



# *Lake Tahoe*

## Federal Advisory Committee

Final Meeting Minutes  
 May 12, 2011, 9 a.m. to 12:30 p.m.  
 Tahoe Regional Planning Agency  
 128 Market Street, Stateline, NV 89449

### **Attendees:**

- Bob Anderson, John Falk, Lisa Foley, Ann Nicols, Bob Cook, Joanne Marchetta, John Pang, Steve Teshara, John Reuter, Rochelle Nason (via conference call), Natalie Yanish, Jim Lawrence, Michelle Sweeney, Patrick Wright, Heather Bacon, Andrew Strain, Peter Kraatz, Doug Martin

### **Designated Federal Official (DFO):**

- Jeff Marsolais

### **Agency Representatives:**

- Katie Huff (via conference call), USACE; Dave Roberts, Tahoe RCD; Woody Loftis, NRCS; Jeanne McNamara, Julie Regan; TRPA; Hannah Schembri, Lahontan; Jack Landy, USEPA; Nancy Gibson, Linda Lind, Arla Hains, Brian Bartlett, USFS; Myrnie Mayville, USBOR; Lisa Heki, USFWS; Karin Edwards, Tricia York, CTC

### **Members of the Public:**

- Sara Ellis, Nevada Realtors; Gail Ferrell, Snowlands Network

### **Welcome, Introductions, Review of Agenda and Approval of Previous Minutes – Jeff**

- Jeff – we will have the introductions of the LTFAC with each member mentioning the constituency they represent.
- Linda – here is an update on the SNPLMA Round 12 projects: All the proposals were on the website. Some of the final scaled projects did not get on the website do to the possible government shutdown. Each proposal has the scaling mentioned.
  - I wanted to let the LTFAC know that with the Lahontan Cutthroat Trout (LCT) proposal, the LCT team in Tahoe reworked some of the priorities. They had removed the Upper Truckee River and Fallen Leaf Lake portions. It is important to finish those components before moving to Lake Tahoe. Lake Tahoe is a long term goal. Priorities continue for Fallen Leaf Lake and the Upper Truckee River, and the proposal was changed to reflect this.

- The EIP Reporting proposal (renamed from the TIIMS proposal) was revised to be clearer on the deliverables.
  - On the Mobile BMP proposal, estimates were added on the amount of sediment reduction anticipated.
  - John R. – on LCT, is there any significant change?
  - Linda – the recovery team said we need to finish prior components. The remaining funds will go toward a longer term goal of introduction to Lake Tahoe.
- Jim – do we have these revisions for the TIIMS proposal? There was robust discussion for TIIMS on deliverables.
  - Arla handed out the revised TIIMS proposal
  - Jeff – you will have time at the break to look over the revised proposal.

#### **Agenda – Jeff**

- We have updates from each of you on your outreach of the LTFAC Round 12 preliminary recommendation. That will give us a sense of what you heard from the public. We need to approve the minutes from previous meetings. We will then talk about issues that have emerged from your discussions with the public. We will try to move the project list forward for final recommendation. Public comment will be at 10:40 a.m. and a break will be given before that.

#### **Meeting minutes – Jeff**

- Steve – I'm good with the February 28, and March 31 minutes. In the April 6 minutes it is hard to follow the consensus process on the capital project proposals. The last page needs more information – we should hold off on approving that date.
- Rochelle –this is a small detail, but the minutes talked about migrating materials for the LTFAC in the cloud for easy accessibility instead of emailing and printing. I offered the help of staff from the League to Save Lake Tahoe (the League). I am concerned that the Forest Service (FS) is waiting for the League to move forward. I assume the FS will look at efficiencies and request needed assistance.
- Jeff – **Action item:** email changes to Arla for specific minutes.
- Linda – we post all minutes on the existing website. After Round 12 we will look at making improvements.
- Rochelle – I'm talking about all the materials on a well organized site. Providing efficiencies.
- Jeff – what I hear is that we can move forward on two sets of minutes - February 28, and March 31.
- Bob C. – the March 31 minutes don't show Natalie in attendance. My name is mentioned twice.
- Jim – I move for approval of minutes of February 28 and March 31 as amended.
- Rochelle – I have emailed my changes to Jeff.
- Motion passed.

