



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

(Nevada Revised Statutes [NRS] 218E.555)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System was held on Monday, March 19, 2012, at 9 a.m. 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/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN INCLINE VILLAGE:

Senator John J. Lee, Chair
Assemblyman Kelly Kite, Vice Chair
Senator David R. Parks
Senator James A. Settelmeyer
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Marilyn Kirkpatrick

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jennifer Ruedy, Senior Research Analyst, Research Division
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
Heidi Chlarson, Principal Deputy Legislative Counsel, Legal Division
Lucinda Benjamin, Senior Research Secretary, Research Division
Brian Van Geel, Technical Communications Systems Specialist, Broadcast and Production Services
Ryan Dombrowski, Technical Communications Systems Specialist, Broadcast and Production Services

OPENING REMARKS AND INTRODUCTION OF NEW MEMBER

- Senator John J. Lee, Chair, welcomed the members, presenters, and the public to the third meeting of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System. He explained that Assemblywoman Peggy Pierce had resigned from her interim committee assignments on February 15, 2012, due to ongoing time conflicts with her work. The Legislative Commission appointed Assemblywoman Teresa Benitez-Thompson, District No. 27, as the new member to the Committee, and he welcomed her. Chair Lee asked Assemblyman Kite to provide information on the status of meetings with local governments. Chair Lee provided background information on the Committee's past attempt to meet with the California Legislature to discuss issues regarding the Lake Tahoe Basin and asked Senator Settelmeyer to report on the status of a meeting with the appointed six California legislators.
- Assemblyman Kite reported that the local governments and stakeholders have expressed positive responses to the discussions held on Lake Tahoe Basin issues.
- Senator Settelmeyer reported on the appointment of Senators Ted Gaines, Alan Lowenthal, and Fran Pavley, and Assembly members Wesley Chesbro, Richard Gordon, and Beth Gaines to the California delegation to meet with the Nevada delegation. Senator Settelmeyer reported that discussions on a future meeting are continuing.
- Assemblywoman Kirkpatrick reported she had attended a meeting unrelated to this Committee in California recently, where she had the opportunity to meet with John A. Pérez, Speaker of the California Assembly. They discussed scheduling a meeting between the two delegations at a location in the Lake Tahoe Basin.
- Chair Lee urged Senator Settelmeyer to coordinate a meeting between the California and Nevada delegations in the Lake Tahoe Basin.

PUBLIC COMMENT

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

APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON JANUARY 30, 2012, IN STATELINE, NEVADA

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

SENATOR SETTELMAYER MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE JANUARY 30, 2012, MEETING HELD AT STATELINE, NEVADA. THE MOTION

WAS SECONDED BY ASSEMBLYWOMAN KIRKPATRICK AND PASSED UNANIMOUSLY.

OVERVIEW OF THE PARASOL TAHOE COMMUNITY FOUNDATION

- Claudia Andersen, Chief Executive Officer, Parasol Tahoe Community Foundation (Parasol), explained that the Reynolds Foundation in Las Vegas granted funds for construction of the Donald W. Reynolds Nonprofit Community Center (Center) for the interior of the building, and donors' contributions funded all the exterior items surrounding the building. She added the Center was constructed in collaboration with the Incline Village General Improvement District, which owns the land where the Center was constructed. Ms. Andersen stated Parasol assists donors in setting aside charitable assets to benefit the local area, Reno, Las Vegas, and other international locations. She added that Parasol has granted over \$32 million to charitable causes over the past 16 years with 80 percent of the funds spent locally to build a prosperous community and to support quality programs operated by local nonprofit organizations. Ms. Andersen explained that there are 15 nonprofit organizations located in the building, including Parasol, which provides operational support services at no cost to the organizations, so other funds raised could be used for program services and staff. Concluding, Ms. Andersen added the Center also provides eight staff positions and has 16 AmeriCorps members, a division of the federal Corporation for National and Community Services. She explained AmeriCorps members were recruited by Parasol from throughout the nation to work for various local programs.
- Chair Lee commented on the participation of the staff of Parasol in local events such as the Tahoe Rim Trail hike and complimented the volunteer efforts of the Board within the local community.
- Chair Lee called for further public comment on Agenda Item No. IV; however, no testimony was presented.

UPDATE OF IMPROVEMENTS TO THE MARLETTE LAKE WATER SYSTEM

- Peter Etchart, P.E., Chief Engineer, Buildings and Grounds Section, Nevada State Public Works Division, Department of Administration, presented information on the staff of the Division and background information of the organization. Mr. Etchart explained the Marlette Lake Water System (NRS 331.160) was owned by the State of Nevada and operated by the Buildings and Grounds Section. He also provided an update on the Marlette Lake Water System (System) as part of the water supply for Carson City and Virginia City. He explained there was a Marlette Lake Water System Coordinating Committee consisting of the Divisions of Public Works, State Lands and State Parks, Department of Wildlife, Carson City, and Storey County. He said the Coordinating Committee has discussed improvements in bonding and will meet again in May 2012. (Please see [Exhibit B.](#))

Continuing, Mr. Etchart discussed the ongoing and planned improvements for the System that include: (1) installation of a log boom; (2) investigation of the dam at Marlette Lake and the future capacity of the Lake; and (3) replacement of valves, monitoring, and control equipment for the dam. He noted that there is a very short construction season due to weather conditions in the Sierra Mountains. Mr. Etchart explained the pumping system and said water flows to Hobart Dam, down to Franktown Creek, and then to the Hobart Reservoir. He added an inspection of the Hobart Dam valves, monitoring, and control equipment is needed and stated that the two projects have the highest priority. Mr. Etchart told the Committee the Red House diversion structure receives water from the west and east slopes and is in need of repair and replacement of the water catchments. Further, he provided information on a project to replace 3,600 feet of steel pipe at Red House to improve gravity flows to the Lakeview tank, and said construction will begin in the summer of 2012. He provided information on another summer project to install new overflow piping at the Lakeview tank. A proposed project will be to conduct an investigation of the historic siphon to Virginia City installed in the 1870s. Concluding, Mr. Etchart described the operations of the system controlled at the Lakeview facility, where a new natural gas backup generator was recently installed. He extended an invitation to the Committee to tour the System in August or September when the weather permits easier access.

- Assemblyman Kite provided information on leakage that occurred in the past from the pipeline.
- Chair Lee told the Committee he would like to tour the System this interim depending on road and weather conditions.
- Chair Lee called for further public comment on Agenda Item No. V; however, no testimony was presented.

OVERVIEW OF ACCESSIBILITY, HOUSING, AND TRANSPORTATION ISSUES FOR THE DISABLED AND SENIOR CITIZEN COMMUNITY IN THE LAKE TAHOE BASIN

- David Kelly, Chairman, Tahoe Area Coordinating Council for the Disabled, did not attend the meeting.
- Jennifer Ruedy, Senior Research Analyst, Research Division, announced that David Kelly has been ill for several days and given his condition, he requested that he be allowed to either submit written testimony subsequent to the meeting or appear on a later agenda.

STATUS REPORT ON THE DELEGATION OF PLANNING MATTERS FROM THE TRPA TO LOCAL, STATE, OR FEDERAL GOVERNMENT ENTITIES

(As requested by Chair Lee, this agenda item was taken out of order.)

