

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

**Eighty-Second Session
April 5, 2023**

The Committee on Natural Resources was called to order by Chair Lesley E. Cohen at 4:07 p.m. on Wednesday, April 5, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 130, Greenhaw Technical Arts Building, Great Basin College, 1500 College Parkway, Elko, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chair
Assemblywoman Natha C. Anderson, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblyman Rich DeLong
Assemblywoman Bea Duran
Assemblyman Bert Gurr
Assemblywoman Alexis Hansen
Assemblywoman Selena La Rue Hatch
Assemblyman Howard Watts
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Becky Peratt, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Connie Barlow, Committee Manager
Nancy Davis, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Alan Jenne, Director, Department of Wildlife
Julie W. Regan, Executive Director, Tahoe Regional Planning Agency
Devin Middlebrook, Manager, Government Affairs, Tahoe Regional Planning Agency
Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County
Kennedy McKinney, representing League to Save Lake Tahoe
Isaac Hardy, representing Nevada Conservation League
Caitlin Meyer, Chief Program Officer, Tahoe Fund
Robert W. Byren, Private Citizen, Zephyr Cove, Nevada
Sydney Morrow, Private Citizen, Glenbrook, Nevada
Ellie Waller, Private Citizen, Carson City, Nevada
Beth Wallace, Private Citizen, Zephyr Cove, Nevada
Stephen Dolan, Director, Friends of Third Creek
Elisabeth Lernhardt, Private Citizen, Zephyr Cove, Nevada
Ann Nichols, President, North Tahoe Preservation Alliance
Charles Donohue, Administrator, Division of State Lands, and State Land Registrar, State Department of Conservation and Natural Resources
Steve Walker, representing Douglas County

Chair Cohen:

[Roll was called. Rules and protocol of the Committee were reviewed.] We are going to start with a work session. We will not be considering [Assembly Bill 349](#); it is being pulled from the work session.

[Assembly Bill 349](#): Establishes the Nevada Wildlife Conservation Program. (BDR 45-912)

[[Assembly Bill 349](#) was not considered.]

We will begin our work session with [Assembly Bill 71](#).

[Assembly Bill 71](#): Requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice. (BDR S-347)

Becky Peratt, Committee Policy Analyst:

Assembly Bill 71 requires the Division of Environmental Protection to conduct a study concerning environmental justice [[Exhibit C](#)]. Assemblyman Watts proposed an amendment that requires the Division, in carrying out the study, to coordinate and collaborate with state, federal, local agencies, affected communities, and members of the public.

Chair Cohen:

Are there any questions? Seeing none, I am looking for a motion to amend and do pass.

ASSEMBLYWOMAN ANDERSON MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 71.

ASSEMBLYWOMAN LA RUE HATCH SECONDED THE MOTION.

Are there any comments on the motion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN DELONG, GURR, HANSEN AND YUREK VOTED NO.)

I will give the floor statement to Assemblywoman Duran. Please go ahead.

Assembly Bill 191: Revises provisions relating to water conservation. (BDR 48-697)

Becky Peratt, Committee Policy Analyst:

Assembly Bill 191 excludes private entities supplying water for municipal, industrial, or domestic purposes whose water right is 3 acre-feet or less per year from the statutory term supplier of water [[Exhibit D](#)]. Assemblyman DeLong proposed an amendment that removes that language and instead redefines the term "supplier of water" to limit the term to a public or private entity which has at least 15 service connections serving year-round residents of the system that supplies water for municipal or quasi-municipal purposes.

Chair Cohen:

Do we have any questions? Seeing none, do I have a motion to amend and do pass?

ASSEMBLYMAN DELONG MOVED TO AMEND AND DO PASS ASSEMBLY BILL 191.

ASSEMBLYMAN GURR SECONDED THE MOTION.

Are there any comments on the motion? Seeing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman DeLong. We will take a brief recess [at 4:12 p.m.].

The Committee will come back to order [at 4:16 p.m.]. We will move on to our next work session, Assembly Bill 221.

**Assembly Bill 221: Authorizes the management of designated terrestrial invertebrates.
(BDR 45-339)**

Becky Peratt, Committee Policy Analyst:

Assembly Bill 221 adds designated terrestrial invertebrates to the statutory definition of wildlife managed and protected by Nevada's Department of Wildlife [[Exhibit E](#)]. Assemblyman Watts proposed an amendment that removes "terrestrial" throughout the text of the bill.

Chair Cohen:

Do we have any questions?

Assemblywoman Hansen:

I think I noticed the Department of Wildlife (NDOW) in the room. Would I be able to ask a couple of questions to clarify the management side of it? I need to understand, is NDOW on board to have this responsibility? I know a lot of this management might help us not get to an endangered species sort of situation. I have some concerns on the management side. I know historically, if we look back with the bull trout in Jarbidge, U.S. Forest Service was shutting off the road to public access. How would this look with NDOW management? Say there is a moth, some sort of family of the butterfly, or another invertebrate that is in a precarious position. Would there be a chance that there could be some onerous access issues in relation to NDOW managing it? I feel more comfortable with NDOW as a state agency, but I am wondering what that is going to look like in managing a species that might have a precarious position.

