



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

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System was held on Monday, November 2, 2009, in the Meiling Room, of the Donald W. Reynolds Nonprofit Community Center, 948 Incline Way, Incline Village, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT:

Senator Mark E. Amodei
Senator John J. Lee
Senator David R. Parks
Assemblywoman Peggy Pierce
Assemblyman James A. Settelmeyer

COMMITTEE MEMBER ABSENT:

Assemblyman Morse Arberry Jr.

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jennifer Ruedy, Senior Research Analyst, Research Division
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
Stephen J. Avillo, Deputy Legislative Counsel, Legal Division
Gayle Nadeau, Principal Research Secretary, Research Division
Tracey Wineglass, Senior Research Secretary, Research Division

ELECTION OF CHAIR AND VICE CHAIR

Assemblywoman Pierce opened the nominations for Chair and Vice Chair.

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR AMODEI NOMINATED AND MOVED THAT SENATOR LEE SERVE AS THE COMMITTEE'S CHAIR. THE MOTION WAS SECONDED BY ASSEMBLYMAN SETTELMAYER, AND PASSED UNANIMOUSLY.

SENATOR LEE MOVED TO NOMINATE ASSEMBLYMAN SETTELMAYER TO SERVE AS THE COMMITTEE'S VICE CHAIR. THE MOTION WAS MADE BY SENATOR AMODEI, SECONDED BY SENATOR PARKS, AND PASSED UNANIMOUSLY.

OPENING REMARKS AND INTRODUCTIONS

- Chair Lee expressed his appreciation for being elected the Chair of the Committee. He shared a brief history of his family spending time in the Lake Tahoe Basin where they have enjoyed the Tahoe Rim Trail and the surrounding community. Chair Lee welcomed members and the public to the first meeting of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System.

SUMMARY OF 2007-2008 INTERIM COMMITTEE RECOMMENDATIONS AND LEGISLATION FROM THE 2009 NEVADA LEGISLATURE RELEVANT TO THE LAKE TAHOE BASIN

- Jennifer Ruedy, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), briefly noted the duties of the Committee including the maximum number of bill drafts the Committee may request, its budget, and meeting requirements set forth in Senate Bill 371 (Chapter 272, *Statutes of Nevada 2009*), that amended the time frame for Committee meeting dates. Ms. Ruedy shared the recommendations made by the Committee during the 2007–2008 Interim including Assembly Bill 18 (Chapter 431, *Statutes of Nevada*) that was enacted during the 2009 Legislative Session and other relevant legislation passed during the 2009 Session. (Please see [Exhibit B](#) and [Exhibit C](#).)

UPDATE OF IMPROVEMENTS TO THE MARLETTE LAKE WATER SYSTEM

- Jason D. Crosby, P.E., Staff Engineer, Buildings and Grounds Division, Department of Administration, presented a Microsoft PowerPoint presentation that highlighted the results of the upgrades, improvements, and total costs of the Marlette Lake Water System Project. Mr. Crosby discussed future phases of the project's scope that

include a transmission pipe replacement from Lakeview to Sawmill and a study of the redundancy valves used to control flow at Marlette Lake and Hobart Reservoir. Grant funds from the United States Environmental Protection Agency (EPA) of \$350,000 were secured by Carson City and will fund the transmission line and redundancy valve upgrades. Options for future projects would include additional flow capacity to the Carson City area, additional pipeline to the Quill water treatment plant from Lakeview, construction of a hydroelectric power plant, and a new water treatment plant at Lakeview. Mr. Crosby expressed appreciation to the partners who made the projects a success. (Please see [Exhibit D](#) and [Exhibit E](#).)

- Assemblyman Settelmeyer expressed his appreciation to the Buildings and Grounds Division for protecting the air quality of Lake Tahoe through its removal of the diesel-powered pump at Marlette Lake and replacing it with a permanent electric pump. He also praised the Division's efforts to preserve the Mountain Beaver (large mole) an endangered species, during the initial construction phases of the Marlette Lake Water System.