- Nancy McDermid, Douglas County Commissioner and Chair of the Local Government Committee of the TRPA Governing Board, discussed three key points important to local governments: (1) permitting; (2) road treatments; and (3) vehicle pollutants. She said local governments are working with the TRPA to ensure that the transition of authority for permitting is seamless and timely. She explained that the Douglas County Master Plan contains a placeholder for the Tahoe Township, which is the Douglas County portion of the Lake Tahoe Basin, as well as for Genoa, Minden, and Gardnerville. She reported that Douglas County is currently updating the Title 20 Code–Consolidated Development Code and the design standards. She said the Technical Advisory Planning Commission was working to ensure consistency throughout the County, including land use and zoning in the Lake Tahoe Basin. She opined the local governments would be prepared to assume responsibilities for permitting once the Regional Plan Update is adopted. She explained the TRPA staff will certify the Douglas County Master Plan, design standards, land use, and zoning for consistency with the Regional Plan.

Continuing, Ms. McDermid commented that the local jurisdictions have been charged with the most critical aspect of improving water clarity, which is the reduction of the Total Maximum Daily Load (TMDL). She stated that at the 2011 Annual Lake Tahoe Summit, Nevada’s Governor Sandoval, California’s Governor Brown, and Jared Blumenfeld, Regional Administrator, Environmental Protection Agency, signed the TMDL Water Quality Restoration Plan, but noted that the local governments must create, implement, measure, monitor, and maintain the water quality improvements that reduce the TMDL. In her view, most local government jurisdictions have handled permits outside the purview of the TRPA. She noted that California and Nevada have taken different approaches to the TMDL, and she discussed the efforts of Douglas County to reduce the TMDL. She stated Douglas County has worked collaboratively with the Nevada Division of Environmental Protection (NDEP) to develop methods to reduce the TMDL and has taken a leadership role with the general improvement districts to ensure a cooperative approach for sharing services and creating economies of scale. She mentioned Douglas County is also looking at a sand produced by a local company, Bing Materials, which does not decompose like the sand currently used by NDOT.

Ms. McDermid stated that the local jurisdictions are not seeking to expand development, but to work collaboratively to reduce the TMDL. She expressed support for the use of newer vehicles that can reduce pollutants and vehicle emissions. In her view, to improve water quality and clarity, the old needs to be replaced by the new, which supports environmental redevelopment and is what the local jurisdictions seek to accomplish. The local jurisdictions want to make Lake Tahoe blue, be more competitive with other resort destinations, and ensure the protection of a very important natural resource, Lake Tahoe. She provided a copy of an article titled “Fostering Economic Vitality Amid A New Economic Reality, Douglas County, Nevada,” from the *Government Finance Review*. She pointed out the “Wordle” in the article, and

explained that the Wordle is composed of the words most frequently used by the residents of Douglas County in a survey about the area. The more frequently a word appears in the survey, the larger it shows up in the word cloud, or Wordle. “Environment” is one of the most frequently used words, and a consistent theme of the survey was a desire for the community to match the scenery. She stated their goal is to be stewards of the natural resources within Douglas County. In her view, Douglas County has demonstrated the ability to assume the responsibility of permitting, the reduction of the TMDL, and environmental redevelopment. (Please see [Exhibit C.](#))

In response to a question from Chair Lee regarding the Local Government Committee (LGC) meetings, Ms. McDermid provided information on the operations of the LGC and explained the members consist of six elected officials from Nevada and California whose districts include the Lake Tahoe area: Douglas County, and Washoe County, and Carson City, Nevada; and El Dorado County, Placer County, the City of South Lake Tahoe, California. Further, Ms. McDermid said that technical staff are also invited to the LGC meetings, and planning staff meet individually with the TRPA staff. The LGC members have been working on setting goals and policies and addressing issues conveyed from the Regional Plan Update Committee for comment. She noted that the LGC members have reached agreement on many of the issues that have been presented.

In response to an inquiry from Assemblywoman Kirkpatrick regarding waivers requested by local governments, Ms. McDermid stated in her view redevelopment would address the replacement of aging infrastructure that would support threshold achievement, reduce coverage, and provide water quality improvements. She provided an example of a redevelopment project in Genoa, Nevada, to install streetlights that are consistent with the historic district. Further, Ms. McDermid explained that there are no variances for TRPA regulations, and Douglas County follows a Master Plan, which is consistent with the Regional Plan in the Lake Tahoe Township. In her opinion, any change to the Master Plan would have to be approved by Douglas County and the TRPA, and the process would be very difficult. She explained that development and redevelopment regulations are firm, and changes were only granted within the stipulations included in the Regional Plan.

Responding to a question from Chair Lee regarding the type of information provided to the LGC representatives, Ms. McDermid explained the meetings are recorded, open to the public for comment, and strive to be transparent, accountable, and engaged.

- Joanne S. Marchetta, Executive Director, TRPA, said that for several decades the TRPA’s emphasis has been on localized and site-specific issues primarily for residential projects. However, the focus has become regional in order to deliver accelerated regional-scale environmental benefits intended by the Tahoe Regional Planning Compact (Compact). She explained the TRPA’s vision is to transfer some authority to local jurisdictions for an improved planning and permitting system in accordance with TRPA approved plans and regulations. She also noted that if the TRPA Governing Board decides to pursue a new conformance review system, the TRPA would refocus on achieving key environmental goals and reduce the duplicative process of permitting.

Ms. Marchetta pointed out that under the new approach the local governments, that have 25 years of experience with the TRPA regulations, would propose their own localized land use plans, which must meet the Compact's environmental standards. She said the local governments could develop their own plans that address their unique community needs. (Please see [Exhibit D.](#))

Continuing, Ms. Marchetta clarified that the local governments would not be left on their own or be unaccountable to the regional standards needed to protect the Lake Tahoe Basin environment. She said the modifications to the planning system would allow the TRPA to examine effective regional models, which are being used elsewhere to increase efficiency and to make the transition of some authority to the local governments using the best existing models. In conclusion, Ms. Marchetta told the Committee the Governing Board is examining the transition and discussing safeguards that would ensure that the regional standards would be met and also to determine: (1) what size project would be regionally significant enough to have the TRPA retain primary permitting authority; (2) how and when would projects approved by local governments be appealed to the TRPA; and (3) how often would local government plans need to be reexamined or recertified by the TRPA Governing Board, if at all. She said the discussions were a result of the draft Regional Plan document to be released in April 2012. Concluding, Ms. Marchetta said issues of concern would be worked through to acceptable solutions.

- Chair Lee thanked Ms. Marchetta for her trip to Las Vegas and asked for clarification on the discretion of the local governments for proposed projects.

Responding to Chair Lee's inquiry, Ms. Marchetta responded that the TRPA did not offer the concept of a variance because there are applicable environmental standards in place and the only way to change the Regional Plan is by amendment.

In response to a question from Chair Lee regarding fines, John Hester, Planning Director, TRPA, provided information on memorandums of understanding between counties and cities regarding violations of codes and stated the jurisdictional authority would be the entity whose code was violated. Further, he explained that projects would follow the process of the local government that had jurisdictional authority. Mr. Hester further explained that the TRPA has examined best management practices (BMP) for other regional agencies nationwide that have worked at the staff level to resolve issues rather than at a governing board level. He mentioned the TRPA's BMP Memorandum and offered to provide a copy to the Committee members. Mr. Hester said the TRPA could provide comments to local governments so items could be handled at that level. There would also be a process established to examine a sample of the permits that were issued, and a report would be provided to the city or county manager.

At the request of Chair Lee, Julie Regan, Chief of External Affairs, TRPA, explained her role was to explain the rules, regulations, and concepts of the Regional Plan and to promote a better understanding by the public using various methods of information

dissemination. She said the draft Regional Plan Update and the Environmental Impact Statement (EIS) would be released in late April 2012. Continuing, she explained that the existing regulations were being used for issuing permits for current projects.