Alan Jenne, Director, Department of Wildlife:

The benefit of this is, these are species that are listed as species of the greatest conservation need. They are the ones we are trying to take action on to steady their state and place on the landscape so that they do not become a species that is being promoted for the status of either threatened or endangered through the Endangered Species Act. This is the time when it is really important to put the work forward to try to improve their situation. That is what this is about; it is trying to give the state the opportunity to implement management to try to change their trajectory and try to bring them back into greater abundance. The scenarios that you listed are those species that already have that status of threatened and endangered through the Endangered Species Act. These other species are not of that status. The implication of access restrictions or things like that would not be the outcome of this. This would be us taking proactive measures with partners who want to or have the ability to do this work to put a position towards that and try to work with partners that might be able to implement actions. Also, as we are looking at projects that might be on federal landscapes, we can consider them so that either there are measures that we can do to promote them or to avoid that impact. Such as, if we are doing a restoration project, we can consider is there a certain type of

habitat that a particular invertebrate prefers, and either we can avoid it or we can try to increase that habitat on the landscape.

Assemblyman DeLong:

I will vote this out of Committee, but I want to reserve the right to change my vote based on additional research on the full scope of NDOW's management activities.

Chair Cohen:

As a reminder, you always have the right to change your vote before we get to the floor. I would request that you tell me and the bill's sponsor. I am looking for a motion to amend and to do pass.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND DO PASS ASSEMBLY BILL 221.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Are there any comments on the motion? Seeing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Bilbray-Axelrod. We will move on to Assembly Bill 325.

Assembly Bill 325: Revises provisions relating to water. (BDR 48-915)

Becky Peratt, Committee Policy Analyst:

Assembly Bill 325 creates an exception from state application requirements for individuals temporarily changing the point of diversion, manner of use, or place of use for water already appropriated in certain situations [[Exhibit F](#)]. The bill also authorizes the State Engineer to accept a map that does not meet certain requirements in certain situations. Assemblyman O'Neill proposed an amendment to clarify that the provisions of the bill only apply to surface water.

Chair Cohen:

Are there any questions? Seeing none, do I have a motion to amend and do pass?

ASSEMBLYWOMAN ANDERSON MOVED TO AMEND AND DO PASS ASSEMBLY BILL 325.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

Are there any comments on the motion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN LA RUE HATCH
VOTED NO.)

I will assign the floor statement to Assemblyman O'Neill, and Assemblywoman Anderson as backup. That will bring an end to our work session. I will now turn the gavel over to the Vice Chair.

[Assemblywoman Anderson assumed the Chair.]

Vice Chair Anderson:

I will now open the hearing on Assembly Concurrent Resolution 5. Assemblywoman Cohen, whenever you are ready, you may begin.

Assembly Concurrent Resolution 5: Expresses support for the Lake Tahoe Transportation Action Plan. (BDR R-387)

Assemblywoman Lesley E. Cohen, Assembly District No. 29:

Before I turn over the presentation, I want to give the Committee a little bit of information about the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. This committee is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in *Nevada Revised Statutes* (NRS) 218E.550 through NRS 218E.570. This was created in 2003 with the enactment of Senate Bill 216 of the 72nd Session. The committee provides oversight and review of the activities, budgets, programs, and responsiveness of the Tahoe Regional Planning Agency (TRPA) and Marlette Lake Water System (MLWS). Although the committee was established in 2003, both TRPA and MLWS have been subject of legislative oversight for many years. In all but one interim since 1985, the Nevada Legislature has provided review and oversight for the TRPA, either through an interim study or a currently defined statutory committee. The Legislature established the MLWS Advisory Committee with the enactment of Assembly Bill 804 [of the 56th Session]. That committee existed for more than 30 years prior to the creation of the current statutory committee. The duties of the committee are set forth in NRS 218E.565 and those are to review and oversee the accountability activities, budgets, programs, and responsiveness of the TRPA and MLWS, study the activities, authority, and role of the TRPA regarding the law, the Lake Tahoe Basin; and the MLWS pertaining to Marlette Lake, and to communicate with members of the California State Legislature to achieve the goals set forth in the Tahoe Regional Planning Compact, which is codified in several California and Nevada statutes.

During the 2021-2022 Interim, the committee held four meetings, which were chaired by Assemblywoman Peters. The meetings addressed a variety of activities, issues, and programs pertaining specifically to the TRPA and the MLWS relating generally to the Lake Tahoe Basin. With Assembly Concurrent Resolution 5, the committee requested the drafting of a resolution expressing Nevada Legislature's support for the Lake Tahoe Transportation Action Plan. The action plan includes state transportation priorities for the Lake Tahoe Basin and is in response to Senate Concurrent Resolution 8 of the 81st Session. This action plan

also describes project benefits, considerations for climate change and equity, and project cost estimates accompanied by a funding strategy. The action plan will accelerate the implementation of transportation projects in the Lake Tahoe Basin using an endorsed multisector funding strategy across local, private, state, and federal partners. To discuss A.C.R. 5, we have Devin Middlebrook who is the Government Affairs Manager for the TRPA and Julie Regan, who is the Executive Director of TRPA.

Julie W. Regan, Executive Director, Tahoe Regional Planning Agency:

On behalf of our governing board, and our staff, I would like to say thank you, Madam Vice Chair, members of the Committee, and members of the public. We are representing a large partnership in Lake Tahoe as was discussed. In the interest of time, I am going to move very quickly through these slides just to give you a flavor, because we had an excellent introduction from your Chair. You all know that Lake Tahoe is a rural community. We like to say we are a rural community on weekdays and a big city on the weekends; that presents a lot of transportation challenges. We are a tourism-based economy, \$5 billion annual economy that is largely visitor servicing [page 2, [Exhibit G](#)]. We have a saying at the lake, "The environment is our economy, and the economy is our environment." That also creates jobs for the states of Nevada and California in our region. Transportation affects the clarity of the lake. Unlike many other communities that really focus on transportation for movement of goods and services, which is very important in our area, we are also very much focused on transportation as it relates to lake clarity, air quality, and with the threats of climate change, our jobs are all getting that much harder. Safety has become a very important issue in our transportation planning as well.

