



Lake Tahoe

Federal Advisory Committee

Meeting Minutes
 March 23, 2009, 1-5 p.m.
 Sierra Nevada College
 Tahoe Center for Environmental Sciences
 999 Tahoe Blvd., Incline Village, NV 89451

LTFAC Attendees:

- Patrick Wright, Bob Anderson, Michelle Sweeney, Greg McKay, Mark Kimbrough, Michael Berg, Lon Rusk, Steve Teshara, Jim Lawrence, John Pang, Dave Childs, Rochelle Nason, Peter Kraatz, Coleen Shade, John Falk

LTFAC Chairman:

- Andrew Strain

Designated Federal Official:

- Terri Marceron

Other Representatives:

- Phil Brozek, USACE; Myrnie Mayville, BOR; Pam Robinson, Linda Lind, Arla Hains, USFS; Jack Landy, EPA; Tim Rowe, USGS; Stephanie Byers, Steve Chilton, USFWS; Zach Hymanson, TSC; Marie Bledsoe, Julie Regan, Paul Nielsen, TRPA

Public:

- Dan Potash

Welcome, Introductions, Review of Agenda & Approval of Previous Minutes of 1/21/09 - Andrew:

- Andrew requested Arla to start the roll-call. Andrew went through the agenda:
 - LTFAC will receive the Tahoe Working Group (TWG) Lake Tahoe Southern Nevada Public Land Act (SNPLMA) capital projects and science themes recommendation from co-chairs Jim Lawrence and Phil Brozek
 - Zach will go over the Tahoe Science Consortium (TSC) capital project review.
 - There will be discussion and potential consensus on Lake Tahoe SNPLMA Round 10 capital projects and science themes preliminary recommendation.
 - We will conclude the afternoon with identifying future LTFAC topics.
- Approval of previous minutes from January 21, 2009.
 - Peter – I move to accept the minutes.
 - Greg McKay - I second.
 - The minutes were approved with no changes.

- Terri went over the handouts for the meeting.
 - Lake Tahoe SNPLMA Round 10 Capital Project Nominations and Science Themes 3/4/09 TWG Recommendation to LTFAC
 - Round 10 SNPLMA Lake Tahoe Program Science Themes and Sub-themes Final TWG Recommendation 3/4/09
 - TWG Meeting Minutes from 2/3/09, 2/17/09, 2/20/09, 3/4/09
 - Letter from Beth Pendleton, Chair of Tahoe Regional Executive Committee requesting a SNPLMA Round 10 Science and Capital Project Recommendation.
 - USFWS round 10 Recovery/Restoration of Lahontan cutthroat trout in the Tahoe Basin – Scalable projects identified under the draft Lahontan cutthroat trout 5 Year Action Plan
 - Upper Truckee River, Middle Reaches 1 and 2 SEZ and Wildlife Enhancement Project briefing paper
 - TIIMS comparison Charts: All three proposed funding levels
 - Letter – TSC review of the SNPLMA Round 10 Lake Tahoe capital project proposals
 - TSC PowerPoint – SNPLMA Round 10 Science Planning 2/17/09
 - Lake Tahoe SNPLMA Capital Funding Outyear spreadsheet as of 3/17/09
 - Closed SNPLMA Project Summary as of 3/18/09

SNPLMA Round 10 TWG Recommendation to LTFAC – Phil and Jim L.:

- The TWG went through some work and a recommendation but it is all “on the table” if LTFAC members want to recommend further changes. But, we hope you put some credence to the work of the Partnership Coordination Team (PCT) and TWG. Important to not feel as though you are being pushed to rubber stamp our recommendation. A summary of PCT and TWG steps:
 - We received \$36M capital project nominations.
 - PCT is made up of the Lake Tahoe Basin Executive Committee (LTBEC) and the Tahoe Regional Planning Agency (TRPA). Criteria required that projects be an Environmental Improvement Program (EIP) project and of federal interest. PCT came up with one alternative in response to the Tahoe Regional Executives (TREX) direction. TREX asked for a \$28M package and prioritize projects over \$25M as well. The TWG recommendation includes science being funded at \$3.75M.
 - TWG Process: The members are defined by the Implementation Agreement (IA).
 - Jim – the TWG met four times. The TWG was mindful of the PCT work. It was the desire of TWG to utilize information of PCT, but recognizing it was not a rubber stamp.
 - The criteria included the possibility of stimulus money and hazardous fuels funding, with little certainty in those areas. We looked at the scalability of projects. For the science recommendation, we had funding constraints we needed to stay within.
- Jim went over table with the TWG recommendation including many of the projects and why the recommendations were made:
 - Erosion control: Capacity issue re. need for funding at full level to maintain/build local capacity for \$10M of Erosion control grants – we needed to include the full amount.