- Steve – I move to continue working on the minutes for April 6 and bring them back for approval at a future meeting.
- Motion passed.

#### **SNPMA Round 12 Comment Received (Outreaches) – LTFAC**

- The committee reported on their outreach efforts. The comments were captured in the attached spreadsheet.
- Jeff – all have done great outreach work. I'm impressed with your efforts. On the outreach to congressional offices – Senator Feinstein is generally supportive. Her staff gave me a strong reminder on the importance of fuels work. Her further comments included making sure on the projects themselves; we take a hard look at those with other funding opportunities. Also look at those projects where it is difficult to gain funding outside the SNPLMA environment. Peter and others of the Tahoe Working Group (TWG) will discuss later how leveraging was discussed in TWG. In this economic climate Congress and OMB are looking at any federal funding and have been looking at SNPLMA accounts. There are considerations we need to look at in the federal budgeting/funding picture. The SNPLMA Executives asked us to look at all the projects to date. A Bureau of Land Management (BLM) audit is leading to hard dialogue between agencies about targets, deliverables, and closing out projects. The SNPLMA Executives are pushing agencies to close out projects. They asked us to look at this round of projects with consideration of project timelines – are they realistic? The context being that in the past project descriptions were loose. There was a lot less connection to thresholds and performance measures than today. They are asking us to look at all those in the last round. Clearly the message is to look at deliverables and timelines.
- Linda – Lake Tahoe came out very well in that audit. We have almost completed every Round 5 and 6 project. We have a stack of closing projects for Round 7 (most FS). We are working with other agencies to get projects closed. We are going to meet in June to report out on that. For Round 12, we looked at a couple projects asking if the timelines were realistic.
- Jeff – the audit was done for all projects SNPLMA-wide. Tahoe projects were pretty accountable. For a \$300M workload project timelines change. BLM asked us to look hard at some of the projects. The BLM Regional Director is asking us one more time to make sure timelines are realistic. We have heard the message loud and clear.
- Jim – will you look at timelines and the assessment of risk for meeting timelines for Lake Tahoe projects?
- Linda – for Rounds 5-11 we were asked to do a self assessment. After Round 12 is approved, we will do that same thing with those projects.
- Jeff – the federal agencies have a reply due the end of May for the self-assessment of all the prior projects. It does not include Round 12.
- Jim – it might come up. For the SNPLMA Executive meeting they will be requesting a template be filled out on all previous projects. On capacity issues, they will be looking for a report on that. Be prepared for it. We have done it on every Round 12 project in the bigger SNPLMA.

- Linda – Jane Freeman of BLM and I have been in contact. She said to look at Round 12 with the same issues in hand. **Action item:** I will recheck with her on the risk analysis question.
- Jim – think about it as cautionary for meeting with the SNPLMA Executives.
- Jeff – Tahoe has been accountable, on track, and closing projects. They acknowledge that. We will be aware and able to address those questions.
- Michelle - I would like this group to consider adding language to the package that addresses performance measures. These handouts describe accomplishing work on the ground. I am proposing each Round 12 nomination contain language that will state the project's commitment to report the performance measures. We are close to being there; in reviewing nominations many lack that language. This is a little nudge that puts the seal on what they are being directed to do.
- Jeff – behind the scenes there are a lot of requests for information on how to do the performance measures work. The Tahoe Interagency Executives Steering Committee (TIE SC) could talk more on the evolution. Some project reports are very exact with miles of stream, pounds of load reduction etc. Each project in this round has thresholds identified on the front page. In the box that says thresholds, there is a code that automatically requires a set of performance measures for that threshold. There has been a lot of work behind the scenes to make sure there is a system to report thresholds. Michelle is suggesting that box and the information in it be more refined.
- Michelle – you can see a sample on the handout. I am asking a similar phase be added to each project proposal. It will help manifest what it might look like on the second handout.
- Linda – all the SNPLMA projects have to meet the criteria of an EIP project. For the last 12 years, TRPA has been reporting on performance measures. We have refined it in the last year to a manageable set of 33 from well over 100. We have been working with Michelle's husband and his firm to develop the performance measures and information sheets to measure those. Every entity reports on their projects, and we have a standard understanding on how to report. The EIP Working Group will be coming to a future LTFAC meeting to show you what we have done and where we are. Every year for August Event, all entities report into the EIP database on the performance measures. Linda went over how the project nomination form addresses all this.
- Jeff – Michelle floated a proposal, are there questions?

