

**MEETING NOTICE AND AGENDA**

Name of Organization: Legislative Commission's Committee to Continue the Review of the Tahoe Regional Planning Agency (TRPA) (Senate Concurrent Resolution No. 16, File No. 77, *Statutes of Nevada 1999*)

Date and Time of Meeting: June 9, 2000  
9 a.m.

Place of Meeting: Incline Village General Improvement District  
Board Room  
893 Southwood Boulevard  
Incline Village, Nevada

**A G E N D A****I. Opening Remarks and Introduction**

Assemblyman Greg Brower, Chairman

**\*II. Action on Minutes of Previous Meetings****III. Status Report – Selection of New TRPA Executive Director**

John Marshall, Acting Executive Director, TRPA

**IV. Status Report –Lake Tahoe Environmental Restoration Act and the Federal Budget Proposals to Fund the Environmental Improvement Program**

Rochelle Nason, Chair, Budget Subcommittee of the Lake Tahoe Federal Advisory Committee

**V. Natural Resource and Cultural History of the Lake Tahoe Basin**

Susan Lindstrom, Consulting Archaeologist

**VI. Status Report – East Shore Access Plan**

Representative, TRPA

**VII. Public Testimony**

NOTE: Testimony is especially solicited as it relates to the recommendations in the attached "Work Session Document."

**\*VIII. Committee Discussion and Adoption of Recommendations**

NOTE: After receiving public testimony, the Committee will take final action on recommendations discussed during the course of the study. An outline of recommendations proposed during the study is contained in the attached "Work Session Document."

**IX. Adjournment**

\*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the

Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Paige Clyde at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was axed to the following Incline Village, Nevada, location: Incline Village General Improvement District, Board Room, 893 Southwood Boulevard.

# WORK SESSION DOCUMENT

## Legislative Commission's Committee to Continue the Review of the Tahoe Regional Planning Agency (TRPA)

June 9, 2000

The following "Work Session Document" has been prepared by the staff of the Legislative Committee. 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 2001 Session of the Nevada Legislature.

The document contains a summary of the recommendations, which have been presented to the Committee during the hearing process with supplemental details provided to the staff as necessary. A short discussion of background information relating to each recommendation is included, as is a citation for the source of the recommendation.

### I. RECOMMENDATIONS CONCERNING TRPA PROGRAMS

#### General TRPA Programs and Procedures

1. *Urge, by letter from the Committee, the TRPA to emphasize its efforts to "streamline" procedures associated with implementation of projects identified in the Environmental Improvement Program (EIP) with the goal of achieving completion of "on-the-ground" projects in the most efficient and expeditious manner possible.* (Don Miner, Vice Chair, TRPA Governing Body).

#### Background Information:

For the past several years, the TRPA has been "streamlining" its procedures for review of proposed projects. The EIP identifies specific projects that should be implemented from 1997 through 2006. Testimony highlighted the stringent nature of this timeline and the efforts that will be necessary to meet the goal.

2. *Urge, by letter from the Committee, the TRPA to provide for training of Governing Board members to the degree possible based upon reasonable budgetary and time constraints.* (Don Miner, Vice Chair, TRPA Governing Body).

#### Background Information:

The Governing Body of the TRPA consists of 14 voting members representing a broad range of local and state perspectives. These members enter their duties with a diverse set of backgrounds and varying degrees of experience working with large committees and complex issues. Although some training programs have been provided in the past, testimony indicated that opportunities for continuing training of the Governing Body members have been minimal.

#### Funding-Related Recommendations for TRPA Programs

3. *Transmit letters to the chairs and members of the Legislature's "money committees" making them aware of the significant amount of community discussion that has taken place in regard to the Regional Revenue Feasibility Analysis, and urging the members to look favorably upon any relevant recommendations emanating from the Analysis and the Steering Committee. (TRPA)*

Background Information:

The EIP identifies an estimated \$100 million in capital improvement projects as the responsibility of the city, counties, and special districts within the Lake Tahoe Basin. Furthermore, the TRPA has estimated that an additional \$100 million will be needed over time to maintain and operate these EIP projects.