As your Chair eloquently stated, the purpose of this discussion is to build on years of work from the state of Nevada in partnership with the state of California, with the leadership of the natural resources agencies of both states in partnership with our department of transportation colleagues in both states [page 3]. Also, most recently working through the last interim of the legislative oversight process, we bring ourselves to A.C.R. 5, asking for your support.

The essence of this whole endeavor around transportation has long been trying to find a solution of how to pay for the, quite honestly, billions of dollars of infrastructure investments that are needed at the lake [page 4]. We are a small rural community. We need to have a leverage-share approach, which is the history of our success in protecting the lake. We have federal support. We have the states of California and Nevada, local governments, and the private sector. We have identified a \$20 million annual funding gap. The purpose of our consultation over these years, the engagement of our community and our many stakeholders, was going from what maybe was thought one solution to fund this into more of a shared approach where we have, with a tip of the hat to the state of Nevada, a 7-7-7 funding strategy for each share coming up with \$7 million. For the state's perspective, that would be a split between California and Nevada. Nevada's share would be \$2.5 million annually.

That would support, as shown on the next slide [page 5], a series of investments in transportation. It took a few years for us to get consensus on the regional priorities that should go on this ten-year action plan, which we did through the leadership of the committee

and of our partners. We are looking at a price tag nearly of \$1 billion over ten years. This supports the Nevada share to commit to those dollars to leverage the shares from the federal government, the state of California, and the private sector and local governments. There are a series of projects. You have been briefed on that. I am happy to answer more specifics.

I would highlight, on page 6 [[Exhibit G](#)], State Route (SR) 28 corridor, which runs around the east shore on the Nevada side. Safety is a huge concern in that corridor. When you look at all of the state parks of Nevada, it accounts for about a third of the visitation to all state parks in this great state. These investments would support a large corridor vision to improve safety and improve the overall experience of visitation.

Getting to the bottom line, today we are asking for your support to endorse this resolution and to move forward with the action plan and then to move through the process with the partners. I will say we have had good success in getting funds already from the federal government. We have hit our target for the first year of the action plan, and we only have 19 more to go. We respectfully appreciate your passion for the lake, your support over the years, the Legislative Oversight Committee support, and we ask for your positive vote today. We would be happy to answer any of your questions.

Assemblywoman Bilbray-Axelrod:

I cannot tell you how many times I have gone up to the lake as some respite from special sessions in the summer. Not as much this session, but I am looking forward to it as soon as the snow clears, I guess in July. Maybe you said this, and I missed it—you mentioned what Nevada was putting in. What is California putting in?

Julie Regan:

The target for the state of California is \$4.5 million. They have met their first annual commitment to that, and we are working with their legislature as well. We have a series of grants that could bring potentially up to \$40 million if we are successful. We have a number of grants that are outstanding, but we will keep you posted on that. California is in their legislative process for budgeting as well.

Assemblywoman Hansen:

There are things we do not agree with in this building, but we all agree that Lake Tahoe is a national treasure, and we are lucky to live so close. Regarding the transportation map, I am familiar with the shuttle service that had been provided in Incline Village to go to Sand Harbor. Unless I am recalling incorrectly, did that shuttle service end? It did not seem to be available last summer. Is that within this purview? Will that start again? I am curious what happened with it.

Devin Middlebrook, Manager, Government Affairs, Tahoe Regional Planning Agency:

The East Shore Express is operated by our partner agency, the Tahoe Transportation District. It leaves from the old elementary school in Incline Village. There were some issues during the COVID-19 year of 2020, and they did not operate. Last year they were operating on a limited basis because they have had such trouble hiring and retaining drivers. The shuttle

usually operates just during the summer months. The plan is to have that back this summer. We also worked on a pilot with the Regional Transportation Commission of Washoe County. They did an on-demand shuttle service from Reno to Incline Village to bring people up without their vehicles. I believe there are plans to continue that as well.

Assemblywoman Hansen:

Thank you, that is good news. Also, the new Tahoe East Shore Trail that starts at the Tunnel Creek Café and goes to Sand Harbor is a fabulous route. Is that part of this? It is transportation. It is foot traffic and bike traffic, but it is an absolute treasure there.

Julie Regan:

Yes, the trails are a huge component, and our goal is to build on that East Shore Trail. That is the three miles from Incline Village to Sand Harbor, and to get all the way to the top of Spooner Summit. There is a corridor plan that is broken into phases, and we are looking at doing the central corridor next. It is included and is done in partnership with many other individuals; that is a signature part, and the private sector is contributing to that as well.

Assemblyman DeLong:

The corridor to Spooner, is that going to be adjacent to SR 28 or is it going to be closer to the lake?

Devin Middlebrook:

Most of the trail will be between the lake and the highway. As you get closer to Spooner, it may cross over depending on the feasibility of terrain and the geography there.

Assemblyman DeLong:

How about the parking issue by the old middle school? Is there going to be sufficient parking given the issues in the past with regard to parking in that area?

Devin Middlebrook:

The Tahoe Transportation District is currently working with the community members in Incline Village on examining the best location for a new, permanent mobility hub that would include parking. As part of the overall SR 28 corridor plan, there is additional parking identified at the Tunnel Creek trailhead and also along the corridor. This will not only get all the cars that currently illegally park on the highway, off the highway, but will provide the ability for people to hop on the bus or get on a bike.

Assemblywoman Cohen:

We talked about parking a lot in that interim committee.

