the Nevada Division of Environmental Protection of the State Department of Conservation and Natural Resources.

The Oversight Committee heard updates on the status of Pathway 2007, and expressed its support for the process and the involvement of local governments and private entities that share responsibility for funding the EIP at all levels.

#### **E. Funding from the Southern Nevada Public Lands Management Act**

The Southern Nevada Public Land Management Act of 1998 provides for the disposal of public land within a specific area in the Las Vegas Valley. Proceeds from the sale of the land are divided between the State (5 percent), the Southern Nevada Water Authority (10 percent), and a Special Account (85 percent). State funds are deposited in the State Permanent School Fund, where they are held as an endowment for Nevada’s public schools.

Revenue in the Special Account is used for a series of specific purposes, including the acquisition of environmentally sensitive land in Nevada, capital improvements at several federal recreation sites in southern Nevada, and development of a habitat conservation plan and certain recreation facilities in Clark County.

In 2002, the Act was amended to also allow 10 percent of the revenue to be used for various conservation initiatives on federal land in Clark County.

Relevant to Lake Tahoe, however, was another amendment in 2003 (through the Interior Appropriations Act) that makes \$300 million available for certain environmental restoration projects at Lake Tahoe. In August 2004, U.S. Secretary of Interior Gale Norton approved the first installment of \$37 million.

The Oversight Committee heard testimony at several meetings about the status of this federal funding, and expressed its support for Secretary Norton’s approval of the first installment.

## **V. COMMITTEE RECOMMENDATIONS**

The following recommendations are not presented in any priority order, but are numbered for ease of reference.

### **A. Recommendations Pertaining to the Marlette Lake Water System**

#### **Recommendation Resulting in Legislation**

1. Request legislation that would add language to the Marlette Lake Water System statutes (NRS 331.160 through 331.180) authorizing the sale of revenue or general obligation bonds to fund capital improvement projects associated with the Marlette Lake Water System. (BDR #309)

Background: The Director of Nevada's Department of Administration is authorized in statute to establish a water rate structure, which includes recovery, over a reasonable period, of major capital costs of improving and modernizing the System. However, the statute does not appear to allow for financing the improvements (NRS 331.160). Also, the Marlette Lake Water System Fund is an enterprise fund, which must be used for the deposit of revenue resulting from the sale of water and other receipts, and for the payment of operating costs (NRS 331.180). However, it does not allow for repayment of debt service.

#### **Recommendation Not Requiring Legislation**

2. Transmit a letter to the TRPA Governing Board requesting its expeditious review of the Marlette Lake Water System project application (for improvements to that portion of the system within the Lake Tahoe Basin) and related Environmental Improvement Statement (EIS).

Background: A portion of the Marlette Lake Water System is located within the Lake Tahoe Basin. Therefore, approval of the associated EIS is under the jurisdiction of the TRPA.

### **B. Recommendations Pertaining to the Tahoe Regional Planning Agency**

#### **Recommendations Resulting in Legislation**

3. Request legislation that would release the next phase of bonds in an amount of \$16.8 million to fund the Nevada's portion of the EIP for the 2005-2007 Biennium. The preliminary list of projects that will be submitted for consideration with this legislation includes \$14 million for grants to local jurisdictions and the Nevada Department of Transportation for water quality projects, \$650,000 for continuation of forest restoration

projects at Lake Tahoe Nevada State Park, \$1.5 million for certain stream restoration projects, and \$650,000 for project contingencies. (BDR #308)

Background: Implementation of the EIP was estimated in 1997 to cost \$908 million, with \$82 million representing Nevada's share. In each session since 1999, the Legislature has approved a specific bond appropriation to carry out projects identified in the EIP, totaling \$29,270,000 to date, and leaving a balance of \$27,130,000. The current request of \$16.8 million leaves a balance of \$10.33 million that will likely be requested from the 2007 Legislature.

Each of the previous bond appropriation bills were sponsored by the TRPA Oversight Committee.

4. Express, by resolution, support for the Healthy Forests Initiative by calling upon United States Congress, President George W. Bush, and Secretary Ann Veneman, U.S. Department of Agriculture, to fund the Healthy Forests Restoration Act of 2003 (Public Law 108-148), and other program authorities to address forest fuel reduction and desired future conditions for ecological forest health at Lake Tahoe. (BDR #310)

Background: Among the reasons cited in support of the Healthy Forests Restoration Act were the conditions at Lake Tahoe and the assistance it could bring to local communities. Many projects in the EIP are aimed at forest health; however, funding levels have not approached what was envisioned in the EIP. Therefore, immediate funding of the Act and associated programs is needed.

### Recommendations Not Requiring Legislation

#### Budget-related Issues

5. Recommend that the Nevada Legislature's "Money Committees" (Senate Finance and Assembly Ways and Means) place restrictions on the Nevada portion of TRPA's budget to ensure successful completion of a series of specific performance objectives defined by the Oversight Committee. The performance objectives include, but are not limited to:
  - a) Necessary coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; completion of those portions of the Lake Tahoe Basin Fire Plan (evolved from the Fuels Management Action Plan) that TRPA is responsible for and has control over; and demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as an MOU with the Tahoe-Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District;

- b) Letter from the TRPA Executive Director to the TRPA Governing Board recommending that the four principles of public safety identified in Executive Director John Singlaub's memo to the Board on February 17, 2004, (see Appendix C) be incorporated into the Pathway 2007 Regional Plan Update;
- c) Adoption of a rule or policy by TRPA to address the issue of ex-parte communication (as described on pages 14 and 15 of the 2004 report commissioned by TRPA and conducted by Strategica entitled: *Independent Program/Operational Review of the Tahoe Regional Planning Agency*), including some form of disciplinary result if the rule or policy is violated;
- d) Involvement of local government and private sector representatives (who are partners in implementing the EIP) as active and collaborative participants in the Pathway 2007 Regional Plan Update); and
- e) Establishment of qualifications for the Regional Transit Staff position requested by TRPA in its special budget requests (described in Recommendation No. 6(f)) that are equal or similar to those in the proposed qualifications. (See Appendix D)

No later than February 1, 2005, TRPA will be directed to report to the Oversight Committee on its progress in meeting these objectives. No appropriated funds shall be withheld without first providing TRPA an opportunity to discuss the issue with the Committee.

If adopted, further details of this recommendation will be worked out by legislative staff.

Background: Members of the Oversight Committee have expressed concern for a means to ensure meaningful oversight of the budget, programs, activities, responsiveness, and accountability of the TRPA as charged in the Committee's enabling legislation (Senate Bill 216, Chapter 408, *Statutes of Nevada 2003*). With its role as a statutory committee and its ability to meet throughout the year (and during session), it has been suggested that ongoing oversight by this Committee throughout the year is not only possible but desirable.

The performance objectives above correspond to other recommendations described later in the document. The purpose of conditioning TRPA's budget on achievement of these objectives is to focus the Agency on implementing the corresponding recommendations, and to provide the Oversight Committee an opportunity for meaningful oversight in a policy sense.

- 6. Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of several special budget requests by the TRPA for the 2005-2007 Biennium. These requests will be included in TRPA's budget, for consideration by the Legislature in 2005.

Note: Subsequent to this initial action, the Oversight Committee voted on February 9, 2005, to dismiss this specific recommendation. A copy of the Oversight Committee's letter to the Nevada Legislature's Money Committees is available by [clicking here](#).

The special budget requests are as follows:

- a) Computer System Update - TRPA will request a total appropriation of \$138,500 from the State of Nevada (\$87,500 in Fiscal Year [FY] 05-06 and \$51,000 in FY 06-07) to be matched with a request for \$277,000 from the State of California.

Background: The money will be used to implement business system upgrades (including improved office automation and records management needs, as well as increasing costs associated with system maintenance) and enhance the TIIMS/GIS Program\* (including upgraded infrastructure of the regional database, improved viability of web access, and provisions for remote connectivity and use of technology in the field). (\* *TIIMS is the Tahoe Integrated Information Management System. GIS is Geographic Information System.*)

- b) GIS Parcel-Based Automated Permit System – TRPA will request an appropriation of \$300,000 from the State of Nevada (in FY 06-07) to be matched with a request for \$600,000 from the State of California.

Background: The money will be used to streamline the permitting process, integrate GIS capabilities, provide real-time data for Threshold Review, and allow public access to permit status information.

- c) Pathway 2007: Phase III Regional Plan Update – TRPA will request an appropriation of \$200,000 from the State of Nevada (in each year of the biennium) to be matched with \$400,000 each year from the State of California to fund Phase III of the Regional Plan Update. In addition to this appropriation, TRPA is requesting that this amount become part of TRPA's annual base budget, as was previously done by the State of California for its share.

Background: The rationale for ongoing funding is that once the Regional Plan is adopted, continued funding is needed to implement the plan, monitor threshold progress, and make necessary adjustments.

- d) Regional Program Management Approach for EIP – TRPA will request an appropriation of \$144,500 (in each year of the biennium) from the State of Nevada to be matched with \$289,000 each year from either federal or State of California funding (if Nevada will accept a federal matching source), to support staff needed to facilitate or coordinate project development and regional capital programming for EIP projects from project planning through permitting and bidding phases.