- Ms. Marchetta, previously identified, provided information on permit applications and stated that the TRPA actions would be based on regulations in effect at the current time. If there are changes to rules under the Regional Plan Update, there may be an increase in permit applications at the inception, and a streamlined procedure may be needed to address that issue.
- Ms. McDermid, previously identified, opined the public process would not cease after the Regional Plan Update was approved because any project submitted to a local government would have a public hearing before a county planning commission and could be heard at a county commission public meeting. She said the right to file a lawsuit would still exist, even if approvals were received from the local government and the TRPA.
- Senator Settlemeyer commented on the fact there have been no variances for projects in Douglas County to his knowledge. He requested information on the number of fines assessed by the TRPA and the amounts of the fines for 2011.
- Ms. Marchetta will provide the information subsequent to the meeting.
- Assemblywoman Kirkpatrick posed a number of questions that included:
 1. Whether any type of legislation might be required to support the proposed changes or codes;
 2. Were the codes being used by local governments those passed by the 2009 Legislature;
 3. How long would a local government MOU be effective; and
 4. How much public input was included in developing the Regional Plan Update alternatives?

In response to Assemblywoman Kirkpatrick's questions, Ms. Marchetta explained that the TRPA process is not similar to a typical local government project approval process because parcel subdivision was prohibited 25 years ago in the Lake Tahoe region. She explained that local plans would be assessed against the TRPA Code of Ordinances for conformity.

Discussion ensued on the project permit process, the move of authority to the local governments, master plans, and building design codes.

- Mr. Hester stated he believes all of the local governments in Northern Nevada have adopted the International Building Code.
- Julie Regan, previously identified, stated in her opinion no new legislation would be required at this time. The TRPA Governing Board is empowered to act on the Regional Plan, and the local governments would act on their local plans. When the EIS on the draft Regional Plan is released in April 2012, there will be five alternatives presented and public comment would be solicited at that time.
- Chair Lee requested information on the planning entity to contact for development projects under the new proposed process.

In response to Chair Lee's inquiry, Ms. Marchetta explained that the Legislative Committee for the Review and Oversight of the TRPA and the Marlette Lake Water System held lengthy discussions at its meeting in January about how the Lake Tahoe Basin has perfected the partnerships that deliver effective environmental programs. The proposals for the Regional Plan Update would create a new type of partnership with the local governments because both entities would review projects together to identify issues early and to eliminate the duplicative process that currently exists.

- John Hester, previously identified, explained in the draft Regional Plan Update square footages are demarcated and amounts above a level would require a project to be processed by the TRPA and below a certain level would be processed by the local government. He said the TRPA would examine shore zone permits, permits in the high-density tourist district, and the conservation area. He added TRPA staff was visiting local governments in the Lake Tahoe Basin to gather time requirements to set performance standards.
- Ms. McDermid, previously identified, referred to the *Nevada Revised Statutes* (NRS), which contain time requirements for processing permit applications, and stated the local governments must comply with the NRS. She asked that the TRPA take the timeframes set forth in the NRS into account when setting any type of timeframe for the TRPA. She requested clarification from the TRPA on distinction of the square footage demarcation set forth in a table in the draft Regional Plan Update and possible alternatives to ensure environmental review requirements could be met in a timely manner.
- Chair Lee requested staff to send a written request to the presenters reiterating the questions offered by the Committee members.
- Assemblywoman Kirkpatrick requested further information from the TRPA staff on the current status of the square footage requirements for proposed projects.
- Chair Lee called for further public comment on Agenda Item No. XII; however, no testimony was presented.

UPDATE ON THE PRIORITIES AND ACTIVITIES OF CONSERVATION AND ENVIRONMENTAL GROUPS OPERATING IN THE LAKE TAHOE BASIN

- Chair Lee invited Laurel Ames, Tahoe Area Sierra Club, to inform the Committee members of viewpoints and concerns on issues regarding the Lake Tahoe Basin. Chair Lee asked the scheduled presenters to provide information on their organizations' missions, responsibilities, and priorities, and he invited all other representatives of any other conservation and environmental group present at the meeting to participate in the discussion of matters concerning the Lake Tahoe region.
- Kyle Davis, Political and Policy Director, Nevada Conservation League (NCL), stated the NCL is a 501(c)(4) nonprofit organization, which operates along with the NCL Education Fund, a 501(c)(3) nonprofit organization. Mr. Davis presented the NCL mission as the independent political voice of the conservation community and to maintain and enhance the natural character of Nevada through effective advocacy, the election of pro-conservation candidates and to build collaboration. He explained the 501(c)(3) organization focuses on educational policies and the 501(c)(4) performs advocacy and political intervention. He explained the organization represents the broader view of the conservation communities and works with the 23 Nevada member groups. He added the NCL also works with some conservation groups in the Lake Tahoe region located in California and Nevada. Mr. Davis stated the NCL responsibility to Lake Tahoe and the Lake Tahoe Basin has been limited to the legislative component including support for the actions regarding bonding authority for environmental improvement projects.

Continuing, Mr. Davis noted the NCL has also worked with the State Department of Conservation and Natural Resources (SDCNR) for protection of State parks. He stated the NCL became involved with issues in the Lake Tahoe Basin as a result of Senate Bill 271 (Chapter 530, *Statutes of Nevada 2011*), and stated the NCL opposed the passage of the bill and expressed nonsupport of S.B. 271. However, he said the NCL supports the passage of the Regional Plan Update, which NCL sees as an important component to maintain environmental thresholds and to undo damage that has occurred in the region. The NCL goal was to demonstrate that the existing structure works by the adoption of an agreed upon Regional Plan Update. Mr. Davis acknowledged the completion of the Regional Plan Update is a challenging process, and he discussed the concept of public participation in the development process. He opined the process was being valued over the outcome. In addition, Mr. Davis noted that environmental groups have been involved in the public process since the onset and have provided commentary on many aspects of specific projects and the Regional Plan Update proposals. He noted if concerns were not dealt with then there were other avenues available to those on each side of a contentious issue.

Continuing, Mr. Davis expressed support for the attempt to have a consensus, but that agreement does not always occur. He stated the environmental community does not

believe that the proposals made at this time for the Regional Plan Update will adequately achieve and maintain environmental thresholds. He said the currently proposed Regional Plan Update appears to be an attempt to solve some of the problems from previous development rather than an overall strategy to achieve environmental thresholds for water clarity of Lake Tahoe. Mr. Davis noted the NCL has been a part of the public process and will continue to work toward agreement on the Regional Plan Update, which in his view, could be accomplished. He expressed support for identified changes, but underscored the need for a bistate compact to protect Lake Tahoe.

In response to comments from Chair Lee regarding the focus of the NCL on S.B. 271 during the 2011 Legislative Session, Mr. Davis stated that the NCL would work to repeal the bill in the 2013 Legislative Session, and stated, in his view, S.B. 271 was not needed to have conversations between interested parties. Mr. Davis said the NCL would continue to work with stakeholders in the Lake Tahoe region to establish a process where groups could work in partnership, so the provisions in S.B. 271 would not be needed. Mr. Davis expressed opposition to the statement that the NCL mission was primarily to raise funds, but restated the NCL mission was to be the independent political voice of the conservation community and to work to (1) maintain and enhance the natural character of Nevada and the quality of life for Nevadans through effective advocacy; (2) elect pro-conservation candidates; and (3) build collaboration. He clarified that working on local government planning and permitting issues was not normal for the NCL; however, there is a legislative component to the Lake Tahoe issue including a goal of collaboration.