Responding to Committee members' questions regarding the percentage of water from Marlette Lake going to Carson City versus Virginia City, the percentage of overall demand for Marlette Lake water by these communities, and the source of water for Virginia City, Mike Leahy, Water System Manager, Buildings and Grounds Division, Department of Administration, clarified:

- Virginia City does not receive Marlette Lake water;
- Carson City receives two-thirds of its water from Marlette Lake during the City's peak demands, the rest is supplied from natural springs; and
- Multiple tributaries on the East Slope of the Sierra Nevada mountains and Hobart Reservoir drainage are the primary sources of water for Virginia City.

Responding to Assemblywoman Pierce's question whether the Marlette Lake Water System project is completely modernized and if the system has adequate security protections in place, Mr. Leahy responded that the new pump system is in use and is being successfully operated through automatic remote controls, and he confirmed that security of the system is a high priority. Mr. Leahy shared that future phases of the Marlette Lake Water System involve such enhancements as transmission lines, new tanks, and replacing old redundancy valves.

Discussion ensued among Committee members and Mr. Leahy regarding the age of the pipeline that lies beneath a section of U.S. Highway 395 going to Virginia City, the replacement of the outdated redundancy valves, and the use of \$350,000 in EPA grant funds that were secured by Carson City to engineer and design the transmission lines and redundancy valve upgrades.

UPDATE ON PROGRAMS AND ACTIVITIES ASSOCIATED WITH THE TRPA

- Joanne S. Marchetta, Executive Director, TRPA, provided brief introductory remarks and explained she would discuss the following six key topics in her slide presentation (see [Exhibit F](#)):
 1. Update and status of the Tahoe Basin's comprehensive regional plan;
 2. Recent actions updating the Tahoe Basin's capital restoration plan known as the Environmental Improvement Program (EIP);
 3. Status of implementation of the California-Nevada Tahoe Basin Fire Commission's recommendations affecting TRPA as a result of the Angora Fire;
 4. Status of implementation of the shorezone rules;
 5. Actions to protect against aquatic invasive species; and
 6. Overview of the TRPA budget.

There was a discussion between Assemblyman Settelmeyer and Ms. Marchetta regarding the number of illegal buoys on Lake Tahoe, the urban runoff report dealing with improving water clarity, and gains in water clarity resulting from banning two-stroke engines on Lake Tahoe.

Discussion ensued between Senator Lee and Ms. Marchetta regarding the following matters:

- TRPA's successful conservation work;
 - Traffic conditions and off-road parking concerns;
 - Potential to use eminent domain for development in the Lake Tahoe Basin;
 - Past building and zoning lessons influencing current revitalization projects to reduce coverage and improve water quality;
 - TRPA working with homeowners to educate them on the options available to effectively increase the size of their homes;
 - Timeline for removing debris along the Skunk Harbor Trail;
 - The stream restoration project in Glenbrook; and
 - Limiting boaters use of Lake Tahoe to certain hours.
- Ms. Marchetta responded to questions from Senator Parks regarding the following topics:
 1. Urban runoff as it relates to load reduction;
 2. An explanation of what makes an illegal buoy;
 3. Permitting of buoys over past years and shorezone ordinances; and

4. The Blue Boating Program and assessing the risk for aquatic invasive species during boat inspections.

There was discussion among Committee members, Ms. Marchetta, and James T. Brock, Associate Research Ecologist, Division of Earth and Ecosystem Sciences, Desert Research Institute, Nevada System of Higher Education, regarding:

- Control strategies in combating the Asian clam and budgeting for the aquatic invasive species program; and
- The permitting cost for buoys, what the fees collected are used for, and buoys in place before 1972 are “grandfathered” into the program.

UPDATE ON CALIFORNIA LEGISLATION AND PRIORITIES RELEVANT TO THE LAKE TAHOE BASIN

- Patrick Wright, Executive Officer, California Tahoe Conservancy, provided an overview of California’s key issues and perspectives in the Lake Tahoe Basin, which are similar to TRPA’s because of the collaborative work between the agencies and stakeholders toward planning, regulatory, and investment efforts. He noted that the regional plan is progressing, the Total Maximum Daily Load (water quality plan) involves a massive investment, and the multibillion dollar EIP restoration plan is moving forward. Mr. Wright explained that the challenge is to align these planning, regulatory, and investment programs with the top priorities for the Basin.

