



# Lake Tahoe

## Federal Advisory Committee

Meeting Minutes  
 May 5, 2009  
 TRPA Conference Room  
 128 Market Street  
 Stateline, NV 89449

### Attendees:

- Jim Thomas, Andrew Bray, Lon Rusk, Coleen Shade, Peter Kraatz, Patrick Wright, John Pang, Mike Berg, David Childs, Steve Teshara, (via conference call Rochelle Nason, Chairman Waldo Walker), Jim Lawrence, John Falk

### LTFAC Chairman:

- Andrew Strain

### Designated Federal Official (DFO):

- Terri Marceron

### Other representatives:

- Marie Bledsoe, Julie Regan, Shane Romsos, Paul Nielsen, Joanne Marchetta, TRPA; Katie Huff, Phil Brozek, USACE; Nicole Gergans, LTSLT; Hannah Schembri, Lahontan; Lisa Heki, Steve Chilton, USFWS; Zach Hyman son, TSC; Scott Carroll, CTC; Myrna Mayville, USBR; Jack Lindy, EPA; Tim Rowe, USGS

### Welcome, Introductions, Review Agenda – Andrew

Arla performed the roll call. Non-LTFAC members introduced themselves. LTFAC members were given the draft meeting minutes from 3/23/09 for approval in the future.

### SNPLMA Round 10 Public Comment Period – Andrew

- The LTFAC members each discussed their outreach efforts which are included on the attached table.
- Terri (DFO) – we sent emails to the TRPA Governing Board, Advisory Planning Commission, Tahoe Interagency Executives, and erosion control partners. We posted the information on the TIIMS and Forest Service websites.

### SNPLMA Round 10 – Develop Final Recommendation Package – Terri

Handout: Summary of Public Comments

- Terri – there were four public comments:
  - The California Regional Water Quality Control Board – Lahontan Region and Nevada Division of Environmental Protection both confirmed support for the overall recommendation. There was a comment from North Tahoe Conservation District requesting the Restoration of Rosewood Creek project be added back to the list. The City of South Lake Tahoe

commented on the erosion control program and eliminating the match requirement. This is a legislative requirement under the Lake Tahoe Restoration Act (LTRA).

- Terri – summary of congressional input.
  - At the start of the 30-day comment period we emailed packets to five delegations. Pam Robinson and Terri met with all five offices in Washington DC and asked for input. Congressionals didn't support or not support anything on the list. Hazardous fuels continues to be important to Ensign and Feinstein.
- Andrew – there were questions asked at our previous meeting about some of the projects, so we sent out updated information. Are there any more questions today?
  - LiDAR project – no questions
  - TIIMS proposal – no questions
  - TMDL Management System – no questions
  - BOR projects - Upper Truckee River Restoration and Restoration of Rosewood Creek – discussions started with the Tahoe Working Group (TWG) that these projects would take place on private lands.
  - Jim L. – my recollection of the primary issues 1) SNPLMA funds being used on private property. The BLM said there was nothing in the SNPMA Implementation Agreement (IA) saying funding could not be used on private property. 2) Since this is on private property, is it entirely public benefit leading to private benefit? That question was addressed. 3) Whether this was a federal share component of the EIP. SNPLMA funds are not necessarily for funding all of EIP, just the federal share. There were no concerns about validity or importance. Were there easements in place? We found out they were.
  - Phil – it is my understanding that the 20-year easements on the upper Truckee project are in progress, but not yet complete. It is my understanding that the easement process is not as far along on the Rosewood project. There were questions on Operations & Maintenance (O&M) after the projects were complete and public access. Other point was brought up that if there is no prohibition against it, it might be smart to use private land for restoration projects if we don't have to buy the land thus being a unit cost saving. Still unresolved is how does private land mix with the EIP projects and account for improved value of private land attended to by the project?
  - Questions for Myrnie and Scott (see page 7 of the LTFAC March 23 draft meeting minutes):
  - Myrnie – basically the projects were determined by TRPA to be part of the federal share.
  - Scott – the upper Truckee project would create a meadow with higher quality grazing.
  - Myrnie – SEZ credits would be retained by CTC since they are paying for projects not to the landowner.
  - Scott – status of geomorphology? The main stream can return to full flow. Channel capacity is sustainability to putting in flow.
  - Myrnie – the easement is for twenty years and includes access to do the restoration and repairs. CTC would assume liability associated with the project. O&M will be self-sustaining.