- Senator Settelmeyer congratulated Mr. Davis on his new son and commented, in his view, agreement on the Regional Plan was beyond a reasonable goal because of the varied issues and concerns. There is a need for a viable bistate compact, and the current Compact is not viable. He expressed concern about the amount of funds spent on lawsuits in the Lake Tahoe Basin and the loss of completed projects to preserve the water quality thresholds. He commented on conservation projects that have been accomplished that helped the environment as an offset to allow the completion of another development project. Specifically, he mentioned projects on Kahle Drive and at Heavenly Mountain Resort. In his opinion, the concept of accomplishing the preservation of lands was the purpose of conservation groups rather than to stop development.

In response to Senator Settelmeyer's comments, Mr. Davis, previously identified, clarified his statement that most individuals could agree on the Regional Plan Update; however, he acknowledged there would not be total agreement. In his view, if California and Nevada go separate ways, the process will not have succeeded, so the NCL goal was to reach some type of collaboration. He commented on the concept of accomplishing environmental goals through projects completed by private individuals was an important tool but stated other options are available. Mr. Davis stated the NCL goal is not to stop all projects, but to reach agreement on appropriate development projects through consultation.

- Assemblywoman Kirkpatrick expressed support for S.B. 271 based on the need for the Regional Plan Update. She requested information from the conservation groups on what would be a reasonable plan and what key points would need to be addressed to achieve their support. She noted that specific issues should be identified if positive changes were to be accomplished. She expressed support for the efforts of the TRPA in developing a draft Regional Plan Update, but stated more information on key points was needed from the conservation groups to achieve a collaborative effort.
- In his view, Mr. Davis agreed on the need for the Regional Plan Update and clarified that the NCL would deal primarily with land use for responsible development that supports the overall goals to achieve and maintain environmental thresholds. He clarified that the Regional Plan focuses more on land use, and the local governments address building codes.
- Assemblywoman Kirkpatrick commented on the importance of updated building codes and stressed the positive results updated codes could achieve. She expressed strong support for including building codes for energy efficiency and water use reduction in the discussion on environmental issues.
- Chair Lee commented on S.B. 271, explaining the bill was sponsored to allow an opportunity for the Governors of Nevada and California to open a dialogue on Lake Tahoe issues with legislators, staff, and stakeholders for the benefit of the region, which has occurred. He presented the opportunity for the NCL to join in the dialogue and to work for improvements rather than for the demise of S.B. 271. Chair Lee pointed out that the State of California and the State of Nevada do not seem to want to pull away from each other on this issue, and there is support from the congressional, state, and local levels to collaborate on solutions to environmental and economic concerns for the Lake Tahoe Basin. He said he considers U.S. Senator Harry Reid a friend, and S.B. 271 would not have passed if U.S. Senator Reid had opposed the bill. He expressed his hope that Mr. Davis would start working with the Committee to improve the bill and to accomplish mutual goals instead of working primarily to repeal the bill.
- Mr. Davis, previously identified, focused on the language in S.B. 271 that would withdraw Nevada from the Compact in four years and raised the question if the intended conversations are occurring why was there further need for S.B. 271.
- Joseph Johnson, Toiyabe Chapter of the Sierra Club (Club), commented on the goals of the Sierra Club and Toiyabe Chapter, which has approximately 2,000 members, and explained that the Tahoe group is a hybrid of two chapters, which are: (1) the Toiyabe group; and (2) the Mother Lode group. He said the two groups have a unique focus, and noted that the Toiyabe Chapter's position was to oppose S.B. 271, based on the language to withdraw from the existing Compact. He stated the Club supports the existing Compact, the ability to work together to have constructive communication, and the removal of the "withdrawal" language from S.B. 271. Mr. Johnson pointed

out that there are items in S.B. 271 that implement in part the transfer of in-basin activity to political structures outside the Lake Tahoe Basin. He discussed the question of what entity has authority, the regional government or local government, and what factors would be used to determine jurisdiction of authority. He said the Club was interested in the determination of what type of programs would be administered by the TRPA. Mr. Johnson said an agreement of the Sierra Club chapters was near for advocating legislative solutions for collective property rights for clean air and water quality and other environmental thresholds that have not been met. Further, Mr. Johnson stated the issues of concern include some of the language in S.B. 271 and draft ordinances. In closing, Mr. Johnson commented favorably on the discussions on energy-efficiency issues for the Lake Tahoe region that, in his view, should apply to the entire State of Nevada.

- Laurel Ames, Conservation Co-Chair, Tahoe Area Sierra Club (TASC), presented information on the TASC mission to protect and restore Lake Tahoe and the strong commitment to assure ongoing protection of all the natural resources of the Lake Tahoe Basin. She has been a resident since 1947 and provided background information on her work on Lake Tahoe Basin issues and specifically on environmental issues since 1965. Ms. Ames said the TASC was officially recognized and certified by the Sierra Club in 2001 after the group completed its organization and adoption of by-laws.

Commenting further, she added the TASC has a strong commitment to the threshold standards in the Compact. In 2005, the TASC provided a 138-page document to the TRPA regarding the threshold standards, and the TRPA did not take any of those recommendations. She stated for the recent draft of the Regional Plan Update, a document identifying 261 alternative points, known as the Conservation Alternative, was submitted; however, the points were not included in the final alternatives for the draft Regional Plan Update, with the exception of one, which was altered. Consequently, she said because the alternative was altered, it would not receive an environmental analysis. Concluding, Ms. Ames stated the TASC has attended every committee meeting on the Regional Plan Update and submitted statements, suggestions, and recommendations, but only a few have been included.

In response to a request from Assemblywoman Kirkpatrick for specific examples of alternatives and a hard copy of the TASC's conservation alternative document, Ms. Ames provided an example for the TRPA soil thresholds for soil functions. She explained the current threshold standard for coverage (pavement on soil) is 30 percent, but there are "exceptions" for different types of areas and zones, such as public facilities, but they still have an impact on the vegetation, water quality, and flooding. She further explained that in the preferred alternative, the amount of permitted coverage would increase; however, there would be no required offsets for uncovered areas. She said there is no evidence that Best Management Practices (BMPs) can be made to work very well, yet they will be relied on to offset the extra coverage. Ms. Ames commented on the required 10 percent reduction of vehicle miles traveled (VMT) from the 1981 values, and explained that each time the numbers were calculated the VMT increased, and in her view, all the projects

proposed to reduce the VMT are minimal and lack funding. She added the proposed increase in the Regional Plan Update is 500,000 VMT, which equates to more coverage and more parking, so the TASC has proposed alternatives to maintain the threshold standards. Ms. Ames will submit the Executive Summary and Conservation Alternative Matrix documents to the Committee subsequent to the meeting. (Please see [Exhibit E](#), [Exhibit F](#), and [Exhibit G](#)).

- Darcie Goodman-Collins, Ph.D., Executive Director, League to Save Lake Tahoe (League), provided information on the history of the League as an environmental watchdog on Lake Tahoe Basin issues to preserve its natural and scenic qualities by generating interest in those qualities and issues. She said the League works with policymakers and agencies to help preserve the natural resources of the region. She provided information on her background and stated the League supported the need for a strong Regional Plan agreed upon by the stakeholders. In her view, all the stakeholders have similar goals to preserve the Lake Tahoe Basin. In conclusion, she reiterated the need to maintain thresholds, and she encouraged the TRPA Governing Board to adopt a strong Regional Plan that sets clear targets for thresholds, provides mechanisms for enforcement, and establishes regular assessments for attainment.

