

BULLETIN 19-12

**Legislative Committee for the Review and Oversight
of the Tahoe Regional Planning Agency
and the Marlette Lake Water System
(NRS 218E.555)**



Legislative Counsel Bureau

DECEMBER 2018

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

Nevada Revised Statutes 218E.555

Members

Assemblyman Michael C. Sprinkle, Chair
Senator Julia Ratti, Vice Chair
Senator David R. Parks
Senator James A. Settelmeyer
Assemblywoman Sandra Jauregui
Assemblyman Al Kramer

Staff Contacts

Research Division:
Jered M. McDonald, Principal Policy Analyst
Lisa Gardner, Research Policy Assistant
(775) 684-6825

Fiscal Analysis Division:
Kimbra Ellsworth, Program Analyst
(775) 684-6821

Legal Division:
Eileen O'Grady, Chief Deputy Legislative Counsel
Jessica F. Dummer, Deputy Legislative Counsel
(775) 684-6830

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Nevada Revised Statutes

NRS 218E.555 Creation; membership; budget; officers; terms; vacancies; reports.

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 Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

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

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

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

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

(Added to NRS by [2003, 2504](#); A [2009, 1152, 1562](#); [2011, 3227, 3734](#); [2013, 2367](#))

EXECUTIVE SUMMARY

Nevada's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System (MLWS) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in *Nevada Revised Statutes (NRS)* [218E.550](#) through [218E.570](#). Created in 2003 with the enactment of [Senate Bill 216](#), the Committee provides oversight and review of the activities, budget, programs, and responsiveness of the TRPA and the MLWS.

The Committee held six meetings during the 2017–2018 Interim; three in Carson City and three in the Lake Tahoe Basin. The meetings addressed a variety of activities, issues, and programs pertaining specifically to the TRPA and MLWS and relating generally to the Lake Tahoe Basin. Issues specifically addressed during the meetings included environmental improvement, forest restoration, nearshore ecosystems, needed funding for improvements to the MLWS, shoreline development, and transportation.

The Committee voted to forward six recommendations as bill draft requests (BDRs) to the 80th Session of the Nevada Legislature in 2019, addressing the following topics: (1) environmental improvement programs in the Lake Tahoe Basin; (2) California-Nevada jurisdiction at Lake Tahoe and Topaz Lake; (3) the Tahoe-Douglas Visitor's Authority; and (4) transportation in the Lake Tahoe Basin.

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations approved by the Committee at its meetings held in Carson City on June 5, 2018, and August 28, 2018. The BDRs will be forwarded to the Legislative Commission for transmittal to the 80th Session of the Nevada Legislature.

Recommendations for Legislation

1. Request the drafting of a bill to release the next phase of bonds in an amount of \$8 million to carry out Nevada's portion of the Lake Tahoe Environmental Improvement Program (EIP) for the 2019–2021 Biennium. **(BDR S–435)**
2. Request the drafting of a bill to allow nonprofit organizations to receive grant funding from the proceeds generated from the sale of Lake Tahoe license plates for programs for the restoration of the natural environment of the Lake Tahoe Basin ([NRS 321.5951](#)). **(BDR 26–437)**
3. Request the drafting of a resolution expressing the Nevada Legislature's support for the critical role of science in guiding environmental protection and restoration efforts in the Lake Tahoe Basin. The resolution also recognizes the role of the Tahoe Science Advisory Council (TSAC) in providing the best available science to help guide natural resource planning decisions and implementation of environmental improvement projects in the Lake Tahoe Basin. **(BDR –438)**