- FS Upper Truckee river restoration project – no changes from the project nomination.
- Tahoe Integrated Information Management System (TIIMS) – the recommendation is to keep it at status quo \$214K. We had questions on other agencies' buy-in. There will be a reconvening of agencies to go over the commitment level and buy-in for TIIMS. It will keep going until we learn the certainty of stakeholders.
- Total Maximum Daily Load (TMDL) management system – after a math clarification the project will go forward at proposed funding level.
- Lahontan Cutthroat Trout (LCT) – the project was scaled back considering the science review and the USFWS prioritization of tasks. The Lake Tahoe restoration portion was not ready to move forward until other parts of the proposal were completed and research obtained.
- The next five projects are all forest fuels projects:
 - The Incline Hazardous Fuels project was not recommended by TWG or the SNPLMA hazardous fuels group.
 - The Carnelian and Spooner Hazardous Fuel Reduction and Urban Forest Restoration and Fuels Reduction, Phase 4 of 4 projects are being recommended by the hazardous fuels group. Final recommendation will be by SNPLMA Executives in June.
- The restoration of Rosewood Creek is not on either list. There was a question on “ripeness” of the project and its location on private property.
- Kings Beach was not recommended. There was discussion on whether it should be under the Erosion Control Grants.
- LiDAR – recommended on the secondary list.
- To get numbers to balance under TREX guidelines, we asked Zach for a presentation on the science themes and a revised package. That brought the list slightly over the \$25M target.
- Project funding from \$25M to \$28M was prioritized as follows:
 - The West Shore WUI Hazardous Fuel Reduction and Forest Health Planning Project is a fuels priority.
 - Science themes were funded back up to \$3.75M.
 - LiDAR was also funded.
- Projects between \$25M and \$28M
 - Jim L. – there was a lot of discussion on using Federal SNPLMA dollars on private property. The Upper Truckee is high priority but is the spending appropriate? In the end the two asked for the funding to remain on list and requested project information to be shared at the LTFAC.
 - Aquatic Invasive Species – we added the remaining dollars to make the project whole.
 - On the contingency list – American Restoration and Reinvestment Act (ARRA) dollars could come in. We didn't want projects double funded.
 - Basin Wide Trails – we added more funding for that project.
- Jim – we tried to take many things into account. The group did not prepare a secondary list. Given the tightness of Lake Tahoe SNPLMA dollars, projects are better off not on a secondary list.
- Steve – what is the likeliness of the list between \$25M-\$28M being funded?

- Andrew – last year we had a remaining balance of \$54M to get through the next couple of rounds. That gave us a target of \$27M per year plus a \$2M Special Account Reserve (SAR) for a \$28M total. There is a question where the Hazardous Fuels would fit in. Our intention was to roughly divide up two years of work.
- Terri – in the end TREX asked for up to a \$28M package. We are flexible at \$28M, but want to make sure they are critical projects for this time period (round).
- Andrew – once it leaves the LTFAC for public and congressional input, we own the list. We need to make sure we are proposing the best list with our priorities and goals for restoration. Tell your constituencies how we got there.

**TSC Review of the SNPLMA Round 10 Lake Tahoe capital project proposals–
Zach:**

- As described in IA the TSC review is a regular part of review process. In the past the process did not line up. This year it came into sync very well. Goals and objectives were clear. The adaptive management opportunities were specifically asked for in the application process (18 of 24 projects included that information). Overall, we did not find a lot of evidence that science has a role, or that there is opportunity to describe the monitoring. Describing the monitoring is not there yet because many projects are in the NEPA process. We discovered in a meeting that the impact of the review from previous rounds was not evident. There were some good examples of proposals including Kings Beach Commercial Core and Prevention of Aquatic Invasive Species. TSC thinks putting this effort in isn't the best return on investment. We suggest a better approach of having a science committee involved at the beginning of the nomination development process. We propose picking a couple projects to try as a pilot effort. This needs to be discussed at the Tahoe Basin Executive level.