Vice Chair Anderson:

Are there any more questions? Seeing none, we will now hear testimony on A.C.R. 5. Is there anyone in Carson City in support of A.C.R. 5?

**Cadence Matijevich, Government Affairs Liaison, Office of the County Manager,
Washoe County:**

I am here today with an official policy position from our Board of County Commissioners in support of this bill, particularly our chair, Commissioner Alexis Hill. She very much wanted to be here in person today. She is the chair of the Tahoe Transportation District, and they are meeting today. Unfortunately, she could not join you, but I send her regards to all of you. On behalf of her and her colleagues at the Board of County Commissioners and on all of us in Washoe County, we like the bill. We like every bit of it. We are here in support, and we thank the interim committee for their work and encourage you to pass this concurrent resolution so that we can get the word out about how important it is to support this.

Kennedy McKinney, representing League to Save Lake Tahoe:

The League to Save Lake Tahoe protects and restores the environmental health, sustainability, and scenic beauty of the Lake Tahoe Basin. We focus on water quality and its clarity for the preservation of a pristine lake for future generations. We are here today in support of A.C.R. 5, which supports the Lake Tahoe Transportation Action Plan. The league has been proud to participate in the Bi-State Working Group on Transportation for Lake Tahoe for the last six years. This collaboration of public and private entities is working to advance high priority transportation solutions in the Lake Tahoe Basin. The transportation network is one of the biggest contributors to fine sediment pollution in the lake and reducing vehicle miles traveled is key to keeping Lake Tahoe blue. The 7-7-7 plan outlined in the resolution today provides a framework for getting the necessary funding to fully implement these priorities. We urge the Committee to support for this resolution and thank you for your time.

Isaac Hardy, representing Nevada Conservation League:

We are in proud support of this resolution. Thank you.

Vice Chair Anderson:

Is there anyone else in support in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone?

Caitlin Meyer, Chief Program Officer, Tahoe Fund:

The Tahoe Fund is a philanthropic organization that provides private funding for transportation and environmental improvement projects in the Lake Tahoe Basin. I am calling in today to express the Tahoe Fund's full support for the resolution. We also want to make sure that members of the Committee and staff know that the Tahoe Fund is committed to holding up the private sector's share of the deal by providing philanthropic funding to match leverage and fill gaps in public funds. We talked a lot about SR 28 and the East Shore Trail already today, which is a great example of how we can plug in to leverage state and federal funds. We have already committed \$2 million to that project. We are ready to go even bigger to make sure that the private community is stepping up and pitching in. Thank you so much for considering this and for all of your support.

Vice Chair Anderson:

Hearing no other callers in support, I will now hear testimony in opposition of A.C.R. 5. Is there anyone in opposition in Carson City?

Robert W. Byren, Private Citizen, Zephyr Cove, Nevada:

I live along the east shore of Lake Tahoe, and I have come to voice my opposition to A.C.R. 5, a resolution affirming the Lake Tahoe Transportation Plan. Specifically, that plan calls for adoption of the Department of Transportation's U.S. 50 Tahoe East Shore Corridor Management Plan (CMP), which is now under vision, but still includes adding dedicated multiuse bike lanes at the expense of two lanes of traffic, which are essential to the community where I live. For the record, I have attended and interacted with the CMP study team at all four public hearings and listening tours. It is clear to me that the study team has either ignored or given lip service to several major issues.

These are my concerns: First, the additional congestion caused by the reduction in number and width of the northbound and southbound traffic lanes. We are a destination resort with over 15 million people visiting each year and a transient population that can reach 300,000 during the high season. Most of these visitors use Highway 50 as their main access and thoroughfare because they really have no alternative. Boaters have already no-listed Lake Tahoe as a desirable resort due to congestion. The CMP will only add to the severe traffic congestion in our community.

Second, the air pollution and algae bloom result in lake clarity reduction caused by additional travel time, which are exacerbated by the frequent temperature inversions at Lake Tahoe. Third is the access problem for power, water, sewer, and road maintenance vehicles with the shoulder essentially lost to these multiuse lanes. Fourth, the winter travel conditions in our alpine climate are unique in Nevada, given the large transient population and our 11 downhill ski resorts, which create special safety needs and require rolled shoulders for snow clearance. Finally, bike safety. Because barriers are proposed to form these dedicated multiuse lanes, the high-speed road bikers will not choose to interact with pedestrians, strollers, Lime scooters, and skateboarders. They will prefer to share the road with the cars and trucks. With only one transportation lane in each direction and no shoulder, as proposed, the cars and trucks will be forced to pass the road bikers by veering into the center turn lane which creates several obvious safety problems. The better solution is to keep the four lanes of traffic and create a proper Class II bike lane at the shoulder. For these reasons, I definitely oppose the resolution.

Sydney Morrow, Private Citizen, Glenbrook, Nevada:

I feel genuinely un-American sitting here today in opposition of this particular resolution. I am asking you all to please think that in approving this today, you are agreeing to provide the TRPA with \$2.5 million a year, in addition to the \$6.8 million that we already give TRPA for transportation purposes. I am asking you to consider if this additional cash outlay benefits the constituents of your district. To fund this, you are going to have to issue environmental improvement program bonds. You are going to take money from the Conserve Nevada program, and you are going to provide direct budget appropriations to this

agency. Bonds require repayment with interest. Reallocating money from the Conserve Nevada program impacts Las Vegas conservation projects and our own state parks and museums. Direct budget allocations take my tax dollars with only general oversight by the Nevada Legislature on what is essentially a quasi-federal agency. I understand all of the traffic and transportation problems at Lake Tahoe because I live there. I am also witness to an inordinate amount of planning and financial waste that comes from implementing ideas that a lot of us in Nevada do not even really want. Assemblywoman Hansen, you asked about why that shuttle was not running from Reno up to the lake anymore. It is because nobody was riding it. They did a study, maybe two people per bus rode back and forth from Reno. It is not sustainable because for some reason in Nevada, we just do not use those services. I am asking you to please take a step back and really consider whether all this additional money is going to benefit the people of Nevada. Thank you.