4. Request the drafting of a bill to amend [NRS 171.077](#) to reflect current technology being utilized by law enforcement to identify geographic locations on Lake Tahoe and Topaz Lake. The recommendation also allows law enforcement officers to conduct follow-up investigations and bookings and arrest offenders for prohibited conduct committed on any land mass within ten air miles of Lake Tahoe and Topaz Lake. **(BDR –439)**
5. Request the drafting of a bill to amend the [Tahoe-Douglas Visitor's Authority Act](#) (Chapter 496, *Statutes of Nevada 1997*) to clarify that the convention center the Tahoe-Douglas Visitor's Authority is authorized to plan, construct, and operate is a multiuse event and convention center that can accommodate other events besides conventions. **(BDR S–440)**
6. Request the drafting of a resolution expressing the Nevada Legislature's support for finding innovative transportation solutions in the Lake Tahoe Basin to help protect Lake Tahoe and the surrounding ecosystem from the increasing impacts of congestion and other transportation related challenges. The resolution also expresses support for the efforts of the Bi-State Transportation Consultation Group, which is focused on identifying solutions to improve mobility, increase recreational access, protect the environment, and improve the quality of life for the visitors to, and residents of, the Lake Tahoe Basin. **(BDR –441)**

Recommendations for Committee Action

7. Send a letter to Nevada's Office of Grant Procurement, Coordination and Management, Department of Administration, to express the Committee's support of the MLWS's request for assistance to solicit the federal government for financial resources to make improvements and needed repairs to the system, including the Marlette Lake and Hobart Reservoir Dams.
8. Send a letter to Nevada's federal delegation expressing support for a Federal Fiscal Year (FFY) 2019 budget appropriation to fund the Lake Tahoe Restoration Act (LTRA) of 2015.
9. Send a letter to the Tahoe-Douglas Visitor's Authority expressing the Committee's support of the Authority's efforts to plan, construct, and operate a multiuse event and convention center.
10. Provide a letter to the MLWS expressing the Committee's support of the MLWS's efforts to obtain grant funding to make improvements and needed repairs to the system, including the Marlette Lake and Hobart Reservoir Dams.

I. INTRODUCTION

Interim legislative oversight of the TRPA has existed in one form or another since the mid-1980s and in all but one interim since 1985; the Nevada Legislature has provided review and oversight of the TRPA either through an interim study or the currently defined statutory committee. Prior to 2003, review and oversight of the TRPA and the MLWS was conducted by two separate committees. Like the TRPA, the MLWS has been the subject of study by the Nevada Legislature for many years. In 1967, the Legislature adopted Senate Concurrent Resolution 21 (File 105, *Statutes of Nevada 1967*) to direct the Legislative Commission to study the feasibility and desirability of retaining the MLWS. Two years later, the study was continued with the adoption of Assembly Concurrent Resolution 28 (File 112, *Statutes of Nevada 1969*). Finally, with the enactment of Assembly Bill 804 (Chapter 410, *Statutes of Nevada 1971*), the Legislature established the MLWS Advisory Committee. The MLWS Advisory Committee existed for more than 30 years before the 2003 legislation created the Committee now in existence.

The duties of the Committee set forth in [NRS 218E.565](#) are:

- To review and oversee the accountability, activities, budgets, programs, and responsiveness of the TRPA and the MLWS;
- To study the activities, authority, and role of the TRPA regarding the Lake Tahoe Basin and the MLWS pertaining to Marlette Lake; and
- To communicate with members of the California State Legislature to achieve the goals set forth in the Tahoe Regional Planning Compact, which is codified in [Pub. L. 96-551, 94 Stat. 3233 \(1980\)](#), [NRS 277.200](#), and [California Government Code 66800 through 66802](#).

During the 2017–2018 Interim, the Committee held six meetings, which addressed a variety of activities, issues, and programs relevant to the TRPA and the MLWS. Each meeting was focused as follows:

1. [December 18, 2017](#)—Overview of the Committee, the Lake Tahoe EIP, the TRPA, and the MLWS;
2. [March 6, 2018](#)—Transportation in the Lake Tahoe Basin;
3. [April 17, 2018](#)—Forest health in the Lake Tahoe Basin and surrounding region;
4. [June 5, 2018](#)—Funding for Marlette Lake operations and improvements and updates on economic development and redevelopment;
5. [July 23, 2018](#)—California-Nevada bistate collaboration, law enforcement jurisdiction on Lake Tahoe and Topaz Lake, nearshore ecosystems, nonprofit community engagement, and shoreline development planning; and
6. [August 28, 2018](#)—Overview of the Lake Tahoe license plate program and work session.