The TRPA is conducting a Regional Revenue Feasibility Analysis in coordination with a Steering Committee made up of more than 20 public and private stakeholders in the Region. The analysis focuses on six categories of potential funding sources and includes a report on public opinion, a legal constraints analysis, and an economic model. After review of the materials in the analysis and a series of public meetings, the Steering Committee is expected to determine the alternative or alternatives that are feasible to pursue as sources of funding for the local projects. The preferred alternative or alternatives may require legislative and/or local governmental action for their implementation.

4. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" urging:*
  - a. *Their support for funding TRPA "baseline" operations from the State General Fund and air quality-related operations from the Emission Control Account; and*
  - b. *Their favorable consideration of a TRPA budget enhancement request relating to updating of the Regional Plan/Environmental Thresholds and on-going implementation of the Regional Plan. (TRPA)*

Background Information:

Due to budget constraints, the Legislature funded Nevada's entire portion of the TRPA's budget for the 1999-2001 biennium from the Emission Control Account, which is a statewide source of funding for air pollution control programs. Prior to this time, the Agency's budget was funded primarily through the State General Fund with only a small portion (approximately \$33,000) being provided from the Emission Control Account. At the time of the 1999-2001 biennial appropriation, it was understood that the Emission Control Account was not intended to serve as a long-term funding source for the Agency's overall budget.

The Agency is also requesting from Nevada an enhancement of \$348,990 for the first year of the 2001-2003 biennium and \$367,942 for the second year of the biennium. This money is requested to support a required major update of the Regional Plan/Environmental Thresholds and increased workload associated with continuing implementation of the Regional Plan.

The required updating of the Regional Plan and Environmental Thresholds is due by 2007. According to Agency representatives, the requested enhancement dollars will be matched by research money from several sources, and testimony indicated that the enhancements are needed to address threshold non-attainment, new scientific data, maintenance and implementation of environmental improvements, and changing socio-economic conditions. In preparation for the update, the Agency is developing real-time monitoring programs and models to evaluate the incoming data. The goal is to incorporate a collaborative process to build the scientific database for use in evaluating and updating the thresholds by 2005. The threshold information, along with public input, will then provide a basis to update the overall Regional Plan in a comprehensive and supportable manner by 2007.

Agency representatives also indicate that these enhancements are needed to support increased workload in the project review and compliance divisions of the office relating to enforcement of the Regional Plan and more efficiently processing large projects such as those outlined in the EIP. Testimony indicated that a need exists in the compliance division for an investigator position to facilitate resolution of complex compliance actions. Because of growth in Agency personnel and expansion of responsibility (for example: the Tahoe Metropolitan

Planning Organization and EIP implementation), an additional attorney is requested in the second year of the biennium.

When matched with a proposed California appropriation based on the 1/3 Nevada – 2/3 California formula provided in the Bistate Compact, this enhancement will support six new positions in the first year of the biennium and one additional position in the second year of the biennium.

5. *Transmit letters to Nevada’s Department of Administration and the chairs and members of the Legislature’s “money committees” making them aware of the need for regional coordination and facilitation of project implementation through the EIP, as well as the necessary information management abilities, and urging them to seriously consider funding requests to support this function. (TRPA)*

Background Information:

The TRPA is requesting from Nevada an enhancement of \$282,905 the first year of the 2001-2003 biennium and \$310,553 during the second year of the biennium to support regional activities directly related to implementation of the EIP.

The EIP outlines ten-year capital investments of \$908 million in the Lake Tahoe Basin with the funding being provided through local, state, federal, and private sources. The State of Nevada has committed \$82 million for over 600 projects that are currently identified in the EIP, and California has committed \$275 million. The Federal Government continues to seek and provide funds, and private funds are coming from local sources while exploration for new revenue options also continues.

