



## WORK SESSION DOCUMENT

### **NEVADA'S LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE WATER SYSTEM** *(Nevada Revised Statutes [NRS] 218.53871)*

July 21, 2006

The following "Work Session Document" has been prepared by the staff of Nevada's Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System. It is designed as an outline to assist the Committee members in making decisions concerning recommendations to be forwarded to the Legislative Commission and ultimately to the 2007 Session of the Nevada Legislature. The document also may contain supplemental information as referenced in this document. If you would like copies of these supporting documents, please contact Diane Thornton, Senior Research Analyst, Research Division, Legislative Counsel Bureau at 775/684-6825.

Pursuant to NRS 218.2429 (3)(a), the Committee is authorized to request ten bill draft requests (BDRs) for consideration during the 2007 Legislative Session.

The possible actions listed in the document do not necessarily have the support or opposition of the Committee. Rather, these possible actions simply are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. Individual or joint sponsors of recommendations may be referenced in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee's meetings.

For purposes of this "Work Session Document," the recommendations have been grouped by the type of Committee action requested. The order of listing does not reflect any form of priority or preference. The numbers assigned to the recommendations are merely for ease of reference. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a resolution; (3) draft a letter; or (4) include a statement in the final report.

## RECOMMENDATIONS FOR LEGISLATIVE MEASURES

**RECOMMENDATION NO. 1**—Request legislation that would release the next phase of bonds in an amount of \$9,057,908 to carry out the Nevada’s portion of the Environmental Improvement Program (EIP) for the 2007-2009 biennium. The preliminary list of projects that will be submitted for consideration with this legislation includes \$1.25 million for continuation of forest restoration project implementation, \$7.5 million for water quality, erosion control and certain stream restoration projects, and \$307,908 for project contingencies. (*Requested by Pamela Wilcox, Administrator of the Division of State Lands, State Department of Conservation and Natural Resources at the April 13, 2006, meeting.*)

Background: Implementation of the EIP was estimated in 1997 to cost \$908 million, with \$82 million representing Nevada’s share. At the time, Nevada already had \$25.6 million committed towards the EIP (including a \$20 million erosion control bond approved by voters in 1996, and \$5.6 million in current project and program funding by various state agencies), leaving a balance of \$56.4 million. In 1999, the Nevada Legislature authorized the issuance of \$56.4 million in bond funds to be made available through June 30, 2007. In addition, funding would be appropriated based on a program and schedule of projects coordinated through the Division of State Lands, State Department of Conservation and Natural Resources. In each session since 1999, the Legislature has approved a specific bond appropriation to carry out projects identified in the EIP. To date, these appropriations included the following:

1999 Legislative Session (AB 285)	\$ 3.20 million
2001 Legislative Session (AB 177)	\$16.20 million
2003 Legislative Session (SB 46)	\$ 9.87 million
2005 Legislative Session (AB 458)	\$16.80 million

Each of the previous bond appropriation bills were sponsored by the Legislative Committee that oversees the Tahoe Regional Planning Agency (TRPA). This request will complete the authorization of bond appropriations as committed in A.B. 285 (Chapter 514, *Statutes of Nevada* 1999) (See **Tab A**, BDR from Division of State Lands.)

**RECOMMENDATION NO. 2**—Express, by resolution, acknowledgement and support for the creation and utilization of the Tahoe Science Consortium. The Consortium is designed to enhance the state of knowledge on the management of the Lake Tahoe environment and to improve decision-making. (*Recommendation proposed by John Singlaub, Executive Director, TRPA, at the April 13, 2006, meeting.*)

Background: See **Tab B**, TRPA Briefing Paper Science Consortium Request.

**RECOMMENDATION NO. 3**—Request a resolution urging TRPA to form a region-wide Socio-Economic Advisory Committee. (*Recommendation proposed by Senator Amodei at the May 18, 2006, meeting.*)

**Background:** The proposed advisory committee would be comprised of interested and affected parties and would include TRPA in a liaison role. The purpose of the advisory committee is to monitor and report on regional planning and regulatory issues affecting the local economy.

- The proposed advisory committee will recommend actions that will address sustainable economic and employment approaches, the revitalization/redevelopment of the communities and methods to reduce agency processing related “soft-costs” without reducing levels of environmental protection. North-shore and South-shore subgroups within the advisory committee could be formed as needed for specific issues.
- The Committee suggests that the TRPA clearly identify the fiscal impacts to the local economy and community of all new policies and regulations on an ongoing basis as a part of proposing new policies and regulations. This is particularly timely in light of the new Regional Plan and supporting regulations.
- The Committee suggests TRPA apply an adaptive management approach to community socio-economic conditions as a measure of tracking the implementation of the Regional Plan. If conditions worsen by an amount recommended by the advisory committee based on the Regional Plan, then the advisory committee suggests TRPA adjust the regulatory component of the Regional Plan package to mitigate the effects. The Socio-Economic Advisory Committee will provide policy and technical assistance.
- The Committee suggests TRPA clearly identify the expected costs of compliance and on-going maintenance associated with implementing the Total Maximum Daily Loads (TMDL) for Lake Tahoe. Peer review of the proposed Lake Tahoe TMDL should include preparing a peer review individual selected by the Socio-Economic Advisory Committee.
- The Socio-Economic Advisory Committee will report regularly to the Legislative Committee for the Oversight and Review of the TRPA and Marlette Lake Water System and may include recommendations to the Committee based on their findings.