The Committee received numerous recommendations from presenters and the public at its first five meetings, and on July 17, 2018, the chair requested that additional written recommendations be submitted to the Committee prior to its final meeting. Written recommendations received and considered by the Committee at its work session are included in the [Work Session Document](#).

More information about the Committee’s activities—including minutes, recordings of meetings, and copies of presentations and other exhibits—may be accessed on the Legislature’s website for the [2017–2018 Interim](#).

II. DISCUSSION OF TESTIMONY AND RECOMMENDATIONS

At its final meeting and work session on August 28, 2018, the Committee considered a total of nine proposed actions for legislation or letters to include in its final report. Additional information regarding all recommendations considered is available in the Committee’s [Work Session Document](#).

A. Nevada’s Environmental Improvement Program

Recommendation 1

The Lake Tahoe EIP is a partnership between the federal government, California, Nevada, local governments, and the private sector. Nevada’s EIP projects are carried out by a state interagency team referred to as the “Nevada Tahoe Resource Team,” which is coordinated by the Division of State Lands, State Department of Conservation and Natural Resources (DCNR). The 2009 Nevada Legislature enacted [AB 18](#), which authorized the issuance of not more than \$100 million in general obligation bonds for the state’s apportioned share of the costs for the second phase of the Lake Tahoe EIP between July 1, 2009, and June 30, 2020. Assembly Bill 18 was structured so that, each legislative session, the Division of State Lands would return to request legislative authorization for each installment of those bond sales. For the past three biennia and the current biennium, a majority of the general obligation bonding affordability has been allocated to the state’s Capital Improvement Program. Some bonds for the Lake Tahoe EIP have not been issued despite legislative authorization to do so because of the limited general obligation debt capacity. The overall total bonding authority remaining is \$87.6 million. To account for limited bonding capacity during the recession, the end date was later extended to June 30, 2030, with the passage of [SB 197](#) in 2017.

At the Committee meeting held on December 18, 2017, the Committee received updates on the status of bonds related to Lake Tahoe. Based upon this information, and a recommendation from DCNR, the Committee approved the following actions:

On August 28, 2018, the Committee voted unanimously to request the drafting of a bill to release the next phase of bonds in an amount of \$8 million to carry out Nevada’s portion of the Lake Tahoe EIP for the 2019–2021 Biennium. (BDR S–435)

Recommendation 2

At the meeting held on April 17, 2018, the Committee received testimony from Julie W. Regan, Chief of External Affairs and Deputy Director, TRPA, and Steve Teshara, Principal, Sustainable Community Advocates, regarding a potential FFY 2019 budget appropriation for the reauthorization of the LTRA of 2015. The United States Congress typically renews the LTRA on an annual basis to support public and private approaches to implementing environmental projects in the Lake Tahoe Basin. Testimony further indicated that the LTRA requires ongoing federal funding to continue to effectively combat aquatic invasive species, improve recreational access, improve water clarity, and reduce the threat of catastrophic wildfire.

On August 28, 2018, the Committee voted unanimously to send a letter to Nevada’s federal delegation expressing support for a FFY 2019 budget appropriation for the LTRA of 2015.

Recommendation 3

On August 28, 2018, James R. Lawrence, Deputy Director, DCNR, provided an overview of Nevada’s Lake Tahoe license plate program, which provides funding to public agencies for environmental preservation and restoration efforts in the Lake Tahoe Basin. Mr. Lawrence indicated that limiting funding to only public agencies has been problematic for nonprofit entities seeking to collaborate with public agencies. Over the years, the program has received inquiries for worthwhile nonprofit lead projects only to be told that they cannot qualify under statute. As an example, Mr. Lawrence discussed the League to Save Lake Tahoe’s efforts to access license plate funds for a pilot program for transportation circulation in the casino core. Further, he indicated there are numerous other nonprofits in the Lake Tahoe Basin who may be missing out on similar opportunities.