Continuing, Dr. Goodman-Collins stressed there has been over 50 years of research generated on the Lake Tahoe ecological system, and the scientific data should be used to set goals and benchmarks to assess accomplishments. In her opinion, there is a need to safeguard against a drastic increase in density and tourist accommodation units (TAUs) and to maintain environmental threshold carrying capacities (ETCC) to promote smart, orderly growth. Further, she supported maintaining language in the Regional Plan Update that meets the requirements in the original Compact and preserves the unique scenic value of the Lake Tahoe Basin. In conclusion, she reiterated the priorities of the League are to: (1) maintain environmental thresholds; (2) work with the conservation community and other agencies to research and develop solutions for protecting ecological values of Lake Tahoe; and (3) develop community engagement and education programs for the long term.

- Chair Lee offered the Committee members' participation in the League's future board meetings.
- Ann Nichols, President, North Tahoe Preservation Alliance (Alliance) and small business owner, explained the Alliance was formed because of the Boulder Bay Resort and Wellness Center (Boulder Bay) project in Crystal Bay, Nevada, and expressed concerns regarding development on the north shore of Lake Tahoe. She thanked Chair Lee for S.B. 271, as it has motivated TRPA to complete the Regional Plan Update. She commented on the short time frame for developing alternatives for the Regional Plan Update, the proposed code changes, and the 60-day public comment period. In her view, rushing the process could result in unintended consequences. Ms. Nichols discussed the proposed alternatives regarding recreational zoned lands, density increases, TAUs, height increases for new development, coverage and transfers

of coverage, and stressed the need for enforcement of existing BMPs. In conclusion, she commented on redevelopment projects and proposed private property rights changes. (Please see [Exhibit H.](#))

In response to a question from Chair Lee, Ms. Nichols provided additional information on the Alliance and explained the organization began as the Friends of Crystal Bay Brockway with a focus on the Boulder Bay project. The Alliance has approximately 300 members and has worked over the past three years on Lake Tahoe issues and is now focusing on the proposed alternatives for the Regional Plan Update.

- Mason Overstreet, Conservation Director, Friends of the West Shore, said the organization is a grassroots community conservation group located on the west shore of Lake Tahoe to promote sustainable communities and policies that protect natural resources. A group of concerned west shore citizens founded the organization in 2007. Past projects include efforts to downsize a condominium project on the west shore, commenting on a local bike trail, implementation of a community vision process for the Homewood community, and collaborating with the Lake Tahoe conservation community on conservation alternatives for the Regional Plan Update. Mr. Overstreet stated there are approximately 500 members and supporters that watchdog issues affecting the west shore of Lake Tahoe. The organization is currently hiring a conservation associate that will start work in May 2012. The Board is anticipating the community planning process would start in April 2012. The Board of Friends of the West Shore is concerned about the increase in the height allowances and changes proposed for recreational zoned areas included in the draft Regional Plan Update. He is optimistic that common ground could be found, but expressed concern that the 60-day comment period was short. He commended TRPA for scheduling evening public workshop sessions for public comment on the draft Regional Plan Update. He expressed support for the Regional Plan Update and the proposed 30-day extension of the comment period.
- David McClure, Vice President, North Tahoe Citizen Action Alliance (NTCAA), a resident of Lake Tahoe over 30 years, stated NTCAA was formed about seven years ago as a watchdog on governmental actions affecting the Lake Tahoe Basin and to encourage the wise use of public funds by supporting policies that strengthen local business and improve the quality of the environment through the dissemination of truthful, scientific information. He referred to an editorial in the *Reno Gazette-Journal* newspaper that pinpointed the interest of the NTCAA as the local business community that fully understands the issues and existing processes in the region. He presented an example of an NTCAA project where extensive research and technical support was provided to help site a biomass facility at the Eastern Regional Landfill on Cabin Creek Road, outside of the Lake Tahoe Basin in Placer County, California. He added NTCAA was engaged in the TRPA Community Enhancement Program (CEP) because seven of the nine projects were located on the north and west shores of Lake Tahoe. However, until 2005 the previous guidelines for development in north Lake Tahoe were

based on the Main Street® strategy of the National Trust Main Street Center, where local merchants create redevelopment projects on a small scale.

Continuing, Mr. McClure stated the NTCAA has also been involved in the Placer County Redevelopment Agency and the use of property tax funds, but he explained that as of February 1, 2012, California's redevelopment agencies have been dissolved. He said the NTCAA never opposed a project without offering a viable alternative to meet the stated goals of the government agency. He discussed the previous Regional Plan Update process that began in 2005, and was known as Pathway 2007. In his opinion, the general public contribution process used then was flawed because a predetermined vision of growth and resort development was presented that lacked public participation in its development. Mr. McClure summarized the previous presentation as a vision of compact high-density mixed-use resort development created without public input.

Further, Mr. McClure informed the Committee that the NTCAA has repeatedly submitted requests for documents at 13 Regional Plan Update meetings but has not received any information. He discussed the December 2012 completion date and explained that in October 2011 the structure of the Regional Plan Update changed to a "conformance model." He noted that under the draft Regional Plan Update local government may approve in the Kings Beach Town Center a single mixed-use project, commercial and residential, up to 150,000 square feet without any TRPA review. He noted that Safeway, at 38,000 square feet, is the largest building in Kings Beach currently. He opined the regional impacts to the north and west shores of Lake Tahoe have been miscalculated and failed to account for the relatively small scale and character of the communities. In his view, redevelopment needs to be based on adding units to existing stock in small communities, so projects need to be scaled to the individual community. In Mr. McClure's opinion, the Regional Plan Update must account for new economic realities, reduced federal government funding, no-tax increment funding for redevelopment agencies, and a large inventory of TAUs and empty commercial floor area. Further, he suggested the Regional Plan Update should account for new scientific realities that indicate very fine particles were the main reason for declining water clarity of Lake Tahoe. In his view, new projects are not being designed to eliminate those particles, and there should be a zero-tolerance for piping contaminants into Lake Tahoe. In closing, he said the achievement of scaled environmental thresholds would address concerns with the fewest unintended consequences, at the least cost, using a localized practical approach for most of the Lake Tahoe Basin.

- Roger Patching, Chief Executive Officer and President, Friends of Lake Tahoe (FLT), explained that the organization is a 501(c)(4) nonprofit started approximately one year ago around the proposed development of a 1-3 megawatt biomass burning power plant by Placer County as alluded to by Mr. McClure. The FLT recruited supporters from outside the Lake Tahoe Basin and local residents to halt a biomass project, which was proposed to be located within one mile of Lake Tahoe in one of the most densely populated areas of the Lake Tahoe Basin and near an elementary school. He said that

the TRPA determined, based on scientific and legal information, not to support the development of the biomass plant. Mr. Patching indicated an alternative location was provided for Placer County, so the project was not located in the Lake Tahoe Basin. In his view, governments do sponsor detrimental projects based on flawed plans, but mistakes can be corrected. Mr. Patching commented that many of the problems with the proposed Regional Plan Update are based on flawed theory and science and incorrect assumptions, but made attractive by an effective public marketing campaign. He stated the FLT supports changes to the currently proposed Regional Plan Update, and in his view, the conservation community has never been more united for protection of Lake Tahoe. In addition, he said the FLT is population-based rather than membership-based, and pointed out that Lake Tahoe was congressionally designated as an outstanding national resource water with two states holding custodial control. In his opinion, Lake Tahoe has International Press Corp interest and funds have been raised from countries around the globe using the FLT website to build awareness. In his view, the Regional Plan Update is an international issue of global interest, and he is optimistic concerns can be mitigated. He noted that some international tourists with knowledgeable tour guides leave the Lake Tahoe Basin with a better understanding of the area's unique ecosystem than visitors from San Francisco, so the website of the FLT appears in four languages to inform the global community.

