



Lake Tahoe

Federal Advisory Committee

Meeting minutes
 August 25, 2009
 The Chateau, Incline Village, NV

Welcome, Introductions and Review of Agenda - Andrew

LTFAC Attendees:

- Coleen Shade, John Pang, Michelle Sweeny, Peter Kraatz, Greg McKay, Mike Berg, Bob Anderson, Steve Teshara, Rochelle Nason, Jim Lawrence, Mark Kimbrough, Patrick Wright, John Falk, Lon Rusk, via conference call – Andrew Bray, David Childs, Washoe Chairman Waldo Walker.
- Andrew introduced Joanne Marchetta of TRPA. She is waiting for official committee appointment from the USDA Secretary. Andrew asked Joanne to join the LTFAC at the table recognizing today's agenda involves no LTFAC decisions.

LTFAC Chairman:

- Andrew Strain

Designated Federal Official (DFO):

- Terri Marceron

Other representatives:

- Paul Nielsen, TRPA; Zach Hymanson, TSC; Myrnie Mayville, BOR; Tim Rowe, USGS; Leslie Higgins, Tahoe Conservation Services; Jack Landy, EPA; Jonathan Long, PSW
- (via conference call) Woody Loftis, NRCS

Previous Minutes:

- Approval of March 23, 2009 minutes – move for approval by Bob Anderson, approved by the committee.
- Distribution of the May 5, 2009 minutes – ready for LTFAC review. **Action item:** Send comments to Arla for approval at the next meeting.

EIP update: Paul Nielsen

Handouts: EIP Update at a Glance, Focus on the Future, Resolution 2009

- As many of you know we have been updating the EIP for many years. The TRPA Governing Board (GB) was presented with the EIP Resolution at their July meeting. Over the last two years the EIP update was lead by the Tahoe Interagency Executives (TIE) Steering Committee (SC). With the support of the TIE SC we went to the GB in July. The GB voted to accept the EIP Resolution. We went to many entities (chamber meetings, Coalition briefings) to discuss, define, and add to the draft. What became evident was in the organization of the 2006 Federal Vision with the EIP was programmatic. The boxes in the first

- handout (EIP Update At-A-Glance) show the links with the Federal Vision. The first four areas are the priority areas. Next is applied science which is not capital but important to help guide the EIP and gauge effectiveness of projects.
- The second handout (Focus on the Future) is in its final stages of editing and should come out in the next month. We struggle on how to display EIP costs. Annual reporting of the EIP update is critical. We asked for agency accomplishments by sending out a database. The 5-year lists of projects: The EIP update will now include a 5-year list of projects instead of 10-year. Those projects are near-term priority. It is a rolling five-year list that will be updated annually. The TIE SC will make recommendations. Questions?
 - Michelle – I am looking for a breakdown of each category?
 - Paul – the document is on the TRPA website and shows cost estimates for each sector.
 - Rochelle – is the document on the website the same one in the GB packet?
 - Paul – yes
 - Rochelle – when will we see the new 5-year list?
 - Paul – we will have a public comment period. Any significant changes will drive the list's timeframe.
 - Rochelle – The TRPA Executive Director can make changes between GB meetings.
 - Joanne – the changes will be transparent.
 - Rochelle – will there be a priority list and general description document?
 - Paul – yes
 - Rochelle – what's the difference in the two? The GB packet did not list projects. Will the 2001 list ever be updated?
 - Paul – we will stop having a 10-year EIP list, we will have a 5-year list.
 - Peter – you can get stuck in development codes for TRPA. I hope those comments are being looked at.
 - Joanne – TRPA is committed at looking at the efficiency of the process.
 - Paul – the Memorandum of Understanding (MOU) helps streamline the process.
 - Coleen – on the 5-year list – for projects to get funded must they be on that list? What if you have air quality projects that will take ten years to bring about? How do those get elevated to start planning and gathering funds?
 - Paul – you should be able to show how that project fits on the list, and get an EIP number.
 - Patrick – if every project is on the 5-year list, it shouldn't be a problem leaving projects off the list.
 - John F. – how does the public become aware of modifications of the list?
 - Paul – there are updates from implementers annually. A comment period will take place, the comments reviewed and action taken for release of this list under the EIP Update. That is not to say you wouldn't have a critical issue that needs to be looked at now. The code says it could be added to the list. There is a section that says projects can be added at the Executive Director's discretion.
 - Coleen – is there a realistic review period built in?
 - Paul – 30 days for initial review of the 5-year list under the EIP Update.
 - Andrew – something is coming out in the next month?
 - Paul – the final edited version of the EIP Update Executive Summary.
 - Andrew – have you prioritized the 5-year list for the private sector?
 - Paul – the comment period will get further information from the private sector.