- Scott – within the twenty years we will know the problems and be able to fix them. On the status of the easement, we don't know environmental impact yet. The process needs to happen at the same time. We have agreement in principal with the family. The SEZ restoration credit is still being negotiated. We are assuming nominal cost. There is lost grazing potential because of construction.
- Myrnie – are you still requesting a map? The easement covers the whole property. Handout: Map of affected area.
- Andrew – we wanted to see who owned what and where. See where the pieces fit into the whole scheme.
- Peter – the Rosewood Creek project is still not there. We are struggling because this is on private land and need to go forward with a policy. We will continue to have these situations.
- Jim L. – 1) we need a policy because stream restoration is important in the Basin. But there are concerns that we not use public dollars to benefit a private landowner. There is not enough research on the private benefit and the cost share from the private owner. 2) There are concerns about the 20-year easement and maintenance. What about a perpetual easement so the private owner does not undo what we did?
- Rochelle – I echo Jim's concerns. When the EIP was put together initially it was a larger compilation of existing programs that people programmed out. It was not that difficult to figure out what share belonged to whom. The new EIP will have a different way to sort. The landowner may be making land available that needs work. There is concern about doing things that benefit private property sorted out in the EIP. Different issues when we are talking about public safety than stream restoration. Until the new EIP is out with its rationale, we don't have basis for dealing with this in the long term.
- John F. – where can we get the best bang for our buck and move forward on the question of public/private lands? As long as we have a willing property owner with access, it's appropriate to do the job and monitoring. It is the greater good to catch the flawed area of river and not be overly concerned about project land status. The policy should stand alone. This type of partnership is being pursued, hate to see us debate our way out of it.
- Patrick – there will be an easement. We used the criteria this group agreed to. Including cost effectiveness and high importance to TMDL. It is too late in the game to raise these issues. This project meets criteria and it should be funded.
- Coleen – when the original EIP was drafted we were told not to look at property ownership or existing programs at all. Only for stream restoration. Examples of projects in the EIP are now dependent and needed a public/private partnership. Sierra Boat Company Marina – CTC worked with a private owner. It was a benefit to the owner, but also a huge benefit to the lake. Edgewood Creek is another example.
- Rochelle – the issue is not ownership of the land, is it part of federal share of the EIP? Some projects are appropriate. Need rationale why something is part of federal share. All of this goes to that question, which is why all our funding sources are tied to the EIP. When EIP was developed different approaches were considered. Including establishing

a large pool of funding from different parts of government to contribute. It was competitive on who would get funding from the pool. We rejected that approach. Too much stress to make that effective. More effective if all agencies pursued their own programs and coordinated. Rather than funding from one source. The philosophy of the EIP is to increase the pool of funding by leveraging the funds. Larger pool of money rather than a fixed pool and trying to distribute it.

- Steve – we got into this discussion because of a concern money would be spent from SNPLMA on private lands from Senator Ensign. From Pam Robinson’s notes he expressed no opinion. What matters most is what is being done for the watershed.
- John P. – we spend SNPLMA dollars for private lands for fire, fire doesn’t know the boundaries. Erosion doesn’t pay attend either. For fire, homeowners give a private match. (DFO note: Private and state fuels is not funded under LTRA; erosion control is specifically addressed in LTRA).
- Lon – forming policy in future - should consider the intended use of the private landowner. He could sell the land at an increased value.
- Patrick – private landowners benefit every time we do a BMP project. The topic needs more discussion.
- Paul – we got into this issue last year in Round 9. The Partnership Coordination Team (PCT) amended the applications for Round 10 (page 3). The rationale was that each applicant fills out the application to help answer this question - does it represent a federal interest? Make sure it is clearly documented.
- Andrew – who is listed as the responsible agency?
- Paul – this project represents a compilation of several projects listed in the EIP today.
- Andrew – we understand that we have policy setting decision to make. Should we act on the policy or set aside for a future round?
- John F. – my preference to move forward with projects as presented, then come back to discuss a policy in broader terms and not set a precedent.
- Phil – what if we spend money now on private land and we run out of money to do restoration on federal land? Have we done ourselves a disservice?
- Patrick – I don’t think it is an option to discuss policy. We are bound by the IA. It is a major process violation to use different criteria than those in front of us.
- Steve T. – could be advocated that there is a policy. If we took action we would be changing the policy?
- Andrew – what is the status of a match?
- Patrick – CTC \$2 for every \$1 of SNPLMA funding.
- Coleen – in the criteria, everyone was asked if the projects were ripe. Seems like we are re-evaluating one project with more criteria added. In the previous nine rounds were no projects going through private lands?
- Steve – I don’t recall any.
- Myrnie – if there are benefits to habitat, species and water quality, we do fund things on private lands.
- Steve – is it consistent with decision making in EIP?
- Myrnie – yes, a technical committee looks at the projects.