Background: Nevada previously approved TRPA's request for the current biennium for three staff positions and contract funds; however, TRPA was unable to utilize the budgeted funds because California did not consider the request. The Agency is

making the request again in the hopes that Nevada will accept matching funds from federal funding sources in the event California is unable to provide the matching funds.

- e) Salary Comparability – TRPA is requesting an appropriation of \$88,000 from the State of Nevada (in FY 05-06) to be matched with a request for \$176,000 from the State of California, to maintain TRPA’s salary comparability with other Nevada and California state agency salaries.

Background: The last comparability analysis and salary adjustment for TRPA staff occurred in 2000 and was funded by both states. The most recent evaluation was performed by BeneComp in June 2004, which recommended an increase of 8 percent across the board in order to maintain TRPA’s salaries comparable with other California and Nevada state employee salaries. In addition to the request in FY 05-06, TRPA requests that this amount be made part of TRPA’s base budget.

- f) Funding for Regional Transit Staff to Assist TRPA and the Tahoe Transportation District (TTD) – Letter of support to Nevada’s Department of Administration and the Nevada Legislature for an appropriation of \$120,000 from the State of Nevada (in each year of the biennium) to be matched with a request for \$240,000 each year from federal funding sources, to fully fund a regional transit staff position and its administration.

Background: The TTD was created in the Tahoe Regional Planning Compact, with authority to implement and fund regional transit. However, the TTD has not had any enabling funds except for what TRPA has been able to provide via staffing from federal funds and mitigation funds. The TRPA is requesting Nevada funds to match federal transportation planning and California transit funds for regional transit system(s) development at Lake Tahoe.

#### Public Health and Safety / Fire Prevention Issues

- 7. Transmit a letter to the TRPA Governing Board encouraging TRPA’s: (a) coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; (b) completion of those portions of the Lake Tahoe Basin Fire Plan (evolved from the Fuels Management Action Plan) that TRPA is responsible for and has control over; and (c) demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a MOU with the Tahoe-Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District.

Background: The threat of catastrophic fire in the Lake Tahoe Basin has long been a subject of discussion and concern, particularly under current drought conditions. Such a fire would have disastrous, long-term impacts to the environment, Lake Tahoe’s clarity, private property, and the economy. The potential danger to public safety is also a serious

concern in light of the limited potential for evacuation routes on the often winding and narrow roads in the area. Additionally, coordination of fire-related plans such as the Fuels Management Action Plan and subsequent Lake Tahoe Basin Fire Plan with entities in both Nevada and California is critical, since wildfire does not respect jurisdictional boundaries. With the recent Waterfall Fire on the east slope of the Carson Range in July 2004, concern for the impact of a catastrophic fire in this area was renewed, including the threat of fire outside the Lake Tahoe Basin that could spread to within the Basin.

In January 2004, TRPA began a planning effort with various stakeholders throughout the Lake Tahoe Basin, to assess the risk of fire in the Basin, to determine desired future conditions of all forest values, to define optimum project solutions that integrate public health and safety goals with environmental threshold goals, to build support and funding for forest improvement projects, and to leverage all available resources and secure necessary collaboration.

8. Transmit a letter to local fire districts and fire-related entities in the Lake Tahoe Basin supporting the intent of the current MOU between the TRPA and the North Lake Tahoe Fire Protection District regarding defensible space, and encouraging other similar MOUs on the Nevada side of the Lake Tahoe Basin.

Background: The North Lake Tahoe Fire Protection District and the TRPA recently signed an MOU allowing the fire district to issue tree removal permits. The purpose of the permit system is to speed the creation of defensible space around homes, and to be a model for other fire districts around the Lake Tahoe Basin.

9. Transmit a letter to the Lahontan Water Quality Control Board and the U.S. Forest Service encouraging their full participation and cooperation in the Fuels Management Action Plan, the subsequent Lake Tahoe Basin Fire Plan, and related fuels reduction programs in the Lake Tahoe Basin.

Background: In addition to local fire districts, the Lahontan Water Quality Control Board (an agency of the State of California) and the U.S. Forest Service (a federal entity responsible for managing 70 percent of the Lake Tahoe Basin forests) are critical players in the fuels reduction program. Their participation and support is critical to forest health throughout the region.

#### Pathway 2007 Regional Plan Update and Environmental Improvement Program

10. Transmit a letter to the TRPA Governing Board recommending that TRPA evaluate and update the projected cost of completing the EIP.

Background: The EIP is designed to expedite achievement of environmental threshold carrying capacities established for the Lake Tahoe Basin, and in turn, to meet the goals of the Regional Plan. Further, the commitment made by the federal government, the States of



California and Nevada, local governments, and the private sector to undertake the EIP projects is significant, at \$908 million.

The projected cost of the EIP was estimated in 1997. Over time, the amount of money necessary to complete the full list of EIP projects has increased due to actual construction costs, inflation, availability of materials and required expertise, and other related factors. Testimony indicated the amount should be evaluated and updated, so all EIP participants and decision-makers are better informed of the actual costs in current dollars.

11. Transmit a letter to the TRPA Governing Board, Governor Kenny Guinn, the State Department of Conservation and Natural Resources, and local governments in the Lake Tahoe Basin requesting an evaluation of possible funding mechanisms for maintenance of completed EIP projects, including the possibility of a regional revenue source.

Background: Testimony by several individuals expressed a concern that money has been allocated to implementation of the EIP, but no funds have been identified to maintain the projects once they are completed. Without maintenance, the benefits derived from the EIP may be short-lived.

#### Other Recommendations

12. Transmit a letter to the TRPA Governing Board urging it to exercise the lease option for purchase of the existing TRPA building, and expressing the Oversight Committee's support to maintain the Agency's location in Nevada.

Background: The lease on TRPA's current office building is set to expire in April 2007. Therefore, the Agency must exercise its option to purchase the building or seek another location, and this location may be either in Nevada or California. A decision is needed soon if a new location must be sought and a new building must be constructed.

13. Transmit a letter to the U.S. Department of Housing and Urban Development:
  - a) Expressing support for the creation of a bistate Community Housing Development Office to facilitate and implement efforts to provide affordable housing within the Lake Tahoe Basin;
  - b) Requesting the Department's active participation in the Federal Interagency Partnership on the Lake Tahoe Ecosystem and the Lake Tahoe Federal Advisory Committee; and
  - c) Expressing support for the Department's efforts to include the relevant Nevada and California housing agencies as joint participants in the housing programs in the Lake Tahoe Basin.

Background: The issue of affordable housing in the Lake Tahoe Basin was the subject of discussion during the previous interim. A representative of the U.S. Department of Housing and Urban Development addressed the committee in 2002 with information pertaining to the shortage of affordable housing and the barriers that exist to providing sufficient housing. Among the benefits of creating a Community Development Housing Office were studying the area's housing program; developing strategies; working with counties, developers, and the gaming alliance; and accessing resources like tax credits.

The previous interim Committee responded to this discussion and presentation with approval of the recommendation described here. Senator Carlton requests that the Committee again support the recommendation and continue its interest in the affordable housing issue.

14. Transmit a letter to members of Nevada's congressional delegation requesting necessary language in the upcoming federal transportation reauthorization bill that would provide federal urban transit operating assistance to the Tahoe Metropolitan Planning Organization.
15. Transmit a letter to Secretary Gale Norton, U.S. Department of Interior, urging approval of federal funding from land sales through the Southern Nevada Public Lands Management Act in support of an effort that would allow public agencies to acquire the Ponderosa Ranch at Incline Village, Nevada. *(Note: The recommendation is now moot because the Ponderosa Ranch was subsequently sold to a private investor.)*

## VI. APPENDICES

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## **APPENDIX A**

**Senate Bill No. 216–Committee on Legislative Affairs and Operations**

CHAPTER 408, *Statutes of Nevada 2003*



**Senate Bill No. 216–Committee on Legislative Affairs and Operations**

**CHAPTER 408, *Statutes of Nevada 2003***

**AN ACT** relating to the Legislature; creating a Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System; providing the powers and duties of the Committee; expanding the duties of the Legislative Committee on Public Lands to include the review of programs and activities relating to public water authorities, districts and systems, and certain other entities involved in the planning, development or distribution of water in the State of Nevada; and providing other matters properly relating thereto.

**WHEREAS**, Various governmental entities within the State of Nevada play an important role in the management of the natural resources and economic security of the residents of this state; and

**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 Agency adopts and enforces a regional plan and provides 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**, Legislative committees have successfully reviewed the programs and activities of the Tahoe Regional Planning Agency on previous occasions and at various times have provided valuable review and oversight for other agencies to ensure efficient cooperation and proper functioning of those agencies; now, therefore,

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

**Section 1.** Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

**Section 2.** As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, “Committee” means the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System created by section 3 of this act.

**Section 3.** 1. There is hereby created the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to the management of natural resources. The members must be appointed to provide representation from the various geographical regions of the State.

2. The members of the Committee shall elect a Chairman from one house of the Legislature and a Vice Chairman from the other house. Each Chairman and Vice Chairman holds office for a term of 2 years commencing on July 1 of each odd-numbered year.

3. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the Legislature convenes.

4. Vacancies on the Committee must be filled in the same manner as original appointments.

5. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.