- Andrew – last year at the forum, Steve Teshara was called upon for \$250M, now it is up to \$364M (Handout: Focus on the Future). We need to tell our constituencies how we got an additional \$110M.
- Paul – private sector funds are realized through implementation of BMPs and recreation. You will see defensible space work on private land increasing the private sector contribution.
- Andrew – we will need to be armed with the information.
- Paul – you will see the information broken down year by year.
- Steve – I suggest we get the private sector leadership together and go through the numbers.
- Paul – I am happy to do that.
- Rochelle – the conservation community will like to join in. With the TRPA Executive Director authority - those very specific findings need to be documented and publicly available.
- Paul – we should have to document.
- Rochelle – there are some significant policy issues when EIP decisions are made. All of us want to participate.
- Andrew – question for FAC members - as EIP goes down the path, should we put together a LTFAC comment on the 5-year list? **Action item:** Add as an agenda item when TRPA releases the list for public comment.

Preparation for SNPLMA Round 11

Update on SNPLMA Round 10 – Terri

- The Bureau of Land Management (BLM) is working with the Secretary of Interior to approve the round 10 package before the end of the fiscal year.
- Approval is for approximately \$135M:
 - a. \$79M projects (including Lake Tahoe capital and science)
 - b. \$16M in budget reallocation
 - c. \$10M in special account reserve
 - d. \$30M for Tahoe Set-Aside
- SNPLMA interest is currently \$330K per month vs. \$8M per month
- SNPLMA has received approximately \$300M in interest so far over the life of the program
- 2009 - \$2M received in BLM land sales

SNPLMA Round 11 Status – Terri

1. Big picture - \$15-20M per round which will consider the following: final Tahoe set-aside (\$8M), Special Account Reserve (SAR), all categories
2. Planning to solicit nominations beginning September 8 for 60 days
3. No targets by category
4. 2 project limit per entity (hazardous fuels – the LTBMU and Humboldt-Toiyabe National Forest are considered different entities)
5. Fuels – criteria will likely be refined to ensure planning projects are more competitive in the review process
6. Lake Tahoe will coordinate with SNPLMA on the schedule for Round 11 – discussion with BLM – are they all shooting for an earlier round recommendation approval by the SNPLMA Execs (early May rather than mid-June).

Lake Tahoe SNPLMA Funding Status (handout) - Terri:

- Overall balance for Rounds 11 and 12 - \$68,819,750 (balance of \$300M).
- Balance in the bank - \$660,000 for Round 6 set-aside.
- Round 9 set-aside approved - \$30M.
- Round 10 proposed set aside - \$30M.
- Waiting for \$8M balance to be allocated in SNPLMA Round 11 or 12.

Terri went over two spreadsheets:

Handouts – Outyear Table and Round 11 Projects.

- Zach – for Round 10, PSW is about to release the Request for Proposal (RFP) but is waiting until the Secretary signs.
- Zach - on Round 11 – the approach for the last three rounds is to have a meeting to kick off the themes - that meeting is set for this Friday. We aligned themes with the EIP. Subthemes will be discussed more. The Tahoe Science Consortium (TSC) amassed a number of ideas during the year. We will develop a package of \$3.75M.
- Terri – for Round 10, the BLM helped to facilitate our two Directed Action science projects. The Directed Actions were identified separate from the themes.
- Zach – we should put Directed Action projects on the LTFAC agenda for the next meeting. There are different ideas on how to implement.
- Lon – with the economy the way it is, is BLM pulling back and waiting to sell on large projects? Are they selling smaller projects?
- Jim L. – the way the legislation is set up, local governments put forth nomination packages as they see the market and the demand from developers. There is no market for large parcels. There is some activity on small parcels for commercial development.
- Zach – I brought three products (handouts) that discuss SNPLMA funded science work for those of you that are interested in learning about the projects you have funded.