Round 10 Package for Science and Research – Zach

- The process in the IA does describe that TSC is to develop science research areas. The ideas are used to develop a Request for Proposal (RFP) and projects. Developing themes and subthemes start right after the August event. The high priority areas come from key Tahoe Basin executives. We were told to align with the EIP. There was general support to continue the Rapid Response funding and support for broadening out the themes to synthesis and review. We took information from key Tahoe Basin executives and met with a science integration team. They lead the planning efforts by identifying themes then broke out into groups to discuss subthemes.
- The way the spreadsheet works includes a short title, identifying the kinds of research, management policy needs, and a short description of what the science would be. Program money at the theme level normally totals up to \$3.75M. Funding may be reduced so the two columns shows two totals. We responded to what the TWG would have us do. The consequences of cuts is losing two projects. The remainder of money is distributed under other theme areas.
 - High points – there is money included for Rapid Response. After the Angora fire, Science could not answer the “burning” questions. There was no money to support that, but there was agreement to fund that at \$25K and up to \$35K (if any funding remains after the award of Round 10 science proposals).

- Environmental indicators are accomplished as directed actions. They will not be submitted as general RFPs. TSC would work with agencies to develop a source of work and used as a directed approach.
- Michelle – what I want is list of projects.
- Zach - They do not cross with the capital list. They do not go to LTFAC, but TREX.
- Michelle – how do I know there is complimentary work being done (capital and science)?
- Zach – you would need to attend several meetings in groups outside of this process where the integration works.
- Mark – I’m concerned about Recreation, it is crossed out. Recreation needs to be built into all programs.
- Zach – it is just related to this round. We will look at recreation in Round 11.
Action item: Arla will send out the November letter from Zach going over this process (emailed to LTFAC on 3/30/09).
- Bob – what is an example of Rapid Response funding?
- Zach – the bloom in Marla Bay is a good example. Rapid Response is a source of money to get people going to focus on the issue. **Action item:** Send LTFAC the Rapid Response process (emailed to LTFAC on 3/30/09).
- Andrew – will you talk about change from last years subthemes to the ones this year?
- Zach – from the first year’s emphasis on water quality, proposals are more competitive. Other issues that have come up include AIS, watershed restoration, invasive species and climate change. The air quality subtheme is getting good proposals. The newest area is understanding basin meteorology.
- Andrew – is directed action the new way to validate distributing the money? How much money is getting converted?
- Zach - \$175-200K, tops \$400K.
- Terri – this Thursday will be a TREX conference call on the Round 9 science projects. Part of Thursday call is acknowledging change of scope. PSW did not get the quality of proposals to award funding. The money will go into other areas.
- Zach – ozone and air disposition have better descriptions. Climate change proposals will compete with other proposals in the theme area.
- Coleen – no recreation this year? Going into Round 11 will it be highlighted?
- Zach – the EIP list does include recreation. The challenge for recreation is getting clear/articulate management needs. There is very little consensus.
- Coleen – if TSC is the entity that identifies science in the basin through consensus we will fall behind. Things will fall through the cracks.
- Zach – working with the agency representatives is the best method.
- Bob – climate change- what does it mean to aquatic ecosystems? Is that what your colleagues are looking at?
- Zach – the scientists are reluctant, it is very speculative.
- Steve – the science needs to be accelerated so we don’t have to wait two years for an answer.
- Zach – at this point we are looking at months not years. Part is dealt to us from the SNPLMA process. Round 9 science projects are being approved this week.