**Section 4.** 1. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee.

2. The Director of the Legislative Counsel Bureau or a person he designates shall act as the nonvoting recording Secretary.

3. The Committee shall adopt rules for its own management and government.

4. Except as otherwise provided in subsection 5, four members of the Committee constitute a quorum.

5. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

6. Each member of the Committee, except during a regular or special session of the Legislature, is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the Committee or is otherwise engaged in the business of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. The salaries and expenses paid pursuant to this subsection and any other expenses of the Committee must be paid from the Legislative Fund.

**Section 5.** The Committee shall:

1. Provide appropriate review and oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System;

2. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency and the Marlette Lake Water System in such a manner as deemed necessary and appropriate by the Committee;

3. Study the role, authority and activities of:



- (a) The Tahoe Regional Planning Agency regarding the Lake Tahoe Basin; and
- (b) The Marlette Lake Water System regarding Marlette Lake; and
- 4. Continue to communicate with members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact.

**Section 6.** The Committee may:

- 1. Conduct investigations and hold hearings in connection with its review and study;
- 2. Apply for any available grants and accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Committee in carrying out its duties pursuant to sections 2 to 8, inclusive, of this act.
- 3. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and study; and
- 4. Recommend to the Legislature, as a result of its review and study, any appropriate legislation.

**Section 7.** 1. In conducting the investigations and hearings of the Committee:

- (a) Any member of the Committee may administer oaths.
- (b) The Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chairman may issue subpoenas to compel the attendance of witnesses and the production of books, papers or documents.

2. If a witness refuses to attend or testify or to produce books, papers or documents as required by the subpoena, the Chairman may report to the district court by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books, papers or documents;

(b) That the witness has been subpoenaed by the Committee pursuant to this section; and

(c) That the witness has failed or refused to attend or to produce the books, papers or documents required by the subpoena before the Committee that is named in the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or to produce the books, papers or documents before the Committee.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books, papers or documents before the Committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books, papers or documents. Failure to obey the order constitutes contempt of court.

**Section 8.** Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage

provided for witnesses in civil cases in the courts of record of this state. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and the Chairman of the Committee.

**Section 9.** NRS 218.5368 is hereby amended to read as follows:

218.5368 The Committee shall:

1. Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

4. Review the programs and activities of:

- (a) The Colorado River Commission of Nevada;

- (b) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority, and the Truckee-Carson Irrigation District; and

- (c) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof.

5. On or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 4.

**Section 10.** NRS 331.165 is hereby repealed.

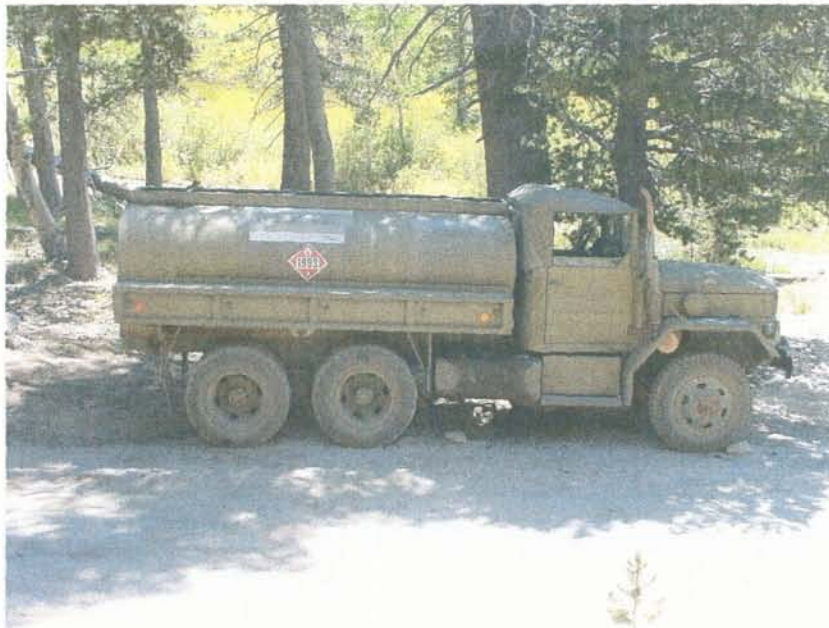
**Section 11.** 1. This act becomes effective on July 1, 2003.

2. The amendatory provisions of section 9 of this act expire by limitation on June 30, 2007.

## **APPENDIX B**

### **Marlette Lake Water System Photographs**





Marlette diesel fuel tanker



Diesel fuel day tank

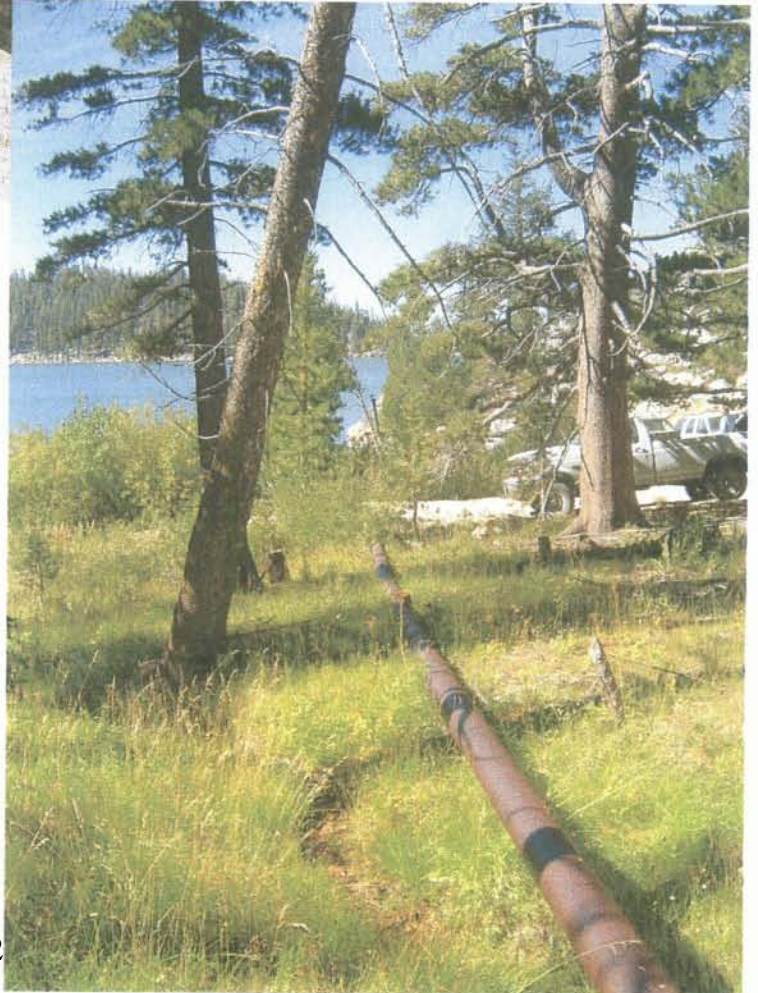




Diesel pump at Marlette  
Lake



Pipeline from pumpsite  
to Hobart Reservoir



## **APPENDIX C**

**Memorandum from  
Executive Director John Singlaub to  
Tahoe Regional Planning Agency dated February 17, 2004  
Regarding the Issue of Public Safety**





## TAHOE REGIONAL PLANNING AGENCY

128 Market Street  
Stateline, Nevada  
www.trpa.org

P.O.Box 5310  
Stateline, Nevada 89449-5310

Phone: (775) 588-4547  
Fax (775) 588-4527  
Email: trpa@trpa.org

### MEMORANDUM

To: TRPA Governing Board  
TRPA Staff

From: John O. Singlaub, Executive Director

Date: February 17, 2004

Subject: Public Safety

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#### Introduction

The Tahoe Regional Planning Agency exists to protect and enhance the Lake Tahoe experience. In order to enjoy the beauty of Lake Tahoe and its many recreational opportunities, the public must be provided with a safe environment. Recently, questions have arisen as to how TRPA integrates public safety concerns when it conducts its business. This memorandum provides my direction to staff as to how public safety will be considered.

#### Background

Under the Tahoe Regional Planning Compact, TRPA is charged with adopting protective environmental threshold carry capacities (thresholds) for the Lake Tahoe Basin. These thresholds set the desired existing or future condition of relevant environmental parameters. TRPA's current thresholds protect, among other things, water and air quality, vegetation, wildlife, soils, recreational opportunities, and scenic resources. In order to attain and maintain the adopted thresholds, the Compact directs TRPA to adopt a regional plan (our Goals and Policies and Plan Area Statements) and implementing regulations (our Code of Ordinances and Rules of Procedure).

TRPA's thresholds and Regional Plan integrate public safety concerns in a variety of ways. The water and air quality standards, for example, insure safe water to drink and air to breathe. Indeed, the Compact defines thresholds to include standards necessary to "maintain public health and safety within the region." Likewise, Regional Plan directives orient development away from steep, unstable slopes or out of avalanche danger. New development must also be sized to avoid overtaxing existing public services. And throughout the Code of Ordinances, public safety facilities are promoted with exceptions to TRPA's development restrictions.

JS/  
2/17/04

AGENDA ITEM NO. XIII.A.