#### **Public comment**

- Gail Ferrell – Snowlands Network has been a non-profit for eleven years. Our mission is to provide quality human powered recreation opportunities and to protect winter wildlands. We want to bring forward the impacts of 2-stroke snowmobiles in the Lake Tahoe Basin. Though it has not been evaluated, by our calculations the snowmobiles exceed air quality thresholds for TRPA based on vehicle miles traveled and measures of carbon monoxide. Single vehicle noise has not been addressed, measured, or followed up on. It is critical as established in Pathway 2007 – the lack of quiet and serenity for recreation. Snowlands Network has given comments to TRPA and the FS. Exceeding air and noise thresholds has not been addressed in the Basin.

- Hannah S. – I want to reiterate that our agency (Lahontan) appreciates the hard work from the Lake Tahoe Basin Executive Committee (LTBEC) and LTFAC. We submitted a comment letter. This list helps us move forward and make our goals.

**Public comment closed –**

**Discussion of the Process for Approving the Final Project List - Jeff**

- Steve – next on the agenda is to discuss the final recommendation process. We should follow that.
- Jeff – I had cut off discussion for Michelle’s proposal with a break. Do you want to start with a dialogue on moving forward on Round 12?
- Steve – we need clarity on a process.
- Jeff – we can first have a Round 12 process discussion then revisit Michelle’s proposal.
- Steve – on the table now is the preliminary recommendation we endorsed at the last meeting. We had an update on several projects. As we go into consideration of the final recommendation, that’s when we would think about Michelle’s proposal. Then someone would propose the package as is or with modifications and look for a consensus on that. We should seek consensus on the capital projects and the science themes.
- Jeff – for the Camp Rich proposal there has been quite a bit of debate. In Round 11 we were out of sync with the completed/draft NEPA. Round 12 we are out of sync again. There is discussion of refining the proposal for this group, addressing concerns aired here. In three to four weeks we will have a final draft NEPA with an additional alternative to address concerns.
- Heather – does it scale the project?
- Jeff – no. There is so much to do out there. The team was told to focus on the highest priority BMP measures on the site. NEPA itself has to incorporate many rounds and a series of concerns from here and public scoping. The project targets themselves in Round 12 don’t change. The core background BMPs are what was approved in Rounds 11 and 12. There are no funding changes. There is a new alternative - preliminary site design that reconfigures sensitive areas.
- Jeff - other themes to discuss is the role of this federal advisory committee to chart the next ten years. That is not off the table. The committee has been process oriented in Round 12. It is clearly in front of us is to pick a chairperson. Mapping out the next steps is very critical.
- John F. – I know this committee was doing a number of advisory functions that remain critical to ensure good coordination in the Basin – both public and private. I appreciate you have to do first things first.
- Steve – SNPLMA money isn’t gone, but there are no new rounds. There is still work to be done. Part of our oversight will be to monitor that. I suggest a meeting towards the end of June – after SNPLMA Executives meet. If we take the summer off we will have to re-learn all the information. As Chairperson of the first two LTFAC terms, I will review all the old agendas for what we did. **Action item.**