Round 10 package for capital projects - Andrew

- Andrew – we have new information since our last meeting that we need to use as part of our deliberations. There is a policy issue we want to talk about. Myrnie will walk us through her briefing paper on the Upper Truckee River project (handout).
- Myrnie – there was a concern in PCT and TWG about the Upper Truckee River project being on private land. The California Tahoe Conservancy (CTC) is in the process of putting together a 20-year easement to construct and maintain it. The finished project should be self-maintaining. We won't need to enter the property after 20 years. I spoke with Jane Freeman, of the Bureau of Land Management (BLM); there is no prohibition for doing work on private land with SNPLMA money.
- Steve – it is important that working on private lands helps restore the lake.
- Myrnie – in talking to people involved with TMDL, this project is the best bang for the buck in reducing sediment.
- Steve – if work is going on above and below that reach, it makes sense to do work in the middle reach.
- Steve – to Patrick - how is the work going on the easements?
- Patrick – everything is moving forward. We have cooperation from the landowner. The project should be a higher priority since we don't have to buy it. The officials in Sacramento are telling us to do more easements.
- Coleen – are the funds banked?
- Andrew – we have had a couple of examples of money being banked.
- Bob A. – if 4% of sediment is from stream bank erosion, is the Upper Truckee biggest of 4% contribution?
- Patrick – they are only referring to the bank erosion.
- Jack – the Truckee River is contributing and transporting sediment. With the overbank flow procedure some will be removed.
- Bob – does the landowner have responsibility for the bank contributing?
- Myrnie showed the area on the map.
- Rochelle – is this a landowner willing to sell? Does the improvement affect the value of the land?
- Myrnie – it could affect value in terms of grazing, but that is prohibited by Lahontan.
- Rochelle – potential coverage on the land? I understand easements are cost effective. That's the way we dealt with SEZs in the 1980s. Thinking if they were left alone it would be okay. The restoration of private property without looking at the enhancement of value is troubling. The issue of using an EIP number on private land needs to be looked at. I have deep reservations on the White Pine Bill \$1000 grants for well-to-do homeowners. Still strikes me as improper use of government funds. Has potential for scandal and to damage the EIP itself and needs to be thought through.
- John F. – I'm sensitive to it too. Appears to be a situation that if the improvements are made the land becomes wetter with less potential use, enhancing the wetland. We allow easements to be accomplished in a good faith effort. For the long term, what is important is not the public/private ownership, but what is the outcome or goal. This project gets toward the water quality objective. Where the money is spent is less of an issue. If it is the best bang for the buck, it makes sense to leverage the land away from a private landowner.

- Rochelle – what would you say if a private landowner wants to improve his land? The same goes for public dollars, need to be focused on the public responsibility. Think through how it would work if not in Tahoe. It is a local responsibility for the city to condemn the land as part of the TMDL. There are different ways to go. Perhaps the owner could sell it. I am reluctant to drive a hole in the EIP. Everyone does their share.
- Dave C. – Rochelle makes a good point. There is a flood control project in Reno. Part of it is to purchase floodplain, part to get easements. There is an enormous savings. The owner may not be able to do anything significant with his part.
- Rochelle – the relevant questions are not asked. We need broader policy on this.
- Coleen – is the river navigable?
- Phil – if so would it be permanent easements.
- Coleen – doesn't solve the question on what the long term policy is.
- Andrew – what do we need to make an informed decision?
- Steve – a policy would address coming forward with money spent on private lands. We need to address at a future meeting.
- Andrew – what information do we need to make a decision for this project?
 - Articulate the specific benefits of the project in terms of TMDL.
 - Clarify the sources of funding and project timing.
 - Is this stretch considered navigable under the 1997 ACE decision?
 - Provide a site-specific map showing ownership, proposed CTC easement boundaries, extent of project work/disturbance, and floodplain boundaries.
 - Describe the ownership, potential uses of the property and potential coverage/development for the property.
 - Type of easement descriptions.
 - Grazing history, current and future potential.
 - How does the project tie into the City's drainage masterplan?
 - Status of geomorphology for this reach.
 - Status/plan of BOR, CTC and private landowners for long-term O&M of improvements.
 - Will the project increase the value of the property?
- Jim L. – this is a great discussion, TWG wrestled through this also. The bottom line is these dollars are to fund the Lake Tahoe Restoration Act (LTRA). The Rosewood Creek project was the same situation, and it was not recommended for funding because of the same questions.
- Peter – what happens in 20 years on the easement?
- Myrnie – clarification – the stream bed is state land. A big portion is to fill in a gully. I don't know the status of the gully channel.
- Andrew – **Action item:** Myrnie to take the list and gather information for the LTFAC.
- Andrew - \$500,000 recommended \$500,000 on contingency list. Do we still have a project at \$500K?
- Myrnie – appropriated dollars are possible in 2010. CTC will kick in \$500K.
- Steve – we can recommend and send out for public comment.
- Andrew – we are still in transition for the TRPA replacement. I would ask Julie or Paul to help weigh in on these lists.
- Julie – I got to participate in the TWG. I did weigh in and are comfortable with the package.
- Paul – I was a member of PCT and worked on the initial recommendation.

Public Hearing:

- No comments

Potential Consensus on Preliminary Lake Tahoe SNPLMA Round 10 package – Andrew:

Let's move forward on both capital and science recommendations. Call for questions on the capital projects?