Finally, TRPA is a planning agency, not a provider of public health and safety services. To that end, TRPA seeks to facilitate the good works of in-basin public safety agencies rather than to usurp their functions in any manner.

#### Direction

TRPA will continue to promote public safety whenever and wherever possible through application of the following principles:

1. Public safety is integral to the accomplishment of TRPA's overall mission.
2. Public safety shall be a legitimate and necessary element in all TRPA decision-making.
3. TRPA will consider public health and safety factors in the application of all thresholds and the review of all proposed projects.
4. TRPA shall help facilitate the missions of public safety agencies within the Lake Tahoe basin.

#### Conclusion

To date, TRPA has successfully integrated environmental protection and preservation of public safety. The above direction expresses TRPA's commitment to providing the public with not only a resource of stunning beauty, but also a safe and healthy environment in which to live and enjoy the Lake Tahoe Basin.

I do not perceive any need for additional authority or direction from the Governing Board to implement these priorities. Should the Governing Board feel otherwise, I suggest it adopt the attached resolution affirming the above direction.

Finally, should the Governing Board desire to amend the Regional Plan to incorporate a policy regarding public safety, I suggest that it direct staff to undertake the necessary planning steps (21-day notice and APC and Governing Board public hearings) to adopt the following policy statement: "No project shall be approved that unreasonably increases the risk to public health and safety in the region. If implementation of any threshold creates an unavoidable and unreasonable risk to public health and safety, TRPA shall undertake all planning processes necessary to amend the threshold to remove the source of the increased risk."

Member Galloway desires to amend the Regional Plan with the following language "TRPA is a regional planning and regulatory authority, not a provider of public health and safety services. In the review and approval process of projects proposed in the region, TRPA will consider the implications to public health and safety. Nothing TRPA does is intended to diminish the role of public health and safety agencies or to increase the safety risk to visitors or residents." I am concerned that this language may potentially create more confusion and conflict between existing TRPA policies rather than focusing on investigating and correcting, if necessary, policies potentially adversely affecting public health and safety.

Governing Board Members  
TRPA Staff  
February 17, 2004  
Page 3 of 3

Again, I recommend no action by the Governing Board at this time. I will direct staff to investigate any substantive allegations of a conflict between TRPA policies and public health and safety. If any real conflict is discovered, I will report it to the Governing Board and recommend all necessary steps to protect the public we serve.

If you wish to discuss this issue prior to the Governing Board meeting, please contact me at (775) 588-4547 (Extension 253), or at [jsinglaub@trpa.org](mailto:jsinglaub@trpa.org).

Attachment



## **APPENDIX D**

### **Proposed Qualifications for the Proposed Transportation/Transit Planner for the Tahoe Transportation District, and for Tahoe Regional Planning Agency's Transportation Division Chief**



**Proposed Qualifications for  
Executive Director/Transportation & Transit Planner for the  
Tahoe Transportation District**

**Job Summary**

The position of Executive Director/Transportation & Transit Planner for the Tahoe Transportation District is responsible for transportation and transit planning, and the management of administrative support; and related duties as assigned by the Board of Directors of the Tahoe Transportation District, a public agency as defined in Article IX of the Tahoe Regional Planning Compact (Public Law 96-551).

**Employment Standards**

**License:** Possession of a valid driver's license from state of residence.

**Knowledge of:** Principles and practices of transportation planning; principles of transportation program development and management, including the relationship between Federal, State, regional and local transportation planning activities; Regional, Local, State and Federal laws, rules and regulations pertaining to transportation and transit planning, program management, and project implementation; principles and practices of transit planning, transit operations, project implementation, including transportation system planning and management, route design, bus purchasing, insurance, maintenance, fare structure and staffing requirements, trip reduction methodology and transportation system management techniques; experience and knowledge of funding sources related to transit planning and transit operations; principles of public administrative and policy development; principles and practices of budget development and administration, and related funding sources; principles and practices of personnel management, including consultants, including selection, training, team building, conflict resolution, supervision, and evaluation.

**Ability to:** Plan, organize, direct, supervise, and implement activities of the Tahoe Transportation District/Tahoe Transportation Commission\* (TTD/C) as directed by the Board of Directors consistent with the purpose and mission of the agency; take direction from and provide effective support to a policy Board of directors; develop and implement planning, program, and project objectives; supervise and direct of any employees, contractors or consultants who perform work for the TTD/C; effectively represent the TTD/C and its functions to a wide variety of agencies, organizations and groups; develop teams, motivate employees and/or contractors or consultants and manage personnel and projects in a team environment; conduct meetings with community groups, organizations and governmental officials, including private sector organizations and other TRPA Environmental Improvement Program (EIP) partners; prepare and administer budgets, monitor agency compliance with pertinent Federal, State, Regional and Local laws; communicate effectively, both orally and in writing;

establish and maintain cooperative relationships with governmental agencies and officials, private sector and community organizations, and the public.

\*As the Board of the Tahoe Transportation Commission, the TTD Board, with two additional members, serves as an advisory committee to the Board of the Tahoe Metropolitan Planning Organization (TMPO).

**Experience:** A minimum of five years professional experience in transportation and transit planning, program development and management, and project implementation, including a minimum of three years of supervisory/management experience. Demonstrated knowledge and abilities consistent with this job description. Prior experience working in a senior management position with a transportation planning agency and a transit planning/operations entity is required.

**Education:** Equivalent to graduation from an accredited four year college or university with major course work in transportation planning, urban/regional planning, transportation management. Specific transit planning and operations experience required. Relevant major course work and/or experience in business or public administration is also required.



**Proposed Qualifications for  
Chief of the Transportation Division at the  
Tahoe Regional Planning Agency**

**Job Summary**

The position of Chief of the Transportation Division at the Tahoe Regional Planning Agency is responsible for the direction of activities and the management of staff which supports the transportation-related planning activities of the Tahoe Regional Planning Agency, the Tahoe Metropolitan Planning Organization, and the Tahoe Transportation District.

**Employment Standards**

**License:** Possession of valid driver's license from state of residence.

**Knowledge of:** Principles and practices of regional transportation planning; principles of transportation program development and management, including the relationship between Federal, State, regional and local transportation planning activities; Regional, Local, State and Federal laws, rules and regulations pertaining to transportation planning, program management, and project implementation; principles of public administrative and policy development; principles and practices of personnel management, including selection, training, supervision, evaluation; principles and practices and budget development and administration and related funding sources. Experience and/or knowledge of the principles and practices of transit and air quality planning, and funding sources for transit operations, is also required.

**Ability to:** Organize and direct the staff, responsibilities and activities of a regional transportation planning agency and a federal metropolitan planning organization; develop, administer and implement a comprehensive regional transportation planning program and federal transportation planning program; supervise and direct the work of management, professional, technical, and clerical staff; work with, take direction from, and provide effective support to a policy board of directors; effectively represent the TRPA Transportation Division and its functions to a wide variety of agencies, organizations and groups; develop and recommend policies, promote, establish and maintain positive relations with staff, associates, consultants, public officials, contractors, and the public; develop teams, motivate employees and manage personnel and projects in a team environment; conduct meeting with community groups, organizations and government officials, including private sector organizations and other TRPA EIP partners; prepare and administer a complex budget, monitor agency compliance with pertinent Federal, State, regional and local laws (including the TRPA Bi-State Compact), communicate effectively, both orally and in writing; establish and maintain cooperative relationships with governmental agencies and officials, private sector and community organizations, and the public.

**Experience:** Ten years of professional experience in transportation planning, program development and program management, including at least four years of supervisory/management experience. Demonstrated knowledge and abilities consistent with this job description. Prior experience working in a senior or management position with a Metropolitan Planning Organization (MPO) as well as a Regional Transportation Planning Agency (RTPA) is required.

**Education:** Equivalent to graduation from an accredited four year college or university with major course work in transportation planning, urban/regional planning or a closely related field. Any equivalent combination of training and experience representing a minimum total of ten years will be considered. Relevant major coursework and/or experience in business or public administration is also required.

## **APPENDIX E**

### **Committee Letters**



LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

*Member*

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

Seventy-Second Session

June 16, 2004

DISTRICT OFFICE:

1475 Glenwood Drive  
Gardnerville, Nevada 89460-8981

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LEGISLATIVE BUILDING:

401 S. Carson Street  
Carson City, Nevada 89701-4747

Office: (775) 684-8843

Fax No.: (775) 684-8521

The Honorable Gale Norton  
United States Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Subject: Support for funding to acquire the Ponderosa Ranch in Incline Village, Nevada

Dear Secretary Norton:

As Chairman of the Nevada Legislature's Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, I am writing this letter in support of a project to purchase the Ponderosa Ranch property in Incline Village, Nevada. The Legislative Oversight Committee voted unanimously yesterday to urge your approval of funds from the *Southern Nevada Public Lands Management Act* (SNPLMA) land sales for this critical acquisition project.

As you know, the ability to acquire the Ponderosa Ranch for public use is a unique opportunity in the Lake Tahoe Basin, and an opportunity we hope not to miss. Several state agencies, Washoe County, the Incline Village General Improvement District, and the U.S. Forest Service are using State Environmental Improvement Program funds and other funding sources in an effort to secure this purchase. The balance of funding needed is available through this round of SNPLMA funding; the application is being made through the U.S. Forest Service and the Federal Highway Administration.