Mr. Wright stated that significant progress has been made over the past 20 years in slowing the rate of decline in the Lake’s clarity. However, new threats such as fire and fuels management, aquatic invasive species, and climate change were not considered in the past. These three factors, if not addressed, threaten to undermine the progress made on Lake Tahoe’s clarity. He declared that Caltrans expects to spend nearly \$500 million over the next ten years retrofitting the road network on the California side of the Lake Tahoe Basin, which is encouraging because it is the urbanized areas of the road network that is the highest priority from a clarity perspective.

In conclusion, Mr. Wright testified that California has proposed legislation to increase water bond funding and adopted Senate Concurrent Resolution No. 13 in 2009 that established a new joint committee for the protection of Lake Tahoe. It will not focus on TRPA; its purpose is to oversee what California agencies can contribute to the Lake Tahoe Basin. (Please see [Exhibit G.](#))

Discussion ensued among Committee members and Mr. Wright regarding the following matters:

- The Lake Tahoe Water Trail that is planned to manage kayaking around the Lake;
- Caltrans’ time frame to retrofit the roads on the California side of the Basin;

- Differences between the California and Nevada low watermark determination and related privacy issues for property owners, often referred to as the public trust areas along the shoreline; and
- The Van Sickle Bi-State Park parameters.

UPDATE ON IMPLEMENTATION OF THE RECOMMENDATIONS OF THE CALIFORNIA-NEVADA TAHOE BASIN FIRE COMMISSION

- A.J. “Bud” Hicks, Chairman, the Successor Commission to the California-Nevada Tahoe Basin Fire Commission, spoke about the implementation of the recommendations of the Commission after the Angora Fire. He explained that fundamental changes were instituted, and fuels reduction projects and defensible space treatments are being implemented. Mr. Hicks further explained that many agencies collaborated to successfully combat the fuels reduction issue but explained the major roadblock is funding. The primary funding for fuels reduction comes from the Southern Nevada Public Land Management Act and will expire in two years. He explained it is vital that California and Nevada support their Congressional Delegations in their efforts to reauthorize the Lake Tahoe Restoration Act and distribute appropriated funding so fuels reduction work can continue. (Please see [Exhibit H.](#))

UPDATE ON PROJECTS AND REPORTS REQUIRED BY SENATE BILL 94 (CHAPTER 479, *STATUTES OF NEVADA 2009*) AND ASSEMBLY BILL 75 (CHAPTER 144, *STATUTES OF NEVADA 2009*)

- Allen Biaggi, Director, State Department of Conservation and Natural Resources (SCDNR), TRPA Governing Board, thanked Assemblywoman Pierce for her leadership of this Committee over the last interim and expressed gratitude to the legislators in the passage of A.B. 18 during the 2009 Legislative Session. This legislation created the California-Nevada Tahoe Basin Fire Commission that has made recommendations to prevent future fires, review forest and fire management, fire suppression, and address funding. The 2009 Nevada Legislature unanimously voted to pass A.B. 75 and S.B. 94 which provided for improved reporting to the State Legislature and consistency in regulating fire codes. (Please see [Exhibit I.](#))
- Pete Anderson, State Forester Firewarden, Division of Forestry, SDCNR, gave a brief overview of what the Committee may expect in his report that is due to this Committee and the Director of the Legislative Counsel Bureau by January 1, 2011, for transmittal to the 2011 Legislature about overseeing various fire protection activities for the State as required by S.B. 94. He opined that it would be helpful to the Committee to have this report to the Committee prior to January 1, 2011, and proposed delivering it in June of 2010, well in advance of the January 1, 2011, required deadline. In addition, Mr. Anderson discussed the report that is due by January 1 of each year to this Committee and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature as required by A.B. 75. He said the annual report will focus on fire

prevention, education activities, and identify key issues and/or recommendations for improvement. (Please see [Exhibit J.](#))

In response to Senator Lee's query about utilizing trained inmates for fuels management, Mr. Anderson responded that conservation camp crews are used statewide for fuels reduction projects.