**RECOMMENDATIONS TO DRAFT A LETTER OR INCLUDE A STATEMENT IN  
THE FINAL REPORT**

**RECOMMENDATION NO. 4**—Draft a letter to the Legislative Commission requesting the Commission to direct the Audit Division of the Legislative Counsel Bureau to conduct a performance evaluation of the Tahoe Regional Planning Agency. (*Recommendation proposed by Senator Amodei at the May 18, 2006, meeting.*)

Background: Paul V. Townsend, Legislative Auditor, Legislative Counsel Bureau testified before the Committee that a performance evaluation is an independent assessment of the performance of an agency, program, activity, or function that provides information to improve public accountability and facilitate decision-making by the Legislature or those responsible for initiating corrective action. This may include determining if an agency is operating in an economical and efficient manner, or determining the extent to which a program achieves a desired level of results.

**RECOMMENDATION NO. 5**—Draft a letter to the Legislative Commission and the Legislative Counsel Bureau Biennial Budget Subcommittee requesting funding to provide for the State of Nevada’s participation in the Western Legislative Forestry Task Force. (*Recommendation proposed by Senator Amodei at the May 18, 2006, meeting.*)

Background: The Western Legislative Forestry Task Force was organized in 1974 to promote forest policy decisions that will assure the full productivity of western forests, recognizing the public’s interest in sustainable forestry, and a balance in ecological and economic use of forest resources.

The Task Force is comprised of two state Senators and two state Assemblymen from Alaska, California, Idaho, Oregon, and Washington Legislatures. The Canadian Provinces of Alberta and British Columbia are also members of the Task Force. One of the common bonds of the Task Force membership is the significant federal land ownership within each state. Federal policy and land management decisions can substantially influence the economic and social structures of the states, and particularly those with large federal ownership. Dues range from a low of \$5,000 per year for the States of Idaho and Alaska to \$20,000 for the State of California. Dues for the State of Nevada would be \$7,500 per year. (See **Tab C**, letter from Roger Seiber, Executive Director, Western Legislative Forestry Task Force. See **Tab D**, list of Task Force Members.)

**RECOMMENDATION NO. 6**—Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of baselining Nevada’s current level of support (\$200,000 per year) for the Pathway 2007 Threshold and Regional Plan development and implementation process for FY 2007-09 and beyond to match the State of California’s existing baseline funding of \$400,000 per year. (*Recommendation proposed by John Singlaub, Executive Director, TRPA, at the April 13, 2006, meeting.*)

Background: See **Tab E**, TRPA Briefing Paper Baseline Request.

**RECOMMENDATION NO. 7**—Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of funding Nevada’s one-third share of a dedicated position focused on transit operations and systems development for the Tahoe Transportation District for FY 2007-09. The estimated cost for the state of Nevada including salary and overhead is \$50,000 per year, \$100,000 per biennium. (*Recommendation proposed by John Singlaub, Executive Director, TRPA, at the April 13, 2006, meeting.*)

Background: See **Tab F**, TRPA Briefing Paper Transit Request.

**RECOMMENDATION NO. 8**—Transmit a letter to the Nevada Department of Administration and the Nevada Legislature in support of a \$100,000 budget increase, phased in over two years, in Nevada’s share of TRPA’s baseline funding for compliance, enforcement and legal services needs. (*Recommendation proposed by Joanne Marchetta, Legal Counsel, TRPA, at the April 13, 2006, meeting.*)

Background: See **Tab G**, TRPA Briefing Paper Legal Budget Request.

**RECOMMENDATION NO. 9**—Include a statement in the final report indicating the support of modifying *Nevada Revised Statutes* to allow the use of the word “trust” for community land trusts operating in the State of Nevada. (*Proposed by Lyn Barnett, President, Saint Joseph’s Community Land Trust at the March 8, 2006, meeting.*)

Background: Saint Joseph’s Community Land Trust (CLT)/Saint Joseph Community Homes and Land is a democratically controlled nonprofit corporation whose mission is to provide decent affordable housing to Lake Tahoe residents. CLTs acquire land through purchase or donation to retain title in perpetuity, removing the land from the speculative market. Lands are leased to individuals, families, community organizations, businesses, et cetera, for community purposes.

Saint Joseph’s was incorporated in California in 2003 under the name Saint Joseph’s Community Land Trust. Saint Joseph’s received corporate qualification in Nevada under the alternative corporate name Saint Joseph’s Community Homes and Land. Currently, it is unlawful for Saint Joseph’s CLT to use the word “trust” in its name in the State of Nevada. Hence, the two separate names for the same organization.

Saint Joseph's is certified as a Community Housing Development Community Organization (CHDO) in Nevada by Western Nevada HOME Consortium and Washoe County HOME Consortium.

**NRS 669.095 Unlawful to use or advertise word "trust" as part of name; exceptions.**

1. Except as otherwise provided in subsection 2, no person or organization formed and doing business under the laws of this state or any other state may:

- (a) Use the word "trust" or any direct derivative of that word as a part of its name.
- (b) Advertise or use any sign with the word "trust" used as a part of its name.

2. The provisions of subsection 1 do not apply to a person or organization which:

- (a) Is supervised by the Commissioner of Financial Institutions pursuant to this chapter or chapters 657 to 668, inclusive, 673 or 677 of NRS;
- (b) Is doing business under the laws of the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies;
- (c) Is acting under an appointment pursuant to NRS 662.245; or
- (d) Is supervised by the Commissioner of Insurance.