Ellie Waller, Private Citizen, Carson City, Nevada:

I was a 20-year resident of Lake Tahoe. I recently moved to Carson Valley. There are many agencies, two states, stakeholder groups, nonprofits, et cetera doing concurrent work. Are we spending dollars wisely on possible duplicative efforts that feed duplicative studies, wasting invaluable funds that could be applied elsewhere? Excerpts from the 2020 Tahoe Regional Planning Agency Regional Transportation Plan—it is 362 pages—17 agencies committed to collaborating, to advocate for funds to implement the capitalistic projects involving working together to develop new revenue sources that are critical to delivery of the regional transportation plan. This is advancing the sustainable funding initiative described in the funding section. Transportation at Tahoe is funded by a complex mix of federal, state, local, and private sources. Resort destinations like Tahoe, which see high visitation and seasonal travel, require funding sources from transportation services that require above and beyond the basic needs of the residents and commuters. Do not forget that there are residents who still live there. An estimated \$2.4 billion revenue is anticipated to be available over the next 25-year planning period. Tahoe Regional Planning Agency forecasts needed investments totaling nearly \$3.4 billion to implement the plans full build-out over 25 years, leaving a \$1 billion gap. An example of the plan is what the executive director of TRPA brought forward, the proposed 7-7-7 plan, I believe it is fatally flawed. The plan assumes \$7 million in federal, local, and private funding is available for 20 years, as one gap measure. Governance of those funds and the ability to obtain funds is indeterminable. Public participation in a lot of these processes, and you have heard from the public, the listening sessions, they just have to stop. My observation is all in favor are agencies, nonprofits, as mentioned, and the partnerships. Everybody you hear today in opposition are the members of the public. [Written testimony was also provided [Exhibit H.](#)]

Beth Wallace, Private Citizen, Zephyr Cove, Nevada:

I am a 13-year resident of Zephyr Cove. I am here to express my opposition to [A.C.R. 5](#), which would provide support for the Lake Tahoe Transportation Action Plan. I would implore all of you to carefully examine the contents of the plan. As one of the many residents living on Tahoe's east shore, one small part of this resolution supports the Shore Corridor Management Plan that you heard about from TRPA suggesting that some of our roadway, U.S. 50, a major highway, be reduced from our current four lanes to two lanes

intermittently—two lanes to four lanes to two lanes along that 13-mile stretch. This stretch of roadway is what all of us from Stateline to Spooner Summit access for daily use. Most importantly, and this is the thing that is most important to me, it is our only access out of our area in times of a fire or a major evacuation. In addition, over the last two years, the Tahoe Regional Planning Agency has approved a 6,000-person event center, a large complex for condos, and the relocation of South Lake Tahoe's Barton Memorial Hospital, all to Stateline; all facilities that will only increase traffic. How can we possibly consider a plan when it continues to include lane reduction on one of the busiest sections of our lake? Please look at the plan more carefully. Bike lanes and mass transit are all good ideas, but that does not ensure the safety of your constituents, the residents. Lower speed limits, add additional turning lanes, and maintain our four-lane highways. Please represent us, protect us, and ensure our safety along Highway 50.

Stephen Dolan, Director, Friends of Third Creek:

I have been an Incline Village resident for 31 years. I did not come here to speak about this. I will see you later, but Assemblywoman Hansen and Assemblyman DeLong asked questions about the old Incline Village Elementary School and the transportation district's work there. I have been part of this whole situation since the Nevada Highway Patrol started to move people off of the road over by Sand Harbor. They immediately decided to stop the parking which was terrible and dangerous there along Sand Harbor. They moved that, just experimentally, to the old elementary school. That worked for a year; and then it did not work for a year; and then it was free; and then they charged for it. The reasons that it was not working, you were informed of just recently. That property is being considered for a Tahoe transportation district hub and is absolutely not part of our community's desire. I know this for a fact; I am involved in all factions of Incline Village. The consideration of consensus that was just stated, I do not believe is accurate. It does not represent the community. I know Commissioner Hill is in favor of it, and she is the chair of that district; that may be how that is being considered consensus. I have a problem with that. I also have problems with the increased travel for fire problems. The Incline Village Elementary School is located in an area that already cannot handle the summertime travel that you were asking about. The neighbors there are just terrified and selling their homes. I appreciate your time.

Vice Chair Anderson:

Is there anyone else in opposition in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone?