Your approval is the final step in this important process, and we respectfully encourage your support of the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn C. Hettrick", is written over a horizontal line.

Assemblyman Lynn C. Hettrick  
Chairman, Legislative Committee for the  
Review and Oversight of the Tahoe Regional  
Planning Agency and the Marlette Lake  
Water System

LCH nw: W42263

LYNN HETTRICK

ASSEMBLYMAN

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# State of Nevada Assembly

Seventy-Second Session

July 13, 2004

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Carson City, Nevada 89701-4747

Office: (775) 684-8843  
Fax No.: (775) 684-8521

The Honorable Harry Reid  
United States Senate  
528 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Reid:

The Nevada Legislative Committee on the Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System (Oversight Committee) has met regularly in the past several months to review a number of activities of the Tahoe Regional Planning Agency (TRPA), including the agency's function as the Tahoe Metropolitan Planning Organization (TMPO). As Chairman of the Oversight Committee, I am writing to you regarding the TMPO's need for federal urban transit operating assistance. Your leadership was instrumental in crafting language in the federal TEA-21 legislation that authorized designation of the TMPO in 1999, and it is our hope that you will support necessary language in the reauthorization bill that would provide urban transit operating assistance to the TMPO.

The Oversight Committee understands that the TMPO authorized by Congress is not a traditional MPO, and in fact is the only MPO in the nation that does not receive urban transit operating assistance from the Federal Transit Administration's Section 5307 program. Testimony at a recent Oversight Committee meeting indicated that the TMPO is seeking parity with all other MPOs through receipt of this federal assistance.

As you are aware, the Tahoe Regional Planning Compact (Public Law 96-551) includes specific language directing TRPA to reduce dependency on the private automobile by making more effective use of existing transportation modes and of public transit, even going further to state that TRPA must give preference to public transportation programs and projects when additional transportation capacity is necessary.

The TMPO is the only MPO in the nation wherein the United States Forest Service sits as a Board member due to the agency's ownership and management of approximately 77 percent of the land in the Lake Tahoe Basin. Given this unique federal relationship, the federal directives contained in the Compact requiring public transit, and the TMPO's apparent inequity with other MPOs in the nation, it is fitting that the TMPO be provided federal urban transit operating assistance to support its public transit objectives. These funds would be used in partnership with other state, local, and private sector sources of transit operating revenues.

Honorable Harry Reid

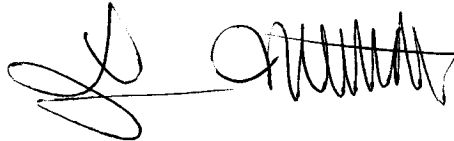
Page 2

July 13, 2004

After consideration of this situation, the Oversight Committee voted unanimously to seek your support for language that would provide federal urban transit operating assistance to the TMPO in the reauthorization bill for transportation. Your leadership on these issues and this matter is greatly appreciated.

Please feel free to contact me at your convenience, if you would like to discuss this matter further.

Sincerely,

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Assemblyman Lynn C. Hettrick  
Chairman, Legislative Committee for the  
Review and Oversight of the Tahoe Regional  
Planning Agency and the Marlette Lake  
Water System

LCH:nw/W2428-1

cc: Mary Conelly, State Director for Senator Reid, 400 S. Virginia Street, Suite 902, Reno, NV 89501  
John Singlaub, Executive Director, TRPA, PO Box 5310, Stateline, NV 89449

LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

*Member*

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

Seventy-Second Session

July 13, 2004

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401 S. Carson Street  
Carson City, Nevada 89701-4747

Office: (775) 684-8843

Fax No.: (775) 684-8521

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, DC 20515

Dear Representative Gibbons:

The Nevada Legislative Committee on the Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System (Oversight Committee) has met regularly in the past several months to review a number of activities of the Tahoe Regional Planning Agency (TRPA), including the agency's function as the Tahoe Metropolitan Planning Organization (TMPO) - a federally recognized transportation planning and programming entity. Under provisions of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), Congress authorized the Governors of Nevada and California to designate the TMPO, which they did in 1999.

As Chairman of the Oversight Committee, I am writing to you regarding the TMPO's need for federal urban transit operating assistance.

The Oversight Committee understands that the TMPO authorized by Congress is not a traditional MPO, and in fact is the only MPO in the nation that does not receive urban transit operating assistance from the Federal Transit Administration's Section 5307 program. Testimony at a recent Oversight Committee meeting indicated that the TMPO is seeking parity with all other MPOs through receipt of this federal assistance.

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Honorable Jim Gibbons

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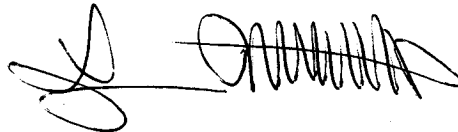
July 13, 2004

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After consideration of this situation, the Oversight Committee voted unanimously to seek your support for language that would provide federal urban transit operating assistance to the TMPO in the reauthorization bill for transportation. Your leadership on these issues and this matter is greatly appreciated.

Please feel free to contact me at your convenience if you would like to discuss this matter further.

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Assemblyman Lynn C. Hettrick  
Chairman, Legislative Committee for the  
Review and Oversight of the Tahoe Regional  
Planning Agency and the Marlette Lake  
Water System

LCH:nw/W2428-2

cc: Robert Uithoven, State Director for Representative Gibbons, 400 S. Virginia Street, Suite 502, Reno, NV 89501  
John Singlaub, Executive Director, TRPA, PO Box 5310, Stateline, NV 89449

LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

*Member*

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

Seventy-Second Session

July 13, 2004

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Gardnerville, Nevada 89460-8981

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Carson City, Nevada 89701-4747

Office: (775) 684-8843  
Fax No.: (775) 684-8521

The Honorable John Ensign  
United States Senate  
364 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Ensign:

The Nevada Legislative Committee on the Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System (Oversight Committee) has met regularly in the past several months to review a number of activities of the Tahoe Regional Planning Agency (TRPA), including the agency's function as the Tahoe Metropolitan Planning Organization (TMPO) - a federally recognized transportation planning and programming entity. Under provisions of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), Congress authorized the Governors of Nevada and California to designate the TMPO, which they did in 1999.

As Chairman of the Oversight Committee, I am writing to you regarding the TMPO's need for federal urban transit operating assistance.

The Oversight Committee understands that the TMPO authorized by Congress is not a traditional MPO, and in fact is the only MPO in the nation that does not receive urban transit operating assistance from the Federal Transit Administration's Section 5307 program. Testimony at a recent Oversight Committee meeting indicated that the TMPO is seeking parity with all other MPOs through receipt of this federal assistance.

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Honorable John Ensign

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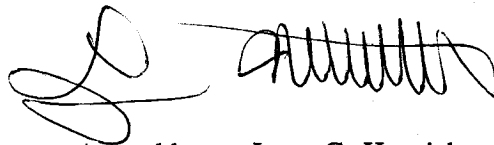
July 13, 2004

transit objectives. These federal funds would be used in partnership with other state, local, and private sector sources of transit operating revenues.

After consideration of this situation, the Oversight Committee voted unanimously to seek your support for language that would provide federal urban transit operating assistance to the TMPO in the reauthorization bill for transportation. Your leadership on these issues and this matter is greatly appreciated.

Please feel free to contact me at your convenience if you would like to discuss this matter further.

Sincerely,

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Assemblyman Lynn C. Hettrick  
Chairman, Legislative Committee for the  
Review and Oversight of the Tahoe Regional  
Planning Agency and the Marlette Lake  
Water System

LCH:nw/W42428-3

cc: Verita Prothro, Northern Nevada Director for Senator Ensign, 400 S. Virginia Street, Suite 738, Reno, NV 89501  
John Singlaub, Executive Director, TRPA, PO Box 5310, Stateline, NV 89449

LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

*Member*

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

Seventy-Second Session

December 3, 2004

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Carson City, Nevada 89701-4747

Office: (775) 684-8843

Fax No.: (775) 684-8521

Elwood Miller  
Director  
Nevada Fire Safe Council  
1187 Charles Drive  
Reno, NV 89509-2411

Dear Mr. Miller:

The Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System has completed its hearings for the 2003-2004 interim. Background information and testimony were received from citizens, interest groups, and representatives of the TRPA and other agencies with responsibilities in the Lake Tahoe Basin.

As you know, the issue of fire prevention and forest fuels reduction was discussed at great length throughout the interim. A catastrophic fire at Lake Tahoe would have disastrous impacts to public safety, property, the environment, and economy, and the Committee is very concerned about this possibility.

After much testimony, discussion, and deliberation, the Committee unanimously approved the following recommendation:

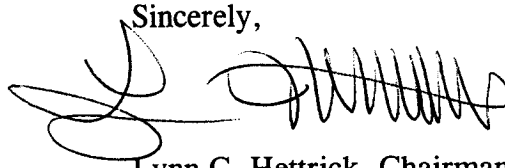
- *Transmit a letter to local fire districts and fire-related entities in the Lake Tahoe Basin supporting the intent of the current Memorandum of Understanding between the North Lake Tahoe Fire Protection District regarding defensible space, and encouraging other similar MOUs on the Nevada side of the Lake Tahoe Basin.*

The Committee is aware that discussions are taking place between TRPA and other appropriate fire districts on the subject of appropriate and effective fire prevention programs and planning. We offer our support of these efforts and look forward to ongoing participation and cooperation by all parties involved to address this area of critical concern. No doubt, this will continue to be an issue for further Committee discussion in the 2005-2006 interim, and we will look forward to talking with you again.