LTFAC Input of Members Present to Share Their Capital Project/Science Theme Input to LTBEAC for Round 11 – Andrew

- This is LTFAC’s opportunity to bring forward priorities or concerns that we have for Round 11 projects.
- Steve – with limited dollars we should look at finishing projects.
- Bob A. – a lot of people are focusing on Aquatic Invasive Species (AIS).
- Rochelle – with the amounts of money being spent, if we do get the Quagga, the losses we will suffer are mind-boggling. This is the opportunity to demonstrate what we can do. We need entry point inspections by July 4th. We need to collectively support it and deal with any interests that will not cooperate. We don’t need money for meetings and studies. The obvious way is to bring up protection, which ought to be our top priority.
- Terri – need we do inspections on kayaks and water toys?
- Rochelle – boats and all other items. We want to have an effective program next summer. Entry point inspections are the way to go.
- Steve – stressing all entry points to Tahoe – that’s broader. We need to all work toward that priority. We need somebody to help us focus.
- Michelle – thanks Zach for the “invasion” paper. I support Rochelle’s inspection points idea. We can use information from the paper in support. Existing invasive

species in the lake are making the environment conducive to settlement of other invasive species.

- John F. – I had the opportunity to speak with Dan Rudolf at the Meyers Inspection Station. I asked him if they find boat related problems. Yes, he said in the past 12 months numerous boats did not have their plugs pulled. I echo the need to stop it.
- Rochelle – agreed, starting with entry points to Tahoe. We need to show the ability to do something for Tahoe and persuade people to move.
- Joanne – I echo many of the comments on the importance of AIS control and eradication. TRPA’s new number one priority will likely be AIS control. Not because fire isn’t important. We have good infrastructure in place working towards those efforts. Round 11 includes SNPLMA monies for several years out. There is work under way to seek much more immediate funding. We are working with the congressional delegation. Science and control projects are a priority for SNPLMA dollars and important for TRPA.
- Bob A. – if it is a policy dimension, TRPA should consider policy.
- Joanne – it comes down to what’s effective – a boat ban on non-Tahoe boats? The way to implement is at the entry ways. Simply to ban boats without protection is false hope.
- Patrick – on science – there was a lot of discussion last year on whether science projects are hitting top priorities. Each agency has their favorite thing. We need higher level conversations to make sure the themes are hitting our top priorities. I continue to be troubled about length of time for each science round. It takes 12 months to decide priorities, nine months to do a Request for Proposal (RFP), and two years to do a study. That is not responsive enough. Surely, since we have lists of priorities, what took years before should only take weeks now. How do we align that with this process? Is there a way that when the Secretary of Interior announces the capital 11 funding that science Round 11 is mentioned? I challenge you collectively to figure out how to avoid the four year process.
- Jim L. – on a timing issue - we can drive it and send it to the BLM.
- Terri – frame and give to LTBEAC, LTFAC, and forward to SNPLMA Executives for an Implementation Agreement (IA) change. This is the Tahoe process we created; you (LTFAC) need to have the rationale and consensus.
- Patrick – you could do Round 10 and 11 at the same time.
- Zach – for the RFP for Round 11- we can build it into the process with some commitment to the amount of money.
- Terri – that is a risk for any project.
- Zach – are you telling me that science and capital are weighed the same when they get to the Secretary?
- Andrew – elected officials want more of a role for science. Next step is a letter out of here with recommended changes to the process, from the DFO to BLM.
- Terri – we need a briefing paper first to determine if the letter should go forward with my role to confirm with BLM.
- Joanne – I am supportive of Patrick. The TRPA point of view is to raise science.
- John P. – Senator Feinstein supports any emergency need for AIS. We should write letters to encourage her to push that need upward.
- Mark – I need clarification on AIS security at every entrance (what Rochelle is talking about). Wouldn’t that take all the SNPLMA funding?