At the work session held on August 28, 2018, the Committee voted to draft a bill to allow nonprofit organizations to receive grant funding from the proceeds generated from the sale of Lake Tahoe license plates for programs for the restoration of the natural environment of the Lake Tahoe Basin ([NRS 321.5951](#)).

Recommendation 4

At the meeting held on July 23, 2018, Bradley Crowell, Director, DCNR, provided an overview and update on the activities of TSAC. As an independent science council, the bistate group works together in an advisory capacity to develop the best available science for integration into targeted, coordinated environmental management decisions across the Lake Tahoe Basin. In light of the lowest lake clarity measurement on record in 2017, TSAC is conducting an in-depth review of clarity data to help guide best management policies and environmental improvement projects throughout the Basin. In addition, the Bi-State Transportation Consultation Group is developing short- and long-term projects and policy goals to improve transportation options in the Basin and shift user behavior.

On August 28, 2018, the Committee voted to draft a resolution expressing the Nevada Legislature’s support for the critical role of science in guiding environmental protection and restoration efforts in the Lake Tahoe Basin and recognizing the role of TSAC in providing the best available science to help guide natural resource planning decisions and the implementation of environmental improvement projects in the Lake Tahoe Basin.

B. California-Nevada Jurisdiction on Lake Tahoe and Topaz Lake

Recommendation 1

At the meeting held on July 23, 2018, Ron Skibinski, Deputy Sheriff, Douglas County Sheriff’s Office, and Steve Schultz, Deputy Sheriff, Douglas County Sheriff’s Office, discussed issues related to the California-Nevada Compact for Jurisdiction on Interstate Waters ([NRS 171.077](#)) with regard to law enforcement activities in the concurrent jurisdiction at Lake Tahoe and Topaz Lake. According to testimony, language in the Compact is outdated with regard to advancements in geographic location technology in that it assumes law enforcement is unable to determine the precise location where a criminal act has been committed. In addition, the Compact only provides concurrent jurisdiction on the water, and there are times when law enforcement officers need to conduct follow-up investigations and bookings and provide assistance on land. Based on testimony provided, all local law enforcement agencies in the Lake Tahoe Basin support amending the Compact to resolve issues contained in the Compact.

At its work session on August 28, 2018, the Committee voted to draft a bill to amend [NRS 171.077](#) to reflect current technology being utilized by law enforcement to identify geographic locations on Lake Tahoe and Topaz Lake. The recommendation also allows law enforcement officers to conduct follow-up investigations and bookings and arrest offenders for prohibited conduct committed on any land mass within ten air miles of Lake Tahoe and Topaz Lake.

C. Tahoe-Douglas Visitor’s Authority

Recommendation 1

At the Committee meeting held on June 5, 2018, Lewis S. Feldman, Feldman McLaughlin Thiel, LLP, on behalf of the Tahoe-Douglas Visitor’s Authority, described the Authority’s efforts to construct a convention and meeting facility. According to testimony, the facility will have a significant economic impact on the south shore area, with new jobs for residents and increased revenue for businesses. Additionally, the facility will enhance the visitor and community experience, promote year-round economic vitality, and expand the range of spectator oriented events, such as concerts, conventions, sporting events, and trade shows.

In addition to the overview provided, Mr. Feldman discussed possible limitations related to the description of the facility in statute. As currently defined, the facility is limited to holding conventions, as described in subsection 5(b) of Section 26 of the [Tahoe-Douglas Visitor’s Authority Act](#). Mr. Feldman discussed the need to amend the Act to clarify that the proposed

facility may accommodate conventions, as well as concerts, community events, performing arts, sporting events and tournaments, trade and exhibition shows, and other public assembly.

On August 28, 2018, The Committee voted to draft a bill to amend the [Tahoe-Douglas Visitor's Authority Act](#) to clarify that the convention center the Authority is authorized to plan, construct, and operate is a multiuse event and convention center that can accommodate other events besides conventions.