Elwood Miller  
December 3, 2004  
Page 2

Please do not hesitate contacting me if I can provide additional information or be of assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn C. Hettrick', with a stylized, cursive flourish extending to the right.

Lynn C. Hettrick, Chairman  
Legislative Committee for the Review  
and Oversight of the Tahoe Regional Planning  
Agency and the Marlette Lake Water System

LCH/nw:L09(d)

LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

Member

Commerce and Labor

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# State of Nevada Assembly

Seventy-Second Session

December 3, 2004

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Fax No.: (775) 684-8521

John P. Comeaux  
Director  
Department of Administration  
209 East Musser Street, Room 200  
Carson City, NV 89701

Dear Mr. Comeaux:

The Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System has completed its hearings for the 2003-2004 interim. Background information and testimony were received from citizens, interest groups, and representatives of the TRPA and other agencies with responsibilities in the Lake Tahoe Basin.

Based on this testimony and our subsequent deliberations, the Committee adopted several recommendations, including one relative to several special budget requests being made by the TRPA for the upcoming biennium:

*Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of several special budget requests by the TRPA for the upcoming 2005-2007 biennium. The budget requests were identified as the following:*

1. Computer System Update – TRPA will request a total appropriation of \$138,500 from the State of Nevada (\$87,500 in Fiscal Year 05-06 and \$51,000 in FY 06-07) to be matched with a request for \$277,000 from the State of California;
2. Geographic Information System (GIS) Parcel-Based Automated Permit System – TRPA will request an appropriation of \$300,000 from the State of Nevada (in FY 06-07) to be matched with a request for \$600,000 from the State of California;
3. Pathway 2007: Phase III Regional Plan – TRPA will request an appropriation of \$200,000 from the State of Nevada (in each year of the biennium) to be matched with \$400,000 from the State of California to fund Phase III of the Regional Plan (commonly referred to as Pathway 2007). In addition to this appropriation, TRPA is requesting that this amount become part of TRPA's annual base budget, as was previously done by the State of California (\$400,000 annually);

4. Regional Program Management Approach for the Environmental Improvement Program (EIP) – TRPA will request an appropriation of \$144,500 (in each year of the biennium) from the State of Nevada to be matched with \$289,000 from either Federal\* or State of California funding (if Nevada will accept a Federal matching source), to support staff needed to facilitate or coordinate project development and regional capital programming for EIP project planning through permitting and bidding phases.

(\*Note: Nevada previously approved TRPA's request for the current biennium for three staff positions and contract funds; however, TRPA was unable to utilize the budgeted funds because California did not consider the request. The Agency is making the request again in the hopes that Nevada will accept matching funds from Federal sources in the event California is unable to provide matching funds.)

5. Salary Comparability – TRPA is requesting an appropriation of \$88,000 from the State of Nevada (in FY 05-06) to be matched with a request for \$176,000 from the State of California, to maintain TRPA's salary comparability with other Nevada and California state agency salaries. In addition to the request in FY 05-06, TRPA will request that this amount be made part of the Agency's base budget.
6. Funding for Regional Transit Staff to Assist TRPA and the Tahoe Transportation District (TTD) – TRPA will request an appropriation of \$120,000 from the State of Nevada (in each year of the biennium) to be matched with a request for \$240,000 from Federal funding sources, to fully fund a regional transit staff position and its administration.

As members of Nevada's Legislative Oversight Committee, we sincerely appreciate your favorable consideration of these special budget requests, which we believe would enhance the TRPA's ability to carry out its programs and activities in the Lake Tahoe Basin.

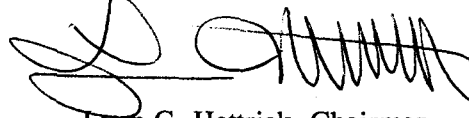
Additionally, you may be interested in another of our recommendations pertaining to TRPA's budget.

Concern was expressed by members of the Committee for a means to ensure meaningful oversight of the budget, programs, activities, responsiveness, and accountability of the TRPA as charged in the Committee's enabling legislation (Senate Bill 216, Chapter 408, *Statutes of Nevada 2003*). Testimony over the course of the interim indicated concern regarding five specific issue areas for which TRPA action is necessary. These issue areas address the following subjects: (a) fire prevention programs and planning; (b) public safety; (c) ex-parté communication; (d) participation in the Pathway 2007 - Regional Plan Update; and (e) qualifications of regional transit staff. As a result, the Committee voted to recommend that the Nevada Legislature's "Money Committees" (Senate Committee on Finance and Assembly Committee on Ways and Means) place restrictions on the Nevada portion of TRPA's budget to ensure successful completion of five specific performance objectives associated with the issue areas identified herein.

John P. Comeaux  
December 3, 2004  
Page 3

I would be pleased to provide additional information or to discuss these recommendations with you further. Please do not hesitate contacting me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn C. Hettrick', with a stylized, cursive flourish extending to the right.

Lynn C. Hettrick, Chairman  
Legislative Committee for the Review  
and Oversight of the Tahoe Regional Planning  
Agency and the Marlette Lake Water System

LCH/nw:L6



LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

*Member*

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

Seventy-Second Session

December 3, 2004

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Carson City, Nevada 89701-4747

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Fax No.: (775) 684-8521

Nevada State Legislature  
Chairmen and Members  
Senate Committee on Finance and  
Assembly Committee on Ways and Means  
401 S. Carson Street  
Carson City, NV 89701-4747

Dear Chairmen and Members:

As part of its duties during the 2003-2004 interim, the Nevada Legislature's Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System (Senate Bill 216, Chapter 408, *Statutes of Nevada 2003*) received considerable testimony from citizens, interest groups, and representatives of the TRPA and other agencies with responsibilities in the Lake Tahoe Basin.

Based on this testimony and our subsequent deliberations, the Committee adopted three recommendations of relevance to the Legislature's "money committees."

## ***1. Restrictions on the Nevada portion of TRPA's Budget***

Interest was expressed by members of the Committee for a means to ensure meaningful oversight of the budget, programs, activities, responsiveness, and accountability of the TRPA as charged in the Committee's enabling legislation (S.B. 216).

Testimony over the course of the interim indicated concern regarding five specific issue areas for which TRPA action is necessary. As a result, the Committee voted to recommend that the Nevada Legislature's "Money Committees" (Senate Finance and Assembly Ways and Means) place restrictions on the Nevada portion of TRPA's budget to ensure successful completion of the following performance objectives:

- a) Fire Prevention Programs and Planning: The issue of fire prevention and forest fuels reduction was discussed at great length throughout the interim. A catastrophic fire at Lake Tahoe would have disastrous impacts to public safety, property, the environment, and economy.

Therefore, the Committee requests that TRPA undertake necessary coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; complete those portions of the Lake Tahoe Basin Fire Plan (evolved from the Fuels Management Action Plan) that TRPA is responsible for and has control over; and demonstrate reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as the Memorandum of Understanding (MOU) signed with the North Lake Tahoe Fire Protection District;

- b) Public Safety: It is important to reach and maintain a balance between environmental protection and public safety in the Lake Tahoe Basin. Both are provided for in the Bistate Compact, although an apparent emphasis on environmental protection has been noted by some. The Committee would like to see specific principles of public safety incorporated into the Pathway 2007 Regional Plan Update (currently being developed), and has asked TRPA Executive Director John Singlaub to make this recommendation to the TRPA Governing Board.
- c) Ex-parte Communication: During the 2001-2002 interim, the Nevada Legislature's TRPA Oversight Committee urged the TRPA Governing Board to retain an outside firm to conduct an independent program audit of the Agency. Strategica was the firm retained by the Board, and the results of the program audit were presented during the 2003-2004 interim. The Committee was particularly interested in the issue of ex-parte communication described in the report, and requests that the TRPA adopt the necessary rule or policy to address this issue.
- d) Pathway 2007 – Regional Plan Update: The Regional Plan currently enforced by TRPA was adopted in 1987 and is due to be updated by 2007. The new planning process, commonly referred to as “Pathway 2007,” will evaluate all nine of the environmental threshold carrying capacities that must be achieved and maintained (in compliance with the Bistate Compact). State and federal agencies are currently active partners in the planning process, while local governments and the private sector may participate through the public comment process. As a result of testimony on this subject, the Committee requests that TRPA include local governments and the private sector (who actively participate in funding and implementing the basin-wide Environmental Improvement Program [EIP]) as active and collaborative partners in the Regional Plan Update.
- e) Qualifications of Regional Transit Staff: The TRPA will request funding from Nevada through a “special budget request” (described later in this letter) to fund a Regional Transit Staff position who will include providing staff services to the Tahoe Transportation District (created in the Bistate Compact). The Committee requests that TRPA set specific qualifications for this position that enhance the transportation skills and expertise of the Agency.

The Committee will hear a report from TRPA on the progress of these performance objectives no later than February 1, 2005. We will provide you with an update on the status of these objectives at that time, before the Agency's biennial budget is considered.