Currently, all EIP projects are developed and implemented by the various individual project proponents. In practice, the multiple “implementers” become the equivalent of a regional public works department, but the central coordinating and project management element is missing. The potential advantages of centralized information management and revenue administration are also being lost. Testimony indicated that the enhancement contained in this recommendation will allow the Agency to perform the regional public works coordinating and facilitation role. When matched with a corresponding appropriation from California on the 1/3 Nevada – 2/3 California basis specified in the Bistate Compact, this enhancement will support 7.5 new staff positions in the first year of the biennium and one additional position in the second year of the biennium.

6. *Transmit letters to Nevada’s Department of Administration and the chairs and members of the Legislature’s “money committees” urging their support for funding salary adjustments for the TRPA in order to provide comparable salary levels relative to Nevada and California state employees. (TRPA)*

Background Information:

According to testimony before the Committee, an independent salary comparability analysis (conducted in March 2000 for the TRPA) concluded that the Agency’s salaries range from 3 percent to 19 percent below those of comparable Nevada and California state employee salaries. This situation is in large part due to the fact that California and Nevada employees have received varying cost-of-living adjustments over a number of years when the TRPA employees did not (caused by a lack of corresponding matching funds from one or the other of the two states).

The situation was significantly exacerbated when California recently appropriated a 13½ percent salary adjustment pursuant to bargaining agreements reached with state employees. Because Nevada had previously appropriated a 2 percent salary adjustment for TRPA, the Agency’s budget request to California was limited to a 2/3 match for the Nevada figure. Thus, the salary increase for California employees was much greater than the proposed raise for TRPA employees.

Testimony indicated that, as a result of these salary disparities, a number of TRPA employees have recently left the Agency for higher paying positions in both Nevada and California, and recruitment for replacement staff has become increasingly difficult.

7. *Transmit letters to Nevada’s Department of Administration and the chairs and members of the Legislature’s*

*“money committees” urging them to direct the TRPA to transfer revenue generated from fines for enforcement actions to programs that are not under the direction of the Agency rather than using any of the revenue to support TRPA activities or staff (i.e., research or educational efforts through the Universities or project review activities conducted by local governments under Memorandums of Understanding with the TRPA). (Senator Bill R. O’Donnell, Committee Member).*

A portion of the revenue generated by fines associated with TRPA enforcement actions has traditionally been incorporated in the Agency’s operating budget, with the remaining revenue being subject to special allocation by the TRPA Governing Body. Senator O’Donnell expressed his position that this arrangement creates the appearance of a conflict of interest in which the Agency could be charged with pursuing fines to support its own enforcement activities.

## II. RECOMMENDATIONS RELATING TO STATE AGENCY PROGRAMS

### Grants of State Bond Money to Nonprofit Organizations and Private Persons

#### 8. *Enact legislation:*

- a. *Authorizing the Division of State Lands to make grants to nonprofit organizations and private persons for the implementation of EIP projects; and*
- b. *Authorizing local governments, with the approval of the Administrator of the Division of State Lands, to enter into contracts or other agreements with special districts, nonprofit organizations, and other persons or entities to implement EIP projects using grants provided through the Division of State Lands.*

*Provide that the State Land Registrar (Administrator of the Division of State Lands) must ensure that the grant funds are expended only for public purposes and that the public interest is adequately protected when any funds are expended for projects on privately owned property. (Various sources)*

#### Background Information:

The State Land Registrar (Administrator of the Division of State Lands) is authorized through *Nevada Revised Statutes* (NRS) 321.5956 to issue grants to other state agencies, local governments, and nonprofit organizations to preserve, restore, and enhance the Lake Tahoe Basin. Assembly Bill 285 (Chapter 514, *Statutes of Nevada 1999*) provides for the issuance of bonds to implement EIP projects and specifically authorizes the Administrator of the Division of State Lands to approve grants to state agencies and local governments to carry out the EIP.

In implementing these statutes, the Division of State Lands has approved grants to state agencies and counties. Some of the grants to counties are “passed through” to general improvement districts, which actually implement the projects under agreement with the county.