Elisabeth Lernhardt, Private Citizen, Zephyr Cove, Nevada:

I have been a resident of Nevada for the last six years. My comment is on the Highway 50 East Shore Plan. As much as I agree that improvements are necessary and appreciated, when it comes to the east shore plan, a bike lane is not part of it. Since 89 percent of the Tahoe Basin is public land, there should not be a problem finding a conflict-free solution for both a bike path and a four-lane highway. Given that there are 600 miles of biking and hiking paths in the basin, I do not see the necessity to take lanes away from the only four-lane highway. When it comes to improvement, commerce causing gridlock and congestion on Highway 50 will certainly not benefit local business nor the clarity of the lake. When it comes to

improved safety, the Department of Transportation (NDOT) data clearly states that a four-lane road is safer than a two-lane one. As a matter of fact, nine times safer. The other problem with pedestrians, bikers, and motor vehicles is user conflict. Intersections are the third cause of fatalities in Nevada; 25 percent of fatal crashes are pedestrian crashes with 40 percent occurring close to a crosswalk or sidewalk. These statistics should be self-evident. If you need a practical course on how this plays out, I recommend visiting Stateline's casino corridor on a holiday weekend. Why are you proposing more of this? As to the safety, the number one concern of residents is fire evacuation. We all remember the Caldor Fire and the long lines and hours it took to leave the basin. Highway 50 was the main escape route. We do not want to repeat the same scenario as the town of Paradise in California experienced in 2018—85 persons were burned alive in their cars being overtaken by the flames. Why are you planning more public outreach? The basic facts are not going to change. Get creative and find another solution.

Ann Nichols, President, North Tahoe Preservation Alliance:

I am a 50-year resident of Lake Tahoe and a Nevada real estate broker. The problem with this is, everybody loves Tahoe. Everybody wants to see transportation fixed. This is a very poorly thought-out proposal. It is very vague. We do not know who is going to handle the money. Are they going to play poker to decide? Is TRPA going to handle all the money? It is actually \$6 billion over all the years. For the private people, it is \$150 million to \$578 million. It is very vague. What are the benchmarks? The people who are speaking for this, they are going to hopefully do the right thing, but we do not know. It is so short on details. I think saying, it is only \$2.5 million this year for Nevada, this is 107 projects; it is a ton of money. There is a slush fund in here, that is \$578 million. Is this really the way to protect public monies? You need to take a step back and look at this carefully. It is not like you are against Tahoe or against transportation. It is critical thinking. Thank you.

[Also received but not mentioned are [Exhibit I](#), [Exhibit J](#), [Exhibit K](#), [Exhibit L](#).]

Vice Chair Anderson:

Hearing no other callers in opposition, I will go to neutral. Is there anyone in neutral in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone? Hearing no one, would the sponsor like to make any closing remarks?

Julie Regan:

I have a couple of quick points in wrapping up. These are all legitimate concerns, and we will commit to work with our communities to work them out. I also wanted to say that NDOT is the lead on the U.S. 50 corridor project, and we are awaiting their word on any design modifications. The alignment has not been determined complete. I want to assure you that is still being worked out. We certainly appreciate the fire evacuation concerns. I am still finding embers in my backyard from the Caldor Fire, having been evacuated myself in Christmas Valley. The overall goal of this action plan is to improve mobility for emergencies and for everyday quality of life. Thank you for your consideration.

Vice Chair Anderson:

I will close the hearing on A.C.R. 5. I will open the hearing on Assembly Bill 424.

Assembly Bill 424: Revises provisions relating to the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. (BDR S-388)

Assemblywoman Lesley E. Cohen, Assembly District No. 29:

I am not going to do the same recap of the interim committee as I did in the previous bill hearing, but I will say at its final meeting and work session on August 31, 2022, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System voted unanimously to request the drafting of a bill authorizing the release of the next phase of general obligation bonds in an amount of \$13 million to continue to implement Nevada's portion of the Lake Tahoe Environmental Improvement Program (EIP) for the 2023-2025 biennium, and including authority for the expenditure on the EIP projects of any interest accumulated on proceeds from bond issuance for the EIP. That is Assembly Bill 424. With that, I will turn it over to Administrator Charlie Donohue.

Charles Donohue, Administrator, Division of State Lands, and State Land Registrar, State Department of Conservation and Natural Resources:

It is a pleasure to present Assembly Bill 424 this afternoon. As Chair Cohen mentioned, A.B. 424 provides for the issuance of \$13 million in general obligation authority for the continuation of the Lake Tahoe Environmental Improvement Program, commonly referred to as the EIP. I would like to thank the Lake Tahoe interim committee for sponsoring this important legislation. The Division of State Lands has been the lead coordinating agency for Nevada's share of the EIP since 1999. Nevada's participation in the EIP continues to be a success. The EIP is a well-coordinated partnership of federal, state, local agencies, the Washoe Tribe, and the private sector. The partnership carries out projects to protect and improve the Lake Tahoe environment and has become a national model for collaboration leadership. Nevada is a key member whose commitment to the EIP has funded 170 projects in focused areas of watersheds, habitat and water quality, forest management, invasive species, and recreation. The EIP is the primary program to achieve environmental gains in the Lake Tahoe Basin.

A significant amount of this work for Nevada is coordinated through the Nevada Tahoe Resource Team, the state team assembled to carry out this program with representatives from the Division of State Lands, the Division of State Parks, the Division of Forestry, and the Department of Wildlife. The team implements projects directly as well as awards grants to EIP participating agencies. These have recently included water quality projects being implemented by Washoe County and Incline Village as well as projects at Marla Bay, Cave Rock, and Kahle Drive, implemented by the Nevada Tahoe Conservation District. These are critical capital infrastructure projects that capture stormwater and treat fine sediment particles that are known to impact the lake's clarity. As the agency has done in many previous legislative sessions, since the start of the EIP, the Division of State Lands is requesting bonding authority for the next round of Nevada's projects. Specifically, A.B. 424 authorizes

the sale of \$13 million in general obligation bonds for the continuation of EIP projects in the Lake Tahoe Basin.