STATUS OF CURRENT AND ONGOING PROJECTS IN THE LAKE TAHOE BASIN

- Andrew List, Executive Director, Nevada Fire Safe Council (NFSC), discussed NFSC's history from 1999 through 2009, the current status of dues payers and NFSC Chapters, and its funding sources. Mr. List explained that NFSC's objective is to educate, mitigate, and empower residents to be proactive in protecting their communities by using the "Get Defensive Campaign." Mr. List discussed the defensible space rebate program for residents within the Tahoe Basin. Another program is made up of the Tahoe Fire and Fuels Team and the Multi-Agency Coordinating Group. He noted that approximately 2,000 acres have been treated by this group. The Fire Safe Council acts as the lead grant writer and administrators of the funds on behalf of the fire protection districts.

Mr. List addressed the cost of using public money for private property owners to maintain their defensible space, and he explained that the cost of utilizing firefighters to put out a fire is far more costly than maintaining private property. (Please see [Exhibit K](#), [Exhibit L](#), [Exhibit M](#), and [Exhibit N](#).)

- Assemblywoman Pierce inquired about the amount of federal stimulus money received and how it was used for the project.

Responding to Assemblywoman Pierce's inquiry regarding the amount of federal stimulus money used for defensible space projects in the Tahoe Basin, Mr. List explained that \$3.2 million was directed to the fire protection districts on the California side of the Lake Tahoe Basin, and the NFSC entered into a cooperative agreement with the U.S. Forest Service to receive the funding on behalf of the districts. He further explained that Nevada did not receive federal stimulus money, but Nevada's Division of Forestry assisted with approximately 10 grants that were used for additional funding.

PRESENTATION ON THE PROGRAMS AND ACTIVITIES OF THE TAHOE RIM TRAIL ASSOCIATION

- Mark Kimbrough, Executive Director, Tahoe Rim Trail Association, provided a brief overview of the Tahoe Rim Trail, sharing that he has worked with many schools and public organizations to promote the Rim Trail. Mr. Kimbrough explained some of the programs available to the public, such as hiking and water experiences available around the Tahoe Basin. Many people and organizations visit the Tahoe Rim Trail each year to work toward their membership in the "165 Mile Club." He noted that

the Tahoe Rim Trail Association is a nonprofit organization and staffed by volunteers. Mr. Kimbrough shared that *National Geographic* named the Tahoe Basin as one of the top ten best destinations in the country for an outdoor hiking experience. (Please see [Exhibit O](#) and [Exhibit P](#).)

PUBLIC COMMENT

- Steve Walker, representing Carson City, clarified an earlier statement during the meeting about the amount of Carson City's water supply coming from the Marlette-Hobart water system. He stated between 8 and 9 percent comes from Marlette Lake and between 4 and 5 percent comes from Hobart Reservoir, which the combined total equates to approximately 1,800 acre-feet of Carson City's annual water demand of 15,000 acre-feet of water.
- Claudia Anderson, President, Parasol Tahoe Community Foundation, spoke regarding Parasol's philanthropic duties of collaborative granting over the past 14 years. She noted that Parasol worked with donors to facilitate a collaborative grant with the Nevada Fire Safe Council to help fund a staff member that assists homeowners in accessing grant money for defensible space. Additionally, Parasol funded two pamphlets to educate homeowners on how to determine which plants are considered low and high fire danger.

Responding to questions from Committee members regarding naming the Foundation building for Donald W. Reynolds, the operation and maintenance funding for the building, and the criteria for selecting the nine agencies occupying the nonprofit center, Ms. Anderson explained that the original grant of \$6.6 million to construct the building was part of a collaborative effort with the Donald W. Reynolds Foundation; there is an endowment of approximately \$1 million to help maintain the building; and the tenant occupancy criteria is part of the grant application process that requires the tenants to report annually to the grants committee and the board of directors to review the tenants' collaborative efforts as well as ensure that the nine agencies are meeting required standards.

- Anne Nichols, North Tahoe Preservation Alliance, spoke about the efforts of the TRPA and urbanization and explained that the North Tahoe Preservation Alliance was formed due to the concerns regarding density, height, and parking availability in the Lake Tahoe Basin. Ms. Nichols expressed concern that the TRPA be vigilant about the urbanization process as it proceeds.
- David McClure, a resident of the north shore of Lake Tahoe, expressed concern over the "shrinkage" of Highway 28 through the Kings Beach area, which would reduce the capacity to revitalize the area, especially in Kings Beach. Mr. McClure opined it is important to adjust the model to accommodate local communities and not reduce the north shore's growth potential based on south shore revitalization.