In response to a request from Chair Lee for additional information on the League to Save Lake Tahoe, Dr. Goodman-Collins, previously identified, explained that the League is located at South Lake Tahoe, and the office at Berkley, California, was recently closed. She explained the membership elects 10 Board of Directors and four Board meetings are held annually, though more can be scheduled. One to two meetings are in San Francisco and Lake Tahoe, and one in Sacramento, California. She indicated a few new board members are residents and some have second homes at Lake Tahoe.

- Chair Lee offered to have a Committee member attend a Board Meeting of the League.
- Assemblywoman Kirkpatrick inquired if the League represented the entire conservation community, and asked about representatives of the various organizations that have made presentations to the Committee. She asked how the Committee would find common ground for all the organizations.

In response to questions from Assemblywoman Kirkpatrick about whether the League represents the entire conservation community, Dr. Goodman-Collins stated that there are many common interests represented by the groups in attendance, but each group represents different constituencies and locales. In her view and during her month-long tenure, Dr. Goodman-Collins stated there has been a collaborative effort by the groups to speak with one voice at meetings on various Lake Tahoe Basin issues; however, she represents the interest of the League membership. She said the conservation alternative document referred to by Laurel Ames was created using a collaborative process and was the first step in compiling an easily understood document of all the group's concerns.

- Laurel Ames agreed with Dr. Goodman-Collins' description of the creation of the conservation alternative document as a consensus of many of the groups' concerns.
- Jennifer Ruedy informed the Committee members that Ellie Waller, Tahoe Vista resident, could not be present at the meeting; however, Ms. Waller provided written testimony for Agenda Item No. VII for consideration by the Committee, which is included as an exhibit. (Please see [Exhibit I.](#))
- Chair Lee called for further public comment on Agenda Item No. VII; however, no testimony was presented.

STATUS REPORT ON THE UPDATE OF THE REGIONAL PLAN OF THE TRPA

(As directed by Chair Lee, this agenda item was taken out of order.)

- Steve Robinson, Governing Board member, TRPA, introduced E. Clement Shute, Jr., Governor of California Appointee and Chair of the Regional Plan Update Committee (RPU Committee) of the TRPA Governing Board, who has also worked at the California Office of the Attorney General. The RPU Committee has worked to compile information on the areas of concern regarding the Regional Plan Update.
- E. Clement Shute, Jr., previously identified, explained that he is aware of the many processes that have occurred for updating the Regional Plan and said the TRPA has the authority to update the Regional Plan, though there are other areas that would require processing at a different level. He explained the draft plan was reviewed line-by-line by the six-member RPU Committee at 15 meetings. He stated his goal was to develop a plan that was supported by representatives from local government from California and Nevada, the business community, and the environmental community. The Committee ferreted out the issues of most concern using a roundtable method, and then "straw votes" were taken on those issues. He estimated about 80 percent of the issues received unanimous support. Those unanimously supported issues, in his view, were not controversial and could be supported by the TRPA Governing Board. He stated his goal was to develop a Regional Plan Update that was supported by a majority of the parties and that could avoid significant litigation. He noted that the TRPA staff developed a compilation of the dissents made by the Board members where there was a disagreement, and a copy of that document could be provided to the Committee.

Continuing, Mr. Shute commented on some areas of dissent with one of the largest being the issue of delegation. He discussed the transfer of some authority to the local governments while still achieving the TRPA thresholds. He expressed support for a process of having the local governments develop and administer their plans, but had concerns that the TRPA maintain a significant role to ensure thresholds are achieved and maintained. He presented a series of issues discussed by the RPU Committee, which included:

1. How much delegation should be given to local governments;
2. How large a project would have no TRPA involvement;
3. What oversight role should the TRPA play;
4. Should there be an appeal process under any circumstances where issues vetted by local governments could be heard by the TRPA Governing Board;
5. What would be the economic basis and the environmental consequences of the transfer of density bonuses for residential and commercial units; and
6. What would be the scientific basis for determining the transfer of coverage to different locations within the Lake Tahoe Basin?

He mentioned coverage was also a contentious point yet to be resolved, and he referenced the Bailey System, which was developed in the early 1970s to determine how much coverage is allowed on any given parcel. Commenting further, Mr. Shute suggested a common ground could possibly be to have the size of the projects scaled higher over a period of years, if it proved to be successful. In his opinion, all of the stakeholders desire a solution and support the continuation of the TRPA with an updated Regional Plan, and he added that the administrations of the States of Nevada and California are working on a process to identify issues and find acceptable solutions that would avoid litigation.

- Joanne S. Marchetta, previously identified, presented information on the status of the Regional Plan Update process. She provided information on the challenges of past decades, and stated the current challenge was to fix what was created before a Regional Plan was put in place. She said that current science requires actions to prevent and control the greatest sources of pollutants, which include sediments and nutrients entering Lake Tahoe. She noted the challenge is to design an implementation system to pay for improvements, which could be in the hundreds of millions of dollars. Consequently, she stated the primary focus of the Regional Plan Update was on policies that will enable environmental redevelopment and rebuilding the polluting and aging “built environment” to the very highest environmental design standards.

Regarding the status of the Regional Plan Update, Ms. Marchetta stated the three core areas being examined by the TRPA are: (1) accelerating water quality restoration and other environmental threshold gains targeting redevelopment and implementing environmental improvement program investments; (2) focusing the TRPA resources on a regional role for the TRPA; and (3) making the planning and permit review process more efficient. (Please see [Exhibit J.](#))

Ms. Marchetta indicated that public comments and input would be accepted beyond the 60-day public comment period and up to when a vote was taken by the TRPA

Governing Board. She said the full package of the Regional Plan Update consists of six draft documents that will be presented at the TRPA Governing Board meeting scheduled for April 25 and 26, 2012, and include the:

1. Draft Regional Plan Update document;
2. Draft Regional Plan Update EIS;
3. Draft Code of Ordinances;
4. Draft Regional Transportation Plan;
5. Draft Regional Transportation Plan EIS; and
6. Threshold Evaluation Report.

Continuing her comments, Ms. Marchetta explained that the Threshold Evaluation Report (Report) is an assessment of the progress toward the implementation of the 1987 Regional Plan, and must be produced every five years. The Report provides an overview of the conditions of the Lake Tahoe Basin's environment, tracks the progress of the TRPA environmental thresholds, and provides accurate information for future vetting. She added the Report would receive peer review by independent scientific experts, which was underway, and would be reported at the TRPA Governing Board meeting in April. Further, she added workshops would be held in May and June and would continue from July through September 2012 to gather public comments on the most controversial issues presented by Mr. Shute to attempt to reach a consensus on areas of concern and to meet the deadline of completing the Regional Plan Update by December 2012.

In conclusion, Ms. Marchetta pointed out that accurate information and a clear presentation of facts would be brought forth in the debate to replace uncertainty, mistrust, and conjecture on what the Regional Plan Update proposed. She stated the TRPA was committed to providing accurate information that leads to practical solutions. Her final point was that all involved have felt the urgency and aggressiveness of the schedule, but at the 2011 Annual Lake Tahoe Summit, Nevada Governor Brian Sandoval, California Governor Jerry Brown, and the federal congressional delegations impressed on the TRPA the need for completion. Ms. Marchetta thanked the six members of the Regional Plan Update Committee, and in particular Mr. Shute, Chair; John Laird, California Secretary for Natural Resources; and Leo M. Drozdoff, P.E., Director, State Department of Conservation and Natural Resources, for their support and collaborative efforts.

- Chair Lee explained how the timeline for completion of the Regional Plan Update was collectively set by many individuals. He requested an estimate of the time that would

be needed by Mr. Shute and the Regional Plan Update Committee of the TRPA Governing Board to review the draft Regional Plan Update.