## ***2. Support for Special Budget Requests by the TRPA***

The TRPA presented information to the Committee regarding several "special budget requests" it will make for the 2005-2007 biennium. The Committee would appreciate your favorable consideration of these special budget requests, which we believe would enhance the TRPA's ability to carry out its programs and activities in the Lake Tahoe Basin:

- a) Computer System Update – TRPA will request a total appropriation of \$138,500 from the State of Nevada (\$87,500 in Fiscal Year 05-06 and \$51,000 in FY 06-07) to be matched with a request for \$277,000 over the biennium from the State of California;
- b) Geographic Information System (GIS) Parcel-Based Automated Permit System – TRPA will request an appropriation of \$300,000 from the State of Nevada (in FY 06-07) to be matched with a request for \$600,000 from the State of California;
- c) Pathway 2007: Phase III Regional Plan Update – TRPA will request an appropriation of \$200,000 from the State of Nevada (in each year of the biennium) to be matched with \$400,000 each year from the State of California to fund Phase III of the Pathway 2007 Regional Plan Update. In addition to this appropriation, TRPA is requesting that this amount become part of its annual base budget, as was previously done by the State of California;
- d) Regional Program Management Approach for the EIP – TRPA will request an appropriation of \$144,500 (in each year of the biennium) from the State of Nevada to be matched with \$289,000 each year from either Federal\* or State of California funding (if Nevada will accept a Federal matching source), to support staff needed to facilitate or coordinate project development and regional capital programming for EIP project planning through permitting and bidding phases.

(\*Note: Nevada previously approved TRPA's request for the current biennium for three staff positions and contract funds; however, TRPA was unable to utilize the budgeted funds because California did not consider the request. The Agency is making the request again in the hopes that Nevada will accept matching funds from Federal sources in the event California is unable to provide matching funds.)

- e) Salary Comparability – TRPA is requesting an appropriation of \$88,000 from the State of Nevada (in FY 05-06) to be matched with a request for \$176,000 from the State of California, to maintain TRPA's salary comparability with other Nevada and California state agency salaries. In addition to the request in FY 05-06, TRPA will request that this amount be made part of the Agency's base budget.

- f) Funding for Regional Transit Staff to Assist TRPA and the Tahoe Transportation District  
– As previously mentioned, TRPA will request an appropriation of \$120,000 from the State of Nevada (in each year of the biennium) to be matched with a request for \$240,000 in each year from Federal funding sources, to fully fund a regional transit staff position and its administration.

### **3. Funding for Local EIP Projects**

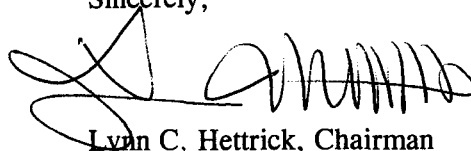
As you know, in 1997, Nevada committed to implement its share of environmental projects on the Nevada side of the Lake Tahoe Basin as part of the basin-wide EIP. At the time, the total funding for projects throughout the Lake Tahoe Basin was estimated at \$908 million. Nevada's share of the projects totals \$82 million.

In 1999, the Nevada Legislature enacted Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*), providing periodic issuance of up to \$56.4 million in bonds to implement projects in the EIP through 2007. (At the time of passage, Nevada already had \$25.6 million committed toward the EIP, leaving a balance of \$56.4 million.) The bill also specifically approved the immediate issuance of a \$3.2 million portion of these bonds, leaving a balance of \$53.2 million in bonds to be sold from 2001-2007.

In 2001 and 2003, the Legislature approved the total sale of \$26.07 in bonds to continue the EIP on the Nevada side of the Lake Tahoe Basin. For the 2005-2007 biennium, the Committee recommends the sale of \$16.8 million of the bonds and has requested a bill draft to authorize this amount (BDR #308). If approved, this will leave a balance of \$10.33 million in bond funds that will likely be requested in 2007.

As Chairman of the Committee, I respectfully request your favorable consideration of the recommendations listed above, and would be happy to provide additional information if required.

Sincerely,



Lynn C. Hettrick, Chairman  
Legislative Committee for the Review  
and Oversight of the Tahoe Regional Planning  
Agency and the Marlette Lake Water System

LCH/nw:L7

LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

*Member*

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

*Seventy-Second Session*

December 3, 2004

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Fax No.: (775) 684-8521

Chairman and Members  
Governing Board  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV 89448-1038

Dear Chairman Solaro and Governing Board Members:

Throughout the 2003-2004 interim, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System met and received much testimony regarding the operation and activities of the TRPA. As Chairman of the Committee, I wish to express my appreciation to your staff for their cooperation and for the many presentations they made. At each meeting, representatives of interested parties in the Basin also expressed their concerns and questions relative to the TRPA.

Based on this testimony and our subsequent deliberations, the Committee adopted several recommendations with which your assistance would be appreciated (please note: these recommendations are not presented in any particular order):

1. *Transmit a letter to the TRPA Governing Board requesting its expeditious review of the Marlette Lake Water System project application (for improvements to that portion of the system within the Lake Tahoe Basin) and related Environmental Improvement Statement;*
2. *Transmit a letter to the TRPA Governing Board encouraging TRPA's (a) coordination of the Fuels Management Action Plan for the Lake Tahoe Basin; (b) completion of those portions of the Lake Tahoe Basin Fire Plan (evolved from the Fuels Management Action Plan) that TRPA is responsible for and has control over; and (c) demonstration of reasonable efforts to enter into necessary fire agreements with local fire districts in Nevada such as a Memorandum of Understanding (MOU) with the Tahoe-Douglas Fire Protection District similar to the current MOU signed with the North Lake Tahoe Fire Protection District;*
3. *Transmit a letter to the TRPA Governing Board recommending that TRPA evaluate and update the projected cost of completing the Environmental Improvement Program (EIP);*

4. *Transmit a letter to the TRPA Governing Board, Governor Kenny Guinn, the State Department of Conservation and Natural Resources, and local governments in the Lake Tahoe Basin requesting an evaluation of possible funding mechanisms for maintenance of completed EIP projects, including the possibility of a regional revenue source; and*
5. *Transmit a letter to the TRPA Governing Board urging it to exercise the lease option for purchase of the existing TRPA building, and expressing the Committee's support to maintain the Agency's location in Nevada;*

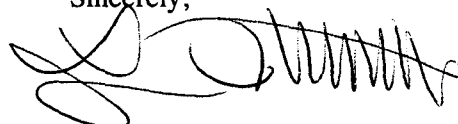
Your assistance in addressing these recommendations is respectfully requested by the Committee. Additionally, you may be interested in two other specific Committee actions:

- *Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of several special budget requests by the TRPA for the upcoming 2005-2007 biennium (as identified by the TRPA); and*
- *Recommend that the Nevada Legislature's "Money Committees" (Senate Finance and Assembly Ways and Means) place restrictions on Nevada's portion of the TRPA budget to ensure successful completion of five specific performance objectives relative to: (a) fire prevention and fuels reduction; (b) public safety; (c) the issue of ex-parte communication; (d) participation in the Pathway 2007 planning process; and (e) qualifications for the Regional Transit Staff position TRPA is requesting in the upcoming biennium.*

With regard to the latter recommendation, I believe the performance objectives identified can be easily met and I have asked TRPA to report to the Committee by February 1, 2005, on its progress in meeting these objectives. If sufficient progress has been made and/or the objectives have been met, our recommendation to the Money Committees may be unnecessary. Additionally, no appropriated funds will be withheld without first providing TRPA an opportunity to discuss the issue with the Committee.

In addition to the assistance of your staff, I would also take this opportunity to express my appreciation to you and the Governing Board members who participated in the Committee's meetings. Please do not hesitate to contact me should you need any further information about any of the recommendations listed above, or if you wish to discuss them in greater detail.

Sincerely,



Lynn C. Hettrick, Chairman  
Legislative Committee for the  
Review and Oversight of the  
Tahoe Regional Planning Agency and the  
Marlette Lake Water System

LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

Member

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

Seventy-Second Session

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Fax No.: (775) 684-8521

Richard K. Rainey  
Regional Director  
U.S. Department of Housing and Urban Development  
Philip Burton Federal Building  
450 Golden Gate Avenue  
P.O. Box 36003  
San Francisco, CA 94102-3448

Dear Mr. Rainey:

Since 1985, the Nevada Legislature has authorized an oversight committee to review various programs and activities in the Lake Tahoe Basin. During the 2003-2004 interim between our regular legislative sessions, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System fulfilled this role. (Reference: *Nevada Revised Statutes* [NRS] 218.53871)

The Committee is aware of certain housing issues in the Basin, and more specifically a shortage of affordable housing. The following barriers have been identified:

- Inadequate institutional capacity including the absence of a basinwide housing agency, regional plans and strategies, and staffing resources;
- Funding gaps;
- Informational gaps on housing and land inventories and conversions;
- Lack of available land coupled with high land and development costs; and
- Zoning and development regulations.