- Rochelle – I was suggesting that we simply as a group prepare one of our letters about the importance of entry way inspections. We urge all of the agencies that provide advice to make this a super priority for any funds that can be secured. Move the ball forward. Quagga will keep people from using the beaches. That is something we can agree on so we can do a letter. Can we make this an emergency agenda item on the next agenda?
- Andrew – have it in a packet ready for action
- Jim L. – we need to finish what’s been started with a mindset that there is only two years left for SNPLMA funding.

Public comment:

- Myrnie – I would like to let LTFAC know that the Bureau of Reclamation (BOR) has funded work for AIS (weeds).
- Zach – I recommend we add AIS to the next LTFAC agenda including the actions we discussed.

Follow-up Briefings from LTFAC and TWG Round 10 Meetings:

Handouts: Briefing Paper for USFS Erosion Control Grants Program, Tahoe Basin Erosion Control Funding Priorities

- Terri went over the background/purpose of the briefing paper i.e. TWG and LTFAC discussed and requested information.
- Option 1 – Work with the counties to develop their priority list of projects for the RFP process for Round 11, their projections for Round 12. Caveats: Flexibility - emergencies come up, things change, funding matches don’t come through.
- Option 2 is a more formal approach for Round 12, with the process starting earlier. There is more agency time needed but a more refined recommendation list is then produced for Round 12.
- Peter – as Round 11 moves forward it gets tricky because of California funding issues now. What we are hearing is LTFAC wants to see what we are doing sooner rather than later
- Patrick – I like both options
- Peter – next year we could do Option 2.
- Jim L. – we want to make sure we get the highest priority projects funded; we do not want to lock ourselves in.
- Terri – my concern under Option 2 is whether a process change is required? I will check with BLM.
- Jim L. – make sure we have backup projects if others fall off.
- Terri – if you want to see Option 2 flushed out more, I’ll ask for a detailed proposal for next meeting or later.
- Peter – prioritize by each jurisdiction. We’ve overcommitted the need with second priority projects. They would fall in when first priority projects fall out. Option 2 should be brought back to the group with flexibility. The Erosion Control Grants administrators and Sue Norman should come forward with a 2-year proposal, considering Round 12. Can’t do it for 11.
- Terri – we already know what the preliminary list is for Round 12.

TSC Review of Capital Projects – Terri

Handout: Briefing Paper for TSC Review of Capital Projects

- This briefing paper is from meetings or conversations that have occurred. You will see from the Lake Tahoe process flow chart that this is not what we have been doing. Both LTBEAC and TSC have expressed frustration and have dialogued on how to address the process. Three options have been identified for Round 11:
- Option 1 – continue using the existing process.
- Option 2 – LTBEAC generated option.
 - Add a TSC representative to the Partnership Coordination Team (PCT) in Round 11 to provide monitoring review and input. Review would be done as noted in the IA. This would provide earlier dialogue with TSC, and less TSC time and staffing. The last step would include LTBEAC and TSC evaluating Round 11 results in June/August of 2010.
- Option 3 – TSC came back to tweak the LTBEAC option 2
 - The differences from Option 2, this would not include individual reviews of every capital project and would focus on agency program reviews. The process is backloaded now, this would frontload. As far as the IA, both Option 2 and 3 are consistent with the IA.
- Zach – comparing Option 2 to 3 – it would take energy out of the reaction mode to constructive development of proposals.
- Andrew – is there agreement on Option 3?
- Zach – TSC is pushing for Option 3.
- Myrnie – I have concerns that just program issues would be addressed not projects.
- Jack – in option 2 and 3 projects would be submitted with the nominations coordinated with scientists. Option 3 includes very relevant questions and needs to be piloted. The areas chosen are appropriate.
- Steve – prioritize with fuels and AIS.
- Jim L. – I like the third option. We need to get away from a project by project evaluation. We have been doing it and there is not a lot to show for it.
- Terri – Forest Service restoration will be how we monitor, dialogue, tailor it a bit.
- Steve – The Forest Service has two programs for Round 11 – Erosion control and stream restoration. Go for a modified option 3 by expanding beyond erosion control/SEZ to AIS and fuels.
- Terri – We can not add fuels for Round 11. I can take it back to LTBEAC. The idea is to kick it off and tell you how it works.
- Patrick – what level of scientific review would AIS be getting?
- Zach – would not be a problem for TSC to engage, we just need agencies to contact us.