The activities listed in A.B. 424 will continue to focus on the main areas of improving water quality, infrastructure, continue forest health improvement to reduce the risk of wildfire, improve habitat, and improve the state-owned recreational facilities at Lake Tahoe. A portion of this request will also be used to address some of the recreational transportation challenges along the State Route (SR) 28 corridor with our basin partners, including the Tahoe Regional Planning Agency (TRPA), the Tahoe Transportation District, and Nevada's Department of Transportation. In addition to improving the Lake Tahoe environment, these active capital improvement projects contribute to a strong local economy. State bonds are often used to leverage local match or federal awards as in a recent example, in which the team secured a Southern Nevada Public Land Management Act award of \$1.3 million for hazardous fuel reduction work around Marlette Lake.

Finally, A.B. 424 addresses a concern that the Office of the State Treasurer had regarding access to interest that the bonds generate. Prior legislation was not explicit, and that interest revenue generated from the bonds in excess of legislative authority could be used for the program. Sections 4 through 6 of the bill specifically address this issue and will enable the State Treasurer to make those funds available for the benefit of the Nevada EIP. Passage of Assembly Bill 424 allows the state to build upon the success of our past projects and to continue moving forward with our EIP partners in protecting and restoring the Lake Tahoe Basin. That concludes my presentation, and I would be more than happy to answer questions.

Assemblyman DeLong:

You mentioned fire reduction as one the items. What are the primary methods of fire management that you are using?

Charlie Donohue:

The primary method is to ensure that our forest is a healthy forest and that the stands are stands that can sustain a wildland fire, keeping the wildland fire on the ground and not getting into the crown. One of the projects that has been identified is North Canyon in the northern portion of Spooner Lake. It would be an aerial operation where the appropriate stand configuration would be established by the forester on the team. The last time we did this, we actually contracted it out and the helicopter was flying logs across Spooner to a decking location. Those logs were then transported to Quincy or Loyaltan. We are hoping now that with the development of the new facility on the tribal property behind Walmart in Carson City, we could maybe save a few bucks.

Assemblywoman Duran:

Lake Tahoe is beautiful, and it is always nice to see road improvements. I understand the concerns of folks who live there about traffic because sometimes when you have somewhere beautiful to go, you do get traffic jams. You said you were going to use some of the bond money for transportation. Is there a certain amount set aside for that as well, because the

presentation for Assembly Concurrent Resolution 5 just said the same thing? Is there a budget for that, or how does that work?

Charlie Donohue:

During our department's office budget hearing, Assemblyman Watts asked that question. I moved to the table to respond. Toward the end of the interim committee, transportation really daylighted the connection between transportation and recreation as very intrinsic, particularly along the SR 28 corridor. My director at the time asked me what I felt comfortable with in terms of participating in our bond program and the overall EIP bonding authority of \$100 million. I felt comfortable at that time with projects that we identified with our partners. One of the projects that is going to be implemented is a mobility hub that Mr. Middlebrook talked about in the previous bill hearing which will also have a permanent aquatic invasive species inspection station associated with it, with parking for that northern portion of the trail by Spooner Summit. That is one element that I have identified in talking with our partners. There may be other opportunities as well by Sand Harbor as they initiate the expansion. Currently, the trail ends at Sand Harbor, and everyone wants it to continue from Sand Harbor up to Spooner. Those are some of the projects that have been identified.

Assemblywoman Duran:

With the money that they are asking for in A.C.R. 5, are they using that for a different part of the transportation? I am just trying to figure why the two different plans are not consolidated as one.

Charlie Donohue:

I would say that the plan is well unified and the projects that I just spoke of are actually identified within the transportation plan that was just discussed.

Assemblywoman Cohen:

I was remiss. I did not say the members from the interim committee. They were Assemblywoman Peters, who was the Chair, Senator Scheible was the Vice Chair, Senator Brooks, Senator Settlemeyer, Assemblywoman Krasner, and me.

Vice Chair Anderson:

Seeing no further questions, I will move to support. Is there anyone in Carson City who would like to testify in support?

Kennedy McKinney, representing League to Save Lake Tahoe:

We are here today in strong support of A.B. 424, which authorizes general improvement bonds to fund Nevada's share of the Environmental Improvement Program for the Lake Tahoe Basin. The EIP makes a significant difference for environmental restoration in the basin, funding numerous projects that help keep Tahoe blue. We urge the Committee's support for this bill and thank you for your time.

Julie W. Regan, Executive Director, Tahoe Regional Planning Agency:

On behalf of our board and the big partnership of the EIP, we are in strong support of A.B. 424. The TRPA is very honored to lead that partnership. To address a former comment, the plans are integrated, and these would count toward Nevada's share of the 7-7-7. Thank you.

Steve Walker, representing Douglas County:

Douglas County is in complete support of this bill. This is actually the tenth time I have testified in support.

Isaac Hardy, representing Nevada Conservation League:

This funding is critical for projects that will enhance forest health, reduce wildfire threat, prevent the spread of aquatic invasive species, protect water quality, and promote recreation. We urge the Committee's support.

Vice Chair Anderson:

Is there anyone else in support in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone? Hearing no one, is there anyone in opposition in Carson City?