Grant applications for valid EIP projects are now being proposed by homeowners groups and private persons. Douglas County requested an Attorney General’s Opinion regarding the county’s ability to enter into agreements with nonprofit organizations and property owners. Attorney General’s Opinion No. 2000-10 has concluded that (a) public funds may be expended constitutionally for projects on private property as long as the activity is for a public purpose; however, (2) counties have the statutory authority to enter into agreements only with a limited group of nonprofit organizations (religious, charitable, educational), but not with other nonprofit organizations, homeowners groups, or private individuals. Attachment “A” contains a copy of Attorney General’s Opinion No. 2000-10, “Grants; Counties; Wages; Interlocal Cooperation Act,” dated March 8, 2000.

### Continuation of Authorization to Issue Bonds

#### 9. *Enact legislation:*

- a. *Highlighting that Subsection 3 of Section 1 of Assembly Bill 285 (Chapter 514, Statutes of Nevada 1999) provides for the periodic issuance of general obligation bonds in a total face amount of not more than*

*\$53.2 million between July 1, 2001, and June 30, 2007, to implement EIP projects identified in a schedule established by the Administrator of the Division of State Lands and approved by the Legislature or the Legislature's Interim Finance Committee;*

- b. Authorizing the issuance of bonds and the use of revenue in the amount of approximately \$20 million for EIP projects during the 2001-2003 biennium; and*
- c. Outlining the schedule of EIP projects for which the revenue may be used.*

(Pam Wilcox, Administrator, Division of State Lands, and Coordinator of Nevada's EIP Implementation Program).

#### Background Information:

As previously discussed, the capital improvements element of the EIP identifies \$908 million in projects needed basin-wide over a 10-year period. The State of Nevada's portion of this figure is \$82 million. At the time the EIP was compiled, Nevada already had \$25.6 million allocated to implementation of its portion of the program.

In 1999, the Legislature enacted Assembly Bill 285, which provides for the issuance of up to \$53.2 million in general obligation bonds to implement EIP projects between 2001 and 2007. The measure outlines that the bonds may be issued periodically as approved by the Legislature or the Legislature's Interim Finance Committee pursuant to a schedule established by the Administrator of the Division of State Lands. In addition, the bill specifically authorizes the issuance of \$3.2 million in bonds for use during the 1999-2001 biennium on identified projects. The full text of Assembly Bill 285 is contained in Attachment "B."

#### **Commendation of the Nevada Tahoe Resource Team**

- 10. *Transmit letters to Nevada's Department of Administration and the chairs and members of the Legislature's "money committees" commending the activities of the Nevada Tahoe Resource Team and urging the Department and legislative committees to support continuation of the team and efforts to enhance its administrative efficiency. (Pam Wilcox, Administrator, Division of State Lands and Coordinator of Nevada's EIP Implementation Program).*

#### Background Information:

Prior to 1999, the Division of State Lands had initiated efforts to put together an interagency, interdisciplinary team of professionals to lead the State's efforts to implement the EIP. Through the budget process during the 1999 Legislative Session, authorization was approved to expand the team to include a total complement of:

- A coordinator and a land agent from the Division of State Lands;
- A full-time and a seasonal forester to manage state-owned lands in the Basin;
- A water quality specialist from the Division of State Lands;
- A professional forester from the Division of Forestry;
- A resource specialist from the Division of State Parks; and
- A wildlife biologist from the Division of Wildlife.

Although being from several different agencies, the team members are co-located at a single office site in Carson City.

Testimony indicated that the team's activities have received commendation from a wide variety of sources. And in addition to carrying out the EIP program for the Nevada portion of the Basin, the team provides a vital link to the Federal Interagency Partnership and the California Tahoe Conservancy on the California side of the Basin.