Public Comment:

None

Next Meeting Logistics – Andrew

September 18th, south shore location, 9 a.m. to 12 p.m.

Agenda items:

- AIS Draft Management plan –
 - FWS/TRPA will be the lead discussing prevention issues.
 - What is the next step to take advantage of funding offered by Feinstein?

- What we can do in the next year. We need to focus on needed actions to be ready for next summer.
- Terri will work with Joanne to frame those topics, details and timeframe to email to LTFAC next week.
- Directed actions updates – Zach
- LTRA reauthorization update
- Round 11 and 12 science themes (modified option 3 discussed today)
- TRPA Regional Plan
- TMDL Crediting system
- How we as a FAC stand on projects with federal interest/spending SNPLMA dollars on private land.
- Consolidation of Erosion Control Grants (not ready for the next meeting)
- John P. – let's plan out our calendar for the next five months.
- Terri – we have been a part of some great restoration projects, does LTFAC want to go out and see a project? Go on a field tour?
- Rochelle – most of us go on field trips in our other roles. The more focused we can be in this committee the more we can do.
- John P. – Senator Feinstein says she wants to see what's been done. We could make an optional meeting for field trips.

Roundtable Closure:

- Steve – I don't look forward to next summer when FAC re-chartering will disrupt our work. I talked to Feinstein about putting information into the LTRA. Maybe a letter from this committee, signed by the DFO would help so that we don't have to go through re-chartering. We could re-charter after SNPLMA during the summer of 2011. Could we attach language to a bill?
- Terri – re-chartering is a law but I will take the questions you asked and find out whether FAC can be extended to three years this time.
- Bob A. – tomorrow evening is the Sierra Club fundraiser. You can go on line for more information.
- Michelle – as an at-large member you will hear me speaking on AIS because weeds on the beach have caught the attention of local recreationalists.
- Peter – the Kings Beach Commercial Core project was approved to start spending money by year end.
- Terri – Forest Plan Revision update: The LTBMU had completed an administrative draft of a revised Forest Plan and sent to Washington for concurrence. The 2008 Planning rule, which LTBMU was using to revise its Forest Plan, was negated by Federal Court due to inadequate NEPA and ESA analysis in adopting the rule. Forests that were using the 2008 Planning Rule can not proceed using this rule. The 2000 planning rule as amended is now in effect. The rule allows the use of the 1982 planning rule procedures to amend or revise plans. The forest plan revision work that we have completed to date remains valid and useful. We are evaluating how to organize and convert this work to fit the framework of the 1982 procedures. We expect to update forests and the public this fall as we determine the process and timeline for resuming forest plan revision work.
- Terri – ARRA – most federal agencies haven't received any money. \$3.5M went from the Forest Service to the State of California via the Nevada Fire Safe

Council for fuels work. Daggett Trail, Grass Lake Creek Bridge, and chip seal work on the north shore - is the funding that has been received for the LTBMU.

- Terri – during the Round 10 consensus process some FAC members mentioned a possible conflict of interest on individual projects. It is timely to give you feedback as a DFO. I checked with Washington Office FAC people. Committee members always have the ability to recuse yourself. The role you have as a committee member is representing your constituency. Since we are working to seek a balanced representation for the whole FAC, each one of you is only one person of 20. We are looking at a broad package not individual projects. You (LTFAC) have no influence on who is awarded a contract; it is up to the sponsoring agency to complete that process. The information is public information, and then recommendations go to TREX, SNPLMA Executives and the Secretary.

Minutes certified by LTFAC Chairman Andrew Strain

/s/Andrew Strain

Andrew Strain, Chairman

9/24/09

Date