In response to Chair Lee's question, Mr. Shute said in his opinion, the scientific questions will be addressed by the EIS which will benefit the discussions, however, the effort by the two State's administrations will play a vital role in determining the success of the proposed Regional Plan Update. He added the TRPA Governing Board would debate the document and attempt to reach a consensus on issues of concern.

- Chair Lee articulated a desire to inform the California legislators and stakeholders that Nevada legislators and stakeholders wish to work together and to demonstrate that all those involved are working together.
- Mr. Shute, previously identified, expressed a similar sentiment and said that there is a base of mutual respect that has been built to find common ground on many issues.
- Steve Robinson expressed a similar viewpoint and said there are many areas of agreement and predicted discussions would likely focus on to what degree would oversight responsibilities be transferred and what type of an appeal process would be put in place. In his view, the status quo does not work and discussions would continue to be held until December 2012.

In response to comments by Senator Settelmeyer, Mr. Shute said he was not aware of litigation on small residential projects. He understood litigation occurred mostly on larger projects that affect shore zones or the Homewood Mountain Ski Resort project, for example. He pointed out that the Boulder Bay Resort and Wellness Center project in Crystal Bay was completed without litigation. Mr. Shute concluded that in order to reduce the likelihood of litigation, there was a need to accommodate some of the concerns in a satisfactory manner, and the environmental community indicated there are issues that have not been addressed satisfactorily.

- Assemblywoman Kirkpatrick restated her request for information on design standards from Douglas County, and she requested similar information from California. She also requested further information on possibly using a scaled process over time.

In response to Assemblywoman Kirkpatrick's requests, Ms. Marchetta stated that putting the proposed changes to the system in place, the content of the Regional Plan Update would be adaptively managed and be examined every four years for possible amendment. She further explained that the proposed set of amendments does not address all the issues at this point in time, so there would be a need to examine amendments on an ongoing basis. She added the Regional Plan Update Committee has identified areas that could not be included in the current proposals and would be scheduled for regular amendments and regular updates to the plan on a four-year schedule. Ms. Marchetta said an annual work plan would be presented to the Governing Board and would reflect the highest priorities for the next series of Regional Plan Updates.

- Mr. Shute interjected that the concept of scaling could be built into the policies immediately and be an item for discussion.

In response to a question from Assemblywoman Kirkpatrick regarding the need to educate the public on why certain items are denied by the TRPA, Ms. Marchetta reiterated the critical need to conduct those types of conversations with the public to ensure that correct information was disseminated, and she indicated that the TRPA would play a critical role in providing accurate information to the public.

Responding to an inquiry from Assemblywoman Benitez-Thompson regarding the review process and timeframes for the review process, Mr. Shute explained the Regional Plan Update is in draft form and would not be adopted until the EIS was reviewed, commented on, and certified. He indicated some issues would require scientific support information and would be included in the record prior to a final vote. He noted the TRPA staff recommended a 60-day comment period on the draft EIS and oral or written comments would be included in the document. In addition the other five draft plans would be the subject of public comment beyond the 60-day comment period and possibly up to the time of the final vote.

PRESENTATION ON TRANS-SIERRA TRANSPORTATION COALITION

(As directed by Chair Lee, this agenda item was taken out of order.)

- Steve Teshara, Principal, Sustainable Community Advocates and Coordinator, Lake Tahoe Partnership, which is an advocate network for the EIP, presented a concept for consideration by the Committee for a larger Tahoe Region (Region) consisting of northwest Nevada, Lake Tahoe-Truckee areas, and parts of California called the Trans-Sierra Transportation Coalition, and provided a map of the proposed Region. (Please see [Exhibit K.](#))

Further, Mr. Teshara said within the Region the local transportation planning and project delivery agencies work collaboratively. He acknowledged that the effort to bring the 2022 Winter Olympic Games to the Lake Tahoe Basin has provided some impetus for this effort. He provided information on past efforts to pass a sales tax to help fund transportation and transit solutions but said that the tax effort was not successful. Mr. Teshara explained that larger metropolitan areas in California and Nevada have banded together to form larger regions in order to gain support for larger transportation solutions. He said there was a concept to explore the possibility of a partnership within the Region, which would involve a number of counties.

- William “Buzz” Harris, President, WBH Enterprises, stated he has been working with the cities of Carson, Reno, Sparks, South Lake Tahoe, and Douglas County and Washoe County political leaders regarding public education to address the question of how to achieve regional transportation system improvements versus focusing on individual cities and counties. In his view, focusing priorities as the western Nevada

Region would leverage funding and focus priorities for safety and environmental issues. Mr. Harris stated the cities of Reno and Sparks, Washoe County, Regional Transportation Commission of Washoe County, and the Douglas County Commission have passed resolutions of support.

- Carl Hasty, District Manager, Tahoe Transportation District, said he has had discussions with the El Dorado County Transportation Commission and the Placer County Regional Transportation Planning Agency. Mr. Hasty said interest has been expressed by Nevada County and the City of Sacramento. He explained that the concept is based on experiences in the Lake Tahoe Basin with the EIP, which faces a similar challenge of how to fund improvements in a competitive environment. In his view, federal funding was focused on highly urbanized areas, which necessitates the need for smaller areas to consolidate into one constituency to be able to access federal funding. He explained a self-help approach has been accomplished in some major urban areas in California, which supported the need for the transportation systems in the Lake Tahoe Basin to combine their efforts to achieve transportation improvements for local communities.

Commenting further, Mr. Hasty noted interregional transportation systems would be needed to support future economic development. He pointed out proposed and existing transportation projects identified on a map titled “Proposed Transportation System Improvements,” and said his goal was to open a dialogue with the Committee and with the 2013 Legislative Session regarding the transportation program in the Lake Tahoe Basin. Concluding, Mr. Hasty mentioned the bid to bring the 2022 Winter Olympic Games to the Lake Tahoe Basin, and he added the interregional transportation systems would be essential to help move populations during an event of that scale. Concluding, he stated there was a proposal to pursue federal funding opportunities near Stateline, Nevada, and letters of support have been received from the local community and from other groups in northwestern Nevada.

- Steve Teshara, previously identified, requested that communications continue with the Committee regarding the concept of the Trans-Sierra Transportation Coalition, and said he would provide recommendations for the Committee’s work session.

In response to a request from Chair Lee for further information, Mr. Hasty commented on the major proposed transportation projects that the District was delivering. He expects all the projects to complete the environmental document process and to receive a permit in 2013. Mr. Hasty explained the bike trail system and noted the existing parts of the system and the gaps. He provided information on the proposed projects, including:

1. The Incline Gateway, which will start construction in the summer of 2012;
2. The first three miles of the Tahoe Lakeview Trail (bicycle trail) to begin construction in the summer of 2012;

3. The Lake Tahoe Aquabus Project, a passenger ferry service, that was concluding the Federal Transit Administration Alternatives Analysis Process and would be entering the environmental document phase; and
4. The Fanny Bridge/SR 89 Realignment project was in the environmental document phase.