- Jennifer Ruedy, identified previously, introduced two written statements: one from Don Kanare of Lakeshore Realty and the other from Steve Teshara with the North Lake Tahoe Chamber of Commerce. (Please see [Exhibit Q](#) and [Exhibit R](#).)

COMMITTEE DISCUSSION OF FUTURE MEETINGS

- After a brief discussion with Jennifer Ruedy, identified previously, Chair Lee stated the members' other legislative committee assignments would be considered before setting the next meeting date. He noted the next meeting would take place during the first part of 2010.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:58 p.m.

Respectfully submitted,

Tracey Wineglass
Senior Research Secretary

Jennifer Ruedy
Senior Research Analyst

APPROVED BY:

Senator John J. Lee, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Jennifer Ruedy, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a document dated October 28, 2009, that defines the membership, rules, and duties of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System, provided by Jennifer Ruedy, Senior Research Analyst, Research Division, LCB.

[Exhibit C](#) is a document dated November 2, 2009, reviewing the recommendations made by the Legislative Committee for the Review and Oversight of the TRPA and the Marlette Lake Water System during the 2007-2008 Interim, including a review of measures addressed by the 2009 Legislature, prepared by Jennifer Ruedy, Senior Research Analyst, Research Division, LCB.

[Exhibit D](#) is a Microsoft PowerPoint presentation titled “Marlette Water System,” presented by Jason Crosby, P.E., Staff Engineer, Buildings and Grounds Division, Department of Administration.

[Exhibit E](#) is an invitation dated September 18, 2009, for the open house of the Marlette Lake Water System Upgrade Celebration, provided by Mike Leahy, Manager, Buildings and Grounds Division, Department of Administration.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled “TRPA Briefing to the Nevada Legislative Oversight Committee,” presented by Joanne S. Marchetta, Executive Director, TRPA.

[Exhibit G](#) is a document titled “Senate Concurrent Resolution No. 13” and an attached news release regarding SCR 13 titled “Steinburg Announces Joint Committee for the Protection of Lake Tahoe,” provided by Patrick Wright, Executive Officer, California Tahoe Conservancy.

[Exhibit H](#) is the written testimony of A.J. “Bud” Hicks, Chair, the Successor Commission.

[Exhibit I](#) is the written testimony of Allen Biaggi, Director, State Department of Conservation and Natural Resources (SDCNR), and Chair, TRPA Governing Board.

[Exhibit J](#) is a document dated November 2, 2009, titled “A. B. 75 and S. B. 94 Status Report,” provided by Pete Anderson, State Forester Firewarden, Division of Forestry, SDCNR.

[Exhibit K](#) is a document titled “Working to Make Communities Fire Safe,” provided by Andrew List, Executive Director, The Nevada Fire Safe Council.

[Exhibit L](#) is a map titled “Tahoe Basin NFSC Chapters,” prepared by Andrew List, Executive Director, The Nevada Fire Safe Council.

[Exhibit M](#) is a document titled “The Five-Step Defensible Space Rebate Process,” provided by Andrew List, Executive Director, The Nevada Fire Safe Council.

[Exhibit N](#) is a document titled “Defensible Space as a Matter of Public Policy,” provided by Andrew List, Executive Director, The Nevada Fire Safe Council.

[Exhibit O](#) is a pamphlet titled “165 Mile Club,” provided by Mark Kimbrough, Executive Director, Tahoe Rim Trail Association.

[Exhibit P](#) is pamphlet titled “Tahoe Rim Trail, a trail like no other,” provided by Mark Kimbrough, Executive Director, Tahoe Rim Trail Association.

[Exhibit Q](#) is a document titled “How to Fix the TRPA’s Budget and Improve Accountability,” submitted by Don Kanare, Realtor® with Lakeshore Realty, and introduced under “Public Comment” by Jennifer Ruedy, identified previously.

[Exhibit R](#) is a document introduced under “Public Comment” by Jennifer Ruedy, identified previously, titled “Request for Advance Notification of Meeting Schedule and Agenda Development,” submitted by Steve Teshara, President and Chief Executive Officer, North Lake Tahoe Resort Association, and Executive Director, North Lake Tahoe Chamber of Commerce.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.