- Michelle – TIIMS project – is there a brief rationale on the specifics?
- Phil – original proposal included Operations and Maintenance and enhancement of specific programs. During deliberations we found incomplete coordination between those areas and TIIMS. There was concern expressed on the future of TIIMS; should they stay at TRPA, are there other sources of funding? It came out that by this summer TIIMS would have a long term plan in place. People were in support of keeping the status quo. We did not want to invest more until we had sense of what we were investing in.
- John F. – two items that struck me as concerning – Kings Beach – north shore important driver for other things happening. Please elaborate on your thinking.
- Peter – I am the applicant on that project. Historically we have amassed over \$11M from this funding structure. It is a big project - \$50M with a myriad of funding sources. The state needs to step up and do their share. It would be pushing the envelope to amass more money from SNPLMA. Some of the project is traditional roadway work so we need to go elsewhere.
- John F. – the Forest Fuels Reduction project gets lost in the primary project list and re-emerges on the substitute list. How did we go to zero and feel comfortable?
- Greg – earlier in the year the Forest Service granted the Fire Chiefs \$6.2M for work for next year. We have enough funding for two years to do everything we need to do. We don't have the capacity to start other areas.
- Terri – of the \$10M program per year, \$4.5M will be funded under the SNPLMA hazardous fuels. You can add in Incline, but I took off because it is less ripe than other projects.
- Steve – when we started out today's meeting we talked about the money and knew what was available. The Outyear Table is a map to the future.
- Andrew – TIIMS was funded twice in the past. I'm concerned no other agencies put their money up. Is it not a high enough value to other agencies to put dollars in? For the LiDAR and TMDL Management System - I struggle with non-capital projects. They are not "shovel" type projects. Congressionals did not like planning projects in the past. We were told they don't fund planning projects.
- Jim – the real benefit is they make the capital projects better.
- Phil – in both of these projects there are deliverables.
- Zach – LiDAR is technical assistance.
- Andrew – since we have project specific questions to answer from Myrnie (Upper Truckee project) about LTFAC taking federal money for private land, should we flip the order and hold the project off while seeking congressional guidance? Move forward and leave BOR off because of not having enough information? Should we prioritize planning projects so they are not on the first list? Have them on the contingency list? They total about \$1.2M.

- Bob – would that short circuit the public comments on the projects? Leave the project on while we get answers to the questions.
- Steve – questions were asked by the group and technical discussion provided. Good justification to keep them.
- Rochelle – I second that.
- Steve – it is a good decision to let the BOR project stay to get comments during the public comment period.
- Rochelle – put on the agenda and post agenda with an invitation to comment at the meeting.
- Coleen – where does it fit?
- Steve – we need to ask the appropriate technical folks to do a white paper and present.
- Andrew – put all the projects and the amounts on the public website so the public can track.
- Terri – as a representative for the Secretary, I want to insure we have tracks. There should be a sentence or two to help the public.
- Phil – no regurgitation of the proposal.
- John C. – explain projects as building capacity not planning projects.
- Jason - a cliff note version.
- Steve – the BOR project should be disclosed but not on the preliminary list. Leave planning projects on the list knowing there are tools that will be given to the group.
- Bob – I should mention that my son-in-law may be involved in one project.

The group came to a consensus on capital project list – (without BOR on list):

1. Yes and I support it – 1
2. Acceptable and I support it – 10
3. Can live with it and I support it – 2
4. Willing to step aside and I support it - 0
5. Willing to step aside – do not support it – won't block it – 0
6. Blocking, don't support it (must give an option instead) – 0
7. Need more information

The group came to a consensus on the science list:

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

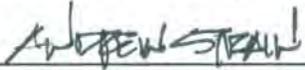
- Andrew – the package will be on the SNPLMA website on March 30 for a 30-day comment period. We are meeting at the end of the comment period - Tuesday, May 5 to receive the information from the public and congressionals. We will take action that day after considering all information. The recommendation then goes to TREX. In summary, the next meeting will be May 5 from 12-5 p.m. on the south shore.

Comments for the good of the order:

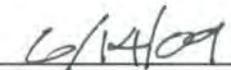
- Mark – Recreation needs to be added all across the board.
- Terri – for clarification - if LTFAC can not make a decision on May 5, there will only be another week before the next step is due.

Adjourned 4:30 p.m.

Minutes certified by LTFAC Chairman Andrew Strain



Andrew Strain, Chairman



Date