In the Lake Tahoe Basin, five specific elements have been suggested as valuable in attempting to address the housing situation at Lake Tahoe:

1. Incorporate basinwide, bistate, and multicounty approaches;

2. Expand institutional capacity and identify nonprofit organizations to develop housing;
3. Design strategies to reduce the costs of development in the Basin;
4. Increase access to capital through joint programs with Nevada and California or working with national intermediaries to participate in low-cost financing; and
5. Identify possible incentives for housing development.

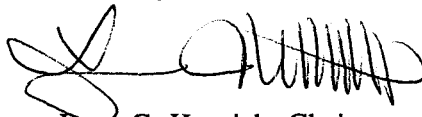
The Committee is also aware that the Rural Communities Assistance Corporation has provided technical assistance to enable a Community Housing Development Organization (CHDO) to become established in the Basin. Among the benefits of creating a CHDO are studying the area's housing program; developing strategies; working with counties, developers, and the gaming alliance; and accessing resources like tax credits.

Based on this information and testimony provided on this subject in previous years, the Committee recently adopted the following recommendation:

- *Transmit a letter to the U.S. Department of Housing and Urban Development:*
  - a) *Expressing continued support for the creation of a bistate Community Housing Development Office to facilitate and implement efforts to provide affordable housing within the Lake Tahoe Basin;*
  - b) *Requesting the Department's active participation in the Federal Interagency Partnership on the Lake Tahoe Ecosystem and the Lake Tahoe Federal Advisory Committee; and*
  - c) *Expressing support for the Department's efforts to include the relevant Nevada and California housing agencies as joint participants in the housing programs in the Lake Tahoe Basin.*

As members of Nevada's Legislative Oversight Committee, we sincerely commend you for the progress that has been made regarding affordable housing issues in the Lake Tahoe Basin and express our appreciation for your continued participation and cooperation. Please do not hesitate to contact me if you require additional information.

Sincerely,



Lynn C. Hettrick, Chairman  
Legislative Committee for the Review  
and Oversight of the Tahoe Regional Planning  
Agency and the Marlette Lake Water System



LYNN HETTRICK

ASSEMBLYMAN

District No. 39

MINORITY LEADER

COMMITTEES:

Member

Commerce and Labor

Taxation

Ways and Means



# State of Nevada Assembly

Seventy-Second Session

December 3, 2004

Bruce Van Cleemput

Chief

Tahoe-Douglas Fire Protection District

P.O. Box 919

Zephyr Cove, NV 89448-0919

Dear Chief Van Cleemput:

The Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System has completed its hearings for the 2003-2004 interim. Background information and testimony were received from citizens, interest groups, and representatives of the TRPA and other agencies with responsibilities in the Lake Tahoe Basin.

As you know, the issue of fire prevention and forest fuels reduction was discussed at great length throughout the interim. A catastrophic fire at Lake Tahoe would have disastrous impacts to public safety, property, the environment, and economy, and the Committee is very concerned about this possibility.

After much testimony, discussion, and deliberation, the Committee unanimously approved the following recommendation:

- *Transmit a letter to local fire districts and fire-related entities in the Lake Tahoe Basin supporting the intent of the current Memorandum of Understanding between the North Lake Tahoe Fire Protection District regarding defensible space, and encouraging other similar MOUs on the Nevada side of the Lake Tahoe Basin.*

The Committee is aware that discussions are taking place between TRPA and other appropriate fire districts, including the Tahoe-Douglas Fire Protection District, on the subject of appropriate and effective fire prevention programs and planning. We offer our support of these efforts and look forward to ongoing participation and cooperation by all parties involved to address this area of critical concern. No doubt, this will continue to be an issue for further

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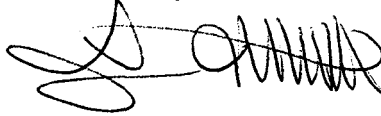
Fax No.: (775) 684-8521

Chief Bruce Van Cleemput  
December 3, 2004  
Page 2

Committee discussion in the 2005-2006 interim, and we will look forward to talking with you again.

Please do not hesitate contacting me if I can provide additional information or be of assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn C. Hettrick', with a stylized, cursive script.

Lynn C. Hettrick, Chairman  
Legislative Committee for the Review  
and Oversight of the Tahoe Regional Planning  
Agency and the Marlette Lake Water System

LCH/nw:L09

**Similar letters were also sent to:**

Jim Linardos, Chief  
North Lake Tahoe Fire Protection District

Pete Anderson, State Forester  
Nevada's Division of Forestry, SDCNR

Maribeth Gustafson, Forest Supervisor  
Lake Tahoe Basin Management Unit, USFS

Elwood Miller, Director  
Nevada Fire Safe Council

LYNN HETTRICK

ASSEMBLYMAN

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The Honorable Kenny C. Guinn  
Governor of Nevada  
Capitol Building  
Carson City, Nevada 89710

Dear Governor Guinn:

The Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System (*Nevada Revised Statutes* 218.53871) has completed its hearings for the 2003-2004 interim. Background information and testimony were received from citizens, interest groups, and representatives of the TRPA and other agencies with responsibilities in the Lake Tahoe Basin.

Much of the discussion during these hearings focused on the progress of the Environmental Improvement Program (EIP) and the status of Nevada's EIP projects. As Chairman of the Committee, I can report that we were very pleased with the quality of Nevada's efforts and the work of the interagency Nevada Tahoe Resource Team. The dedication and commitment of the Team's staff and member agencies is evident and much appreciated.

Testimony by several individuals, however, expressed a concern that while money has been allocated to implement the EIP, no funds have been identified to maintain the projects once they are completed. Without maintenance, the benefits derived from the EIP may be short-lived.

After much testimony, discussion, and deliberation, the Committee approved the following recommendation:

- *Transmit a letter to the TRPA Governing Board, Governor Kenny Guinn, the State Department of Conservation and Natural Resources, and local governments in the Lake Tahoe Basin requesting an evaluation of possible funding mechanisms for maintenance of completed EIP projects, including the possibility of a regional revenue source.*

Any assistance you may offer in this matter would be greatly appreciated. The Committee believes the ongoing maintenance of these EIP projects is necessary over the long-term in order for the program to meet the environmental goals of the Lake Tahoe Basin. No doubt, the Committee will again address

The Honorable Kenny C. Guinn

December 3, 2004

Page 2

this issue in the 2005-2006 interim and subsequent years as the EIP moves from the implementation to maintenance phase.

You may also be interested in two other recommendations of the Committee that directly pertain to the EIP. First, the Committee has requested legislation that would release the next phase of bonds in an amount of \$16.8 million to fund Nevada's portion of the EIP for the 2005-2007 Biennium.

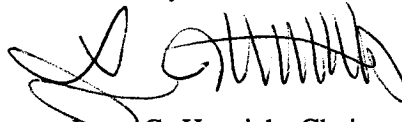
Second, we have sent a letter to the TRPA Governing Board recommending that TRPA evaluate and update the projected cost of completing the EIP. As you know, the projected cost to implement the full list of EIP projects in 1997 was estimated at \$908 million basinwide (Nevada's portion is \$82 million). Over time, however, the amount of money necessary to complete the program has increased as a result of actual construction costs, inflation, and other factors. Testimony at our hearings indicated the amount should be evaluated and updated, so all EIP participants and decision-makers are better informed of the actual costs in current dollars.

Finally, you may be interested in a Committee recommendation pertaining to TRPA's budget.

Concern was expressed by members of the Committee for a means to ensure meaningful oversight of the budget, programs, activities, responsiveness, and accountability of the TRPA as charged in the Committee's enabling legislation (Senate Bill 216, Chapter 408, *Statutes of Nevada 2003*). Testimony over the course of the interim indicated concern regarding five specific issue areas for which TRPA action is necessary. These issue areas address the following subjects: (a) fire prevention programs and planning; (b) public safety; (c) ex-parté communication; (d) participation in the Pathway 2007 - Regional Plan Update; and (e) qualifications of regional transit staff. As a result, the Committee voted to recommend that the Nevada Legislature's "Money Committees" (Senate Committee on Finance and Assembly Committee on Ways and Means) place restrictions on the Nevada portion of TRPA's budget to ensure successful completion of five specific performance objectives associated with the issue areas identified herein.

I would be pleased to provide additional information or to discuss these recommendations with you further. Please do not hesitate contacting me.

Sincerely,



Lynn C. Hettrick, Chairman  
Legislative Committee for the Review  
and Oversight of the Tahoe Regional Planning  
Agency and the Marlette Lake Water System

LCH/nw:L10

**Similar letters were also sent to:**

Allen Biaggi, Director  
State Department of Conservation and Natural Resources

Bill Horn, General Manager  
Incline Village General Improvement District



## **APPENDIX F**

### **Suggested Legislation**





## APPENDIX F

### Suggested Legislation

The following Bill Draft Requests will be available during the 2005 Legislative Session, or can be accessed after “Introduction” at the following Web site: <http://www.leg.state.nv.us/73rd/BDRList/page.cfm?showAll=1>Nevada Legislature Bill Draft Request List of the 73rd Session

- |            |   |
|------------|---|
| BDR S-308  | Authorizes issuance of general obligation bonds to carry out Environmental Improvement Program.   |
| BDR 27-309 | Authorizes sale of revenue or general obligation bonds to fund capital improvement projects associated with Marlette Lake Water System. |
| BDR 310    | JR: Expresses support for the Healthy Forests Initiative.   |