Mr. Hasty explained that for the Lake Tahoe Aquabus Project, a 150- or 200-passenger vessel was being examined, and partnership funding could include public investment for the lakeside land facilities with the operation of the ferry and the vessels provided by private investment. He added there was a private sector contribution for rights-of-way from property owners on the U.S. Highway 50 Project at south shore; in-kind contributions would help with the cost of the project. He explained that if federal funding was used for projects, there needed to be a nonfederal match from local or state sources. (Please see [Exhibit K-1.](#))

PRESENTATION ON U.S. HIGHWAY 50 SOUTH SHORE COMMUNITY REVITALIZATION PROJECT

- Steve Teshara, previously identified, requested a letter of support from the Committee for the Transportation Investment Generating Economic Recovery (TIGER IV) Discretionary Grant program, U.S. Department of Transportation, for the U.S. Highway 50 South Shore Community Revitalization Project (Project). He explained the project has a total cost of \$53.9 million and the federal request and the Tiger IV Grant would be for \$39.3 million with a local match of \$14.6 million, which will be met, in part, through donation of rights-of-way. Mr. Teshara said he was soliciting letters of support from the four U.S. Senators from Nevada and California and the two U.S. Representatives from both states whose districts include the Lake Tahoe Basin. Further clarifying, Mr. Teshara noted the funding was from 2012 appropriations and not funding from the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). He added that numerous letters of support from the local community and agencies have been received. A draft letter would be submitted to staff for consideration by the Committee.

In response to a request from Senator Settelmeyer, Mr. Teshara offered to provide a more detailed map on the Project and explained that the concept includes a truncated loop road system to create a walkable downtown corridor for the South Shore corridor to divert traffic traveling through the casino corridor off to the side and out of the core area to allow a more transit- and pedestrian-friendly contemporary resort destination environment within the core.

- William “Buzz” Harris, previously identified, clarified that the proposed projects were for a sustained community effort and were not being proposed only to support the 2022 Winter Olympic Games.

UPDATE ON RECENT BISTATE DISCUSSIONS RELEVANT TO THE TRPA

- Leo M. Drozdoff, P.E., Director, State Department of Conservation and Natural Resources (SDCNR), provided an update on the bistate discussions on the TRPA Regional Plan Update and noted that discussions began approximately one year ago, and the first guiding principle was not to have other entities speak for Nevada. Subsequently, through positive discussions a shared vision for Nevada and California began that set the Regional Plan Update as the highest priority to be completed by December 2012. Mr. Drozdoff described the efforts taken with the TRPA to establish a transparent process. The next endeavor was to focus on the areas of disagreement from various parties.

In his opinion, the Regional Plan Update Committee was very successful in reaching agreement on approximately 80 percent of what was included in the draft Regional Plan Update. Mr. Drozdoff said the next step was to deal with the areas of disagreement and stressed the importance of clarifying the areas that require leadership and guidance to reach solutions. He noted Nevada and California have a strong working relationship but specific priorities and positions need to be clarified and understood, which will require discussions with different participants to develop workable solutions.

In response to a question from Chair Lee, Mr. Drozdoff stated, in his view, the position of Governor Sandoval was to have a strong bi-state Compact that would address concerns of the future, and to complete the Regional Plan Update in a timely manner; rather than being focused on the timeframe included in S.B. 271.

- Chair Lee reiterated an open invitation to John Laird, Secretary, California Natural Resources Agency, to future meetings of the Committee.

OVERVIEW OF THE VAN SICKLE BI-STATE PARK

- David K. Morrow, Administrator, Division of State Parks, SDCNR, was not able to attend the meeting due to illness.
- Mark C. Davis, Chief of Development Services, Division of State Parks, SDCNR, provided information on the creation of the Van Sickle Bi-State Park (Park). He explained that the Park was a partnership between the Division of State Parks, the California Tahoe Conservancy, and the Nevada Division of State Lands, SDCNR. He explained that EIP funds paid for the majority of the planning and development of the facilities at the Park. Mr. Davis further explained that the property was donated by Jack Van Sickle in honor of his father to preserve the land for its natural beauty and for the creation of a park. He presented information on the location, boundaries, and layout of the Park and noted on the California side, the gondola to Heavenly Valley passes through the Park. The entrance to the walk-in Park begins in California and leads into a day-use area. Mr. Davis drew attention to the fact that the Park has one intersecting corner with a property that provides access to the Tahoe Rim Trail and was

located in close proximity to the South Shore casino corridor and the proposed bypass at Lake Parkway. He has been involved in the design and development discussions of the bypass to maintain access to the Park.

Commenting, Mr. Davis stated that the Tahoe Rim Trail Association (TRTA) and the Van Sickle Foundation are partners in the Park and the Foundation has donated operating funds to the TRTA and some assistance from existing park staff for security patrols. The Tahoe Fund provided a grant to the California Tahoe Conservancy, which assisted in park operations, and he noted no additional state funds are used to operate the Park. Concluding his remarks, Mr. Davis said the project required serious vision and collaboration to coordinate and gain access into the Park and to establish the Tahoe Rim Trail connectors. (Please see [Exhibit L.](#))

In response to comments by Chair Lee, Mr. Davis said the first phase of construction on the Park has been completed and in the near future larger day-use and group-use areas, 42 parking stalls, a shaded ramada, picnic sites, and recreational areas are planned. He explained the master plan contains plans for future developments, however, in his view, those would likely not occur for another 15 to 20 years. He added the Park was opened on July 22, 2011, for public use and offered to provide a walking tour for the Committee.

PUBLIC COMMENT

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

ADJOURNMENT

Chair Lee announced that the next Committee meeting was scheduled for May 21, 2012, and the location would be announced later. He requested public input for possible agenda items and identified Jennifer Ruedy, previously identified, as the contact person. There being no further business to come before the Committee, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Lucinda Benjamin
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 Microsoft PowerPoint presentation handout titled “Marlette Water System,” presented by Peter Etchart, P.E., Chief Engineer, Buildings and Grounds Section, State Public Works Division, Department of Administration.

[Exhibit C](#) is an article titled “Fostering Economic Vitality Amid A New Economic Reality, Douglas County, Nevada,” from the *Government Finance Review* provided by Nancy McDermid, Douglas County Commissioner and Chair of the Local Government Committee of the Tahoe Regional Planning Agency (TRPA) Governing Board.

[Exhibit D](#) is written testimony titled “Transfer of Planning Matters to Other Gov’t Entities,” provided by Joanne S. Marchetta, Executive Director, TRPA.

[Exhibit E](#) is written testimony titled “History of the TASC,” provided by Laurel Ames, Conservation Co-Chair, Tahoe Area Sierra Club (TASC).

[Exhibit F](#) is a document titled “Executive Summary of the Conservation Community’s suggested goals, policies and implementation measures for the Regional Plan Update,” provided by Laurel Ames, Conservation Co-Chair, TASC.

[Exhibit G](#) is a Conservation Alternative Matrix document titled “Stakeholder Alternatives Matrix Form” provided by Laurel Ames, Conservation Co-Chair, TASC.

[Exhibit H](#) is written testimony titled “TRPA’s Unintended Consequences,” submitted by Ann Nichols, President, North Tahoe Preservation Alliance and small business owner.

[Exhibit I](#) is written testimony dated March 13, 2012, submitted via e-mail by Ellie Waller, full time resident, Tahoe Vista, California.

[Exhibit J](#) is written testimony titled “Status of the Regional Plan Update,” provided by Joanne S. Marchetta, Executive Director, TRPA.

[Exhibit K](#) is a map titled “Connecting Northern Nevada’s Future,” presented by Steve Teshara, Principal, Sustainable Community Advocates and Coordinator, Lake Tahoe Partnership.

[Exhibit K-1](#) is a map titled “Proposed Transportation System Improvements,” submitted by Carl Hasty, District Manager, Tahoe Transportation District, Stateline, California.

[Exhibit L](#) is a Microsoft PowerPoint presentation handout titled “Van Sickle Bi-State Park: A Partnership,” presented by Mark C. Davis, Chief of Development Services, Division of State Parks, State Department of Conservation and Natural Resources.

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.