Recommendation 2

Additionally, at the work session held on August 28, 2018, the Committee voted to send a letter of support to the Authority.

D. Transportation in the Lake Tahoe Basin

Recommendation 1

Transportation issues were discussed at multiple meetings throughout the interim. At the transportation-focused meeting held on March 6, 2018, Joanne S. Marchetta, Executive Director, TRPA, provided an overview of the Regional Transportation Plan, which aims to alleviate traffic congestion around Lake Tahoe with technology, trail, and transit improvements. Carl Hasty, Director, Tahoe Transportation District, discussed regional demand for varied modes of transportation. He indicated there is a projected \$3.8 billion budgetary shortfall for future projects. The Committee also received an overview of the Bi-State Transportation Consultation Group and its efforts to engage with various regional government entities to alleviate long-term transportation issues in the Lake Tahoe Basin and surrounding areas.

To show support for bistate collaboration, the Committee voted to draft a resolution expressing the Nevada Legislature's support for finding innovative transportation solutions in the Lake Tahoe Basin to help protect Lake Tahoe and the surrounding ecosystem from the increasing impacts of congestion and other transportation-related challenges. The resolution also expresses support for the efforts of the Bi-State Transportation Consultation Group, which is focused on identifying solutions to improve mobility, increase recreational access, protect the environment, and improve the quality of life for the visitors to, and residents of, the Lake Tahoe Basin.

E. Marlette Lake Water System

Recommendation 1

At the meeting held on December 18, 2017, representatives of the MLWS provided a review of the System, including its history, which dates back to the 1800s, and the importance of the MLWS to the communities of Carson City and Virginia City. At a later meeting held on June 5, 2018, the Committee received information regarding the need and cost to upgrade facilities on the MLWS. Of particular note, the Committee was advised that two dams on the MLWS are potential safety risks and an estimated \$25 million is required to make necessary repairs. Testimony also indicated

that staff of the MLWS were in need of grant writing support to access certain grants provided by the federal government.

At the meeting held on June 5, 2018, the Committee voted to send a letter to Nevada’s Office of Grant Procurement, Coordination and Management, Department of Administration, to express the Committee’s support of the MLWS’s request for assistance to solicit the federal government for financial resources to make improvements and needed repairs to the system, including the Marlette Lake and Hobart Reservoir Dams.

Recommendation 2

Additionally, at the work session held on August 28, 2018, the Committee voted to draft a letter expressing the Committee’s support of the MLWS’s efforts to seek grant funds to make improvements and needed repairs to the MLWS, including the Marlette Lake and Hobart Reservoir Dams.

III. SUGGESTED LEGISLATION

The following bill draft requests* will be available during the 2019 Legislative Session at the following website: <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/BDRs/List>.

- BDR S–435 Provides for the release of the next phase of bonds to carry out Nevada’s portion of the Environmental Improvement Program for Lake Tahoe for the 2019–2021 Biennium.
- BDR 26–437 Revises provisions relating to the Account for License Plates for the Support of the Preservation and Restoration of the Natural Environment of the Lake Tahoe Basin.
- BDR –438 ACR: Expresses support for the role of science in guiding environmental protection and restoration efforts in the Lake Tahoe Basin and recognizes the role of the Tahoe Science Advisory Council.
- BDR –439 Revises provisions relating to the concurrent jurisdiction of California and Nevada on Lake Tahoe and Topaz Lake.
- BDR S–440 Revises provisions relating to the convention center to be built and operated by the Tahoe-Douglas Visitor's Authority.
- BDR –441 ACR: Expresses support for finding innovative transportation solutions in the Lake Tahoe Basin and for the efforts of the Bi-State Transportation Consultation Group.

*The following explains the numbers or letter preceding the dash in the BDR number:

BDR 40–368 A number denotes the NRS Title (i.e., Title 40), which encompasses the main subject of the bill draft.

BDR R–369 The letter “R” denotes the bill draft is a resolution.

BDR S–370 The letter “S” denotes the bill draft is a special act.