#### **Possible Sources of Funding for EIP Projects in the Shorezone**

11. *Include in the final report a request that the Administrator of the Division of State Lands work with the TRPA and the California State Lands Commission to investigate the feasibility and desirability of modifying fees for the use of state submerged lands in the Lake Tahoe Basin to substantially assist in the implementation of EIP projects in the shorezone. (TRPA)*

**Background Information:**

Although it is anticipated that several EIP projects in the shorezone will be included in Nevada's schedule of projects to be implemented with revenue from the previously described \$53.2 million bond program, it is expected that additional sources of funding will be needed to complete the substantial amount of activity projected for the shorezone. Testimony indicated that one source that might be considered for these funds would be increasing the fees for state leases and permits authorizing use of state submerged lands (e.g., for piers and buoys).

**Incentives for Implementation of "Best Management Practices"**

12. *Include in the final report a request that the Administrator of the Division of State Lands work with the Nevada Tahoe Conservation District to investigate the feasibility and desirability of establishing incentives to assist private property owners with the implementation of "best management practices" on their property. (Don Miner, Chair, and Kay Bennett, Previous Chair, Nevada Tahoe Conservation District).*

**Background Information:**

The TRPA has adopted an ordinance requiring that "best management practices" be implemented on private property in the Lake Tahoe Basin by 2011. In broadest terms, "best management practices" are the most environmentally sensitive methods of developing or using property. These types of practices have been identified by experts in the field, and the Nevada Tahoe Conservation District offers technical assistance to property owners in their implementation. Testimony indicated that any incentives and additional assistance that could be offered private property owners in the implementation of "best management practices" would be valuable.

**III. GENERAL RECOMMENDATIONS**

**Efforts of State of California and California Tahoe Conservancy**

13. *Commend, by resolution, the State of California and the California Tahoe Conservancy for their efforts to secure funding and establish a coordinated team at the state level to implement the EIP in the Lake Tahoe Basin. (Various sources)*

**Background Information:**

Dennis Machida, Executive Director of the California Tahoe Conservancy, testified before the Committee concerning activities in the State of California to secure funding and coordinate that state's efforts to implement the EIP.

To provide historical perspective, Mr. Machida indicated that since 1985 the State of California has invested approximately \$205 million in environmental capital projects, public access, and recreational capital projects in the Lake Tahoe Basin. Funding for these projects has been provided through the State's regular budget process and special bonds, with approximately \$40 million having been appropriated to date for EIP projects and \$19.5 million proposed for Fiscal Year 2000-2001. In addition, the California voters in March 2000 approved a statewide bond issue (Proposition 12), which allocated an additional \$50 million specifically for implementation of the EIP.

Through the efforts of the Secretary of the California Resources Agency, the State is also establishing a Lake Tahoe Interagency Task Force, which functions at three levels. Direction is provided at the cabinet level through three cabinet secretaries and the heads of eight departments; the coordinating committee level consists of assistant secretaries and senior department staff; and the working group level is responsible for addressing

specific issues. The Interagency Task Force is focusing its efforts in three areas:

- Updating of the EIP;
- Coordination of budget requests with the goal being a series of joint agency budget requests; and
- Analysis of staffing and management costs associated with implementation of the EIP.

### **Federal Funding and Activities**

14. *Transmit letters to appropriate Federal officials urging their support for: (1) continued short-term and long-term funding of the Federal Government's portion of the costs for implementing the EIP; and (2) enactment of the Lake Tahoe Restoration Act (S. 1925 and H.R. 3388). (Steve Teshara, Co-Chair, Lake Tahoe Transportation and Water Quality Coalition).*

#### **Background Information:**

As a starting point for a renewed Federal commitment to Lake Tahoe, the Clinton Administration announced a two-year package of \$50 million in funding as an outcome of the 1997 Lake Tahoe Presidential Forum. The EIP has identified the overall Federal share of EIP capital projects as \$300 million over 10 years. Language in the Lake Tahoe Restoration Act, as introduced in 1999, provides a legislative mechanism, which would authorize the \$300 million in Federal funding for Lake Tahoe (approximately \$30 million per year over 10 years). The current fiscal year 2001 Federal budget proposal, however, contains only \$3.5 million, and specific proposals for future years have yet to be outlined. Bipartisan support for substantially increased Federal participation has been expressed in the form of letters from Congressional representatives of the Basin.