Stephen Dolan, Director, Friends of Third Creek:

I am a staunch environmentalist and live in Incline Village on the north shore of Lake Tahoe. I represent the Friends of Third Creek, a nonprofit organization dedicated to monitoring and protecting the Lake Tahoe Basin watershed. Because of the multitude of environmental abuses carried out by the U.S. Forest Service, Lake Tahoe Basin Management Unit (LTBMU) and the TRPA, I am here to request that you delay bond funding authorization for A.B. 424 until a cumulative—not an individual—environmental impact study has been initiated and completed for the entire basin. The environmental damage done on the north shore watershed is only a small percentage of abuses. All of Tahoe's projects need to be cumulatively evaluated for their combined impact. Individual environmental impact statements are not indicative of the basin's burden. The University of California (UC) Davis's Tahoe: State of the Lake Report 2022, and past UC Davis's environmental reports conclude that the Lake Tahoe Basin continues to experience environmental degradation. The problems in large are the result of a dysfunctional memorandum of understanding (MOU) between the TRPA and the LTBMU. That MOU prevents TRPA from enforcing best management practices. As such, the LTBMU has killed off fish spawning grounds, sent fine particulate matter into the lake—the number one problem for lake clarity in Tahoe—and has sent unmitigated dust throughout the forest, ruining fauna habitat. I have video evidence, photographic evidence, and witnesses to all of these dysfunctional problems and abuses. In 2020, when I presented evidence to the TRPA, the dysfunctional MOU was explained to me by then-executive director and current Director Emeritus of the Tahoe Regional Planning Agency, Ms. Joanne Marchetta. Some of this evidence has also been presented to the staff of U.S. Senator Rosen and U.S. Senator Cortez Masto. I am happy to present the evidence or answer any questions you might have.

Vice Chair Anderson:

Is there anyone else in opposition in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone?

Ann Nichols, President, North Tahoe Preservation Alliance:

I would love to know what the interest amount is that is being transferred. Also it would be great if we could see what the benchmarks are. I have heard \$2.5 billion have been spent already on the programs to help Lake Tahoe. It would be wonderful to know how we are doing because it seems to us that the lake is worse, traffic is worse, and fires are worse. Really, how are we doing or is this just money, money, money? Is it really helping Tahoe? There was a recent article about Tahoe zombie forests on State Route 431: all the trees are dying. Supposedly it is due to traffic and cars. Let us really look at this and just not automatically knee-jerk approve everything. Thank you.

Vice Chair Anderson:

Hearing no further callers, is there anyone else in opposition in Carson City?

Ellie Waller, Private Citizen, Carson City, Nevada:

I was in opposition before I came today. I did some more homework. There have been some really good things done in the past. I am going to frame a little bit differently than the last gentleman in opposition about cumulative impacts. I am talking about carrying capacity which goes hand in hand. When is the last time anybody decided we needed a carrying capacity study to evaluate the impacts in Tahoe? The 2012 Tahoe regional plan update amendments have changed how vehicle miles traveled (VMT) are calculated to what they call per capita. Many do not understand how to use the calculation. Add basin-wide short-term rentals to the equation, where impacts of traffic noise and trash have not been analyzed or the VMT assessed which causes more environmental degradation. Ms. Nichols asked, and I also ask, What is the dollar value of the currently accrued interest that is being proposed? What reports, statistics, et cetera have been provided showing proof of environmental gain and improvements? Threshold standard measurements have changed as well. Lake clarity degradation is still apparent. The TRPA compact changed, putting economics on the same level as preserving the environment to get the environmental gain. I do not know if that has been adequately or accurately approved. I would appreciate that you look at how much more money is going to be given toward the current funding source as requested by the bill and revision. Thank you. [Written testimony was also provided [Exhibit H](#)].

[Also received but not mentioned are [Exhibit J](#), [Exhibit K](#), [Exhibit L](#).]

Vice Chair Anderson:

Seeing no further testimony in opposition, is there anyone in neutral in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone? Hearing no one, are there any closing remarks?

Charlie Donohue:

I can share with you that the interest that the State Treasurer's Office is holding is just over \$180,000. I also want to put on the record that during my response to Assemblyman Watts during our director's department meeting, I thought that maybe the program would need reauthorization in about eight years. It is actually six. The sunset is 2030, and it would need to be addressed in the 2029 Session. I wanted to make that clear.

Vice Chair Anderson:

I will close the hearing on Assembly Bill 424. I will open up public comment. Is there anyone wishing to provide public comment in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone? Hearing no one, I believe we will be meeting again on Monday. We are adjourned [at 5:27 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Lesley E. Cohen, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 71](#), presented by Becky Peratt, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 191](#), presented by Becky Peratt, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 221](#), presented by Becky Peratt, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 325](#), presented by Becky Peratt, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is a copy of a PowerPoint presentation titled "Assembly Committee on Natural Resources: ACR 5 – Expressing support for the Lake Tahoe Transportation Action Plan," presented by Julie W. Regan, Executive Director, Tahoe Regional Planning Agency.

[Exhibit H](#) is written testimony dated April 4, 2023, submitted by Ellie Waller, Private Citizen, Carson City, Nevada, in opposition to [Assembly Concurrent Resolution 5](#) and [Assembly Bill 424](#).

[Exhibit I](#) is a copy of an email dated April 4, 2023, submitted by Brett Tibbitts, Private Citizen, Zephyr Cove, Nevada, in opposition to [Assembly Concurrent Resolution 5](#).

[Exhibit J](#) is a copy of an email dated April 5, 2023, submitted by Diane Becker, Private Citizen, Incline Village, Nevada, in opposition to [Assembly Concurrent Resolution 5](#) and [Assembly Bill 424](#).

[Exhibit K](#) is a copy of an email dated April 4, 2023, submitted by Pamela Mahoney Tsigdinos, Private Citizen, Incline Village, Nevada in opposition to [Assembly Concurrent Resolution 5](#) and [Assembly Bill 424](#).

[Exhibit L](#) is a copy of an email dated April 4, 2023, submitted by Doug Flaherty, President, Tahoe Sierra Clean Air Coalition, in opposition to [Assembly Concurrent Resolution 5](#) and [Assembly Bill 424](#).