- Jim – I'm still struggling with the private benefit. In Nevada we had to get specific permission to use funding on private land for stream restoration. For the first project we need to document the private benefit.
- Dave C. – we do need a policy for the next round. Both parties should benefit. At the end of the day did we get enough for our federal dollars to justify our expenditure? I'm not as hung up on the specific value. A 20-year easement is too short.
- Andrew – do we want to create a policy on using SNPLMA dollars federal share EIP on private lands?
- John F. – appropriate to pursue a policy, but it should occur after Round 10.
- Steve – create a policy or add to an existing criteria?
- Patrick – meets the criteria. It is important to document because it is the first project. I'm assuming the BOR would do that with CTC.
- Andrew – how do we better document?
- Steve – a matrix with all the reasons could be done quickly.
- John P. – include benefits to the federal, benefits to the private.
- Terri – this recommendation goes to three other levels (TREX, SNPLMA Execs, and Secretary). We need to show we are being cautious with the money and have rationale. Jim is working with these groups, what would be best way to document for these groups?
- Patrick – use the criteria, the IA, maps, and Paul Nielsen's explanation.
- Jim – whether the SNPLMA Execs dive down to the project level is hard to say.
- Andrew – do we have volunteers to get that ready?
- Andrew – **Action item:** Jim, Patrick, and Dave (with information from Myrnie) will put together the package.

#### **Public Hearing:**

- Andrew – are there any public comments or input on the list as presented?
- None

Andrew – we will asking for ARRA appropriated projects from other agencies that would take any projects off the SNPLMA list?

- Phil – there was an agreement at TWG – any project that got Round 10 money and ARRA money, SNPLMA money would go back. Agencies could receive money from one source or the other, not both.

Comments from federal agencies:

- Phil – no award of ARRA. We are starting an upstream project on public land using normally appropriated dollars.
- Terri – no award of ARRA yet.
- Terri – the SNPLMA hazardous fuels recommendation is out for public comment – you have a table that shows \$4.5M was recommended.

#### **Lake Tahoe SNLMA Round 10 Preliminary Recommendation – Andrew:**

- Science themes and subthemes: On rapid response funding - if there is money left over from the \$3.75M, we identified that we could use \$25,000 to \$35,000 after award of the money for Round 10. There could be an additional \$10,000 after projects are selected.

- Today our capital projects preliminary recommendation shows zero on three projects. We have a TREX suggestion of \$25M-28M for one package. Everything above \$25M should be prioritized. Are there proposals to move us towards a list?
- Steve – add \$500,000 to upper Truckee River project. We will still be under \$28M.

#### Consensus gauge

1. Yes and I support it – 5
  2. Acceptable and I support it – 7
  3. Can live with it and I support it – 3
  4. Willing to step aside and I support it - 0
  5. Willing to step aside – do not support it – won't block it
  6. Blocking, don't support it (must give an option instead) – 0
  7. Need more information - 0
- Andrew – we will forward your final recommendation to TREX.

#### Logistics and Review – Andrew

We need to schedule a follow up meeting to set us up for Round 11.

List of other possible agenda topics:

- Document for future rounds, the funds spent on federal share of EIP on non federal lands
- TWG item: Tie science to capital
- Angora lots purchase idea
- TIIMS presentation
- Erosion Control Grants – timing issue. Propose Peter and colleagues look at how we would use next year's \$10M.
- Patrick/Zach on science themes – timing of science themes vs. projects. Briefing paper back to this group. How we deal now vs. how to deal with in future rounds.
- Status of LTRA and EIP

Andrew – we have plenty to meet about. The group decided on Wednesday, July 15 from 9 a.m. to noon on the north shore.

#### Round Robin:

- Terri – we submitted paperwork for the vacant TRPA seat for Joanne Marchetta. It will go to the Secretary's office for final approval. With the change of administration the department is backlogged. It is up to Tom Vilsack to make the final appointment.
- Normally each LTFAC member would receive a letter stating that you are on the committee. Those letters didn't get signed by the old secretary. So they need to go to the new Secretary.
- Tentatively Senator Ensign is hosting the Tahoe Summit on August 20. No location has been announced.
- TREX will be meeting on the final recommendation. We need a refined write up on the upper Truckee middle reach project by cob May 15. I am asking Andrew to represent LTFAC and make sure the recommendation meets what you discussed today.

Minutes certified by LTFAC Chairman Andrew Strain

/s/Andrew Strain

9/24/09

**Andrew Strain, Chairman**

**Date**