The States of Nevada and California have authorized significant sums of money as their portions of the funds to implement the EIP, and private interests at the local level are investing substantially in the program. As previously discussed, the State of Nevada has directed a total of \$28.8 million to EIP implementation and provided a mechanism for the issuance of an additional \$53.2 million in bonds for the program. The State of California has appropriated approximately \$40 million for EIP implementation, proposed an additional \$19.5 million for fiscal year 2000-2001, and approved another \$50 million in bonds dedicated specifically to implementation of the EIP.

Although not specifically making an appropriation, The Lake Tahoe Restoration Act (Senate Bill 1925 sponsored by Senators Harry Reid and Dianne Feinstein and its companion measure H.R. 3388 sponsored by Representatives Jim Gibbons and John Doolittle) authorizes additional funding of projects and programs in the Basin. The measure's major provisions:

- Require the United States Forest Service to develop an annual priority list of environmental restoration projects (consistent with the EIP);
- Authorize \$200 million in funding to implement these projects on Federal lands to improve water quality, forest health, soil conservation, air quality, and fish and wildlife habitat around Lake Tahoe; and
- Authorize an additional \$100 million in funds for local government erosion control activities on non-Federal lands.

Attachment "C" provides a copy of the Lake Tahoe Restoration Act, and Attachment "D" contains the draft text of the letter to the Federal officials proposed in this recommendation.

### **Recreational Access Along State Route 28 by Transit**

15. *Include in the final report a statement commending the stakeholders participating in efforts to compile the Eastshore Access Plan and urging them to continue to work toward a resolution of the remaining issues associated with recreational access to the Lake that incorporates transit service with a dedicated source of funding. (TRPA)*

#### **Background Information:**



According to testimony provided by the TRPA, State Route 28 between Incline Village and Spooner Summit has been designated a National Scenic Byway by the U.S. Department of Transportation, and a State Scenic Byway through the State of Nevada. This section of highway attracts thousands of visitors each year who enjoy the scenery, beaches, and upland trails offered by the area.

The TRPA, Tahoe Transportation District, U.S. Forest Service (USFS), Nevada Division of State Parks, Nevada Department of Transportation, and other interested parties are attempting to address the transportation and access issues facing this area. Testimony indicated that these issues include uncontrolled parking along roadway shoulders, uncontrolled trail access to beaches, safety concerns, scenic degradation, erosion and water quality, and wildlife disturbances (although some participants contended in their testimony that uncontrolled trail access to beaches and safety are not valid issues).

The participating agencies recently entered into a Memorandum of Intent that affirms their intent to remove shoulder parking along the highway, but only after completion of a plan which provides for access to the area (the Eastshore Access Plan). As part of the planning effort, the USFS has proposed expansion of the existing parking lots located near Chimney Beach by 45 spaces, thereby bringing the total number of parking spaces to 96. However, preliminary assessments of USFS desired use levels for the beaches concludes that there will be more parking demand than parking supply. Because of environmental constraints, it appears that the parking supply to meet this demand cannot be provided on site; and therefore, access must be furnished through other means.

The planning effort has concluded that the solution to this problem is the provision of transit service. Furthermore, to be effective, this transit service must operate seven days per week from morning until early evening between June and September, with the time between busses being no more than 30 minutes. However, further issues pertaining to the type and funding of transit service remain to be addressed.

16. *Provide, by resolution, for the continued existence of the Committee (during the 2001-2003 interim) in a similar manner as prescribed in Senate Concurrent Resolution No. 16 (File 77, Statutes of Nevada 1999). (Various sources)*

The Legislative Committees to review the activities of the TRPA have been established during every interim except one since 1985. Testimony during the current Committee's hearings again expressed support for continuation of its activities during the 2001-2003 biennium. In addition to actions which have been taken over the years as a result of various Committees' recommendations and support, participants in the hearings pointed out the value of these meetings in providing a forum for discussion of major issues and programs with the legislative policy makers.

Attachment "E" contains a copy of S.C.R. 16 from 1999.