- Michelle – part of the reason I am bringing up performance measures is because Round 12 is a critical juncture for this group. By talking about the Round 12 proposals today, it becomes more evident how this committee needs to move forward.
- Linda – all rounds of projects for SNPLMA are reported into the database. Not just Round 12.
- John R. – we made a decision to ask for a consensus for Round 12.
- Jeff – good point. I wanted to make sure all issues were off the table. Is there any other discussion?
- Michelle – I have a second separate issue.
- Jeff – we should have discussion about performance measures before we address your second proposal. Michelle has a specific proposal, she is looking for us to take the performance measures discussion and be more transparent and add language to the proposals themselves.
- John R. – Linda and Jeff are saying it is not necessarily transparent on the cover sheet, but it is an expectation of the capital projects that this kind of reporting happens anyway? Are we trying to put it on the proposal so it won't slip through the cracks? I hear Michelle saying she wants to make sure it gets done; I hear the FS say we are doing it already. Are we debating it should be done, or debating it should be on proposals?
- Jeff – it is being done in the identification of the thresholds in the identification of the performance measures.
- John R. – those things could be worked out, the debate is if it worked well or not. Question to Michelle – is your thinking that you are uncomfortable with the implicit nature of how it is being done?
- Michelle – there is extreme value in making it explicit. I totally agree with the FS, it is being done, the value is in making it explicit.
- Joanne – the reporting is being done. It is a long process; we don't want to go into the details. I am supportive of making information available to the congressionals when they want it and those interested in the information. This is a reflection of how we are raising the priority of effective reporting and accountability in terms of TRPA and how we operate in the Basin. It is manageable for SNPLMA Round 12. We could add a more generic insert into each project description that says that this project is accountable to these performance measures. Projects can be in the pipeline for years, while these performance measures may change. We may continue to refine them. We started with 100, now we have 33, and we may refine further. It is administratively possible to add some kind of generic language that makes it explicit that there is an expectation of reporting on EIP performance measures that would be applicable at the time.
- Andrew – I agree there is a need. The process is getting a lot better. Simply add a statement to the award letters to those who implement projects.
- Linda – the fact that these are EIP projects, we have no choice but to report on them.
- Patrick – we need to figure out a way that all EIP projects report with common language we all agree on. You expect to report with accordance with the TRPA reporting system. We don't

want to say “pounds of sediment” then change two years later. We all need to recognize performance measures could change.

- John R. – I agree with last three committee members. Something explicit is good. I like Andrew’s idea – name the performance measures in the award letter. My concern is the group would be obligated to go back before the package is presented and debate what the performance measures really are. Generic language might work now; I would like to see our group not get lost in generics. We don’t want projects to change that much, something promised early on shouldn’t go another way. I’ve seen this happen before. We need some oversight as a project goes on - agreeable performance measures. We don’t need it explicitly in the proposal but in the acceptance letter.
- John F. – conceptually it’s a great idea. It increases accountability, transparency, and ease of understanding for lay reader for the good. The FS is already doing it. At a staff level, it is important to know we are not going to create a whole new process. Some of the performance measures are based on the best practices as we know it. They should be tied to a response – meet, closely meet etc. Where’s the teeth, if there are teeth?
- Jeff – the entire partnership is doing this. It is expanding each year with each project. I acknowledge the fact that you are having this discussion; this is showing the need for more transparency. You are being heard loud and clear by the agencies in the room. Using the performance measures that are here. It is clear, performance measures to EIP thresholds. Each agency is reporting on a whole myriad of things to several different environments – the Department of Agriculture, our national offices etc. The teeth are there for us.
- Linda – those that don’t report keep us all back with receiving funding. That’s the teeth. We report to BLM and the Washington Office. With Erosion Control Grants (ECG) we don’t give grants until they report in. We have had training sessions and are happy with our progress.
- Michelle – there is a proposal on the table that I will clarify. I appreciate this discussion, it was much needed. My understanding is that the project nomination language – the nomination is the contract. In terms of timing of precise language – I agree it would be a mistake because two years from now it would be outdated. Round 12 project nominations/contracts contain language relating to performance measures to that contract. It can be added two years from now at the dispersal of money. I want this group to decide on the language.
- Jeff – I am less concerned about the actual language, we are not going to group edit. I like the idea that Andrew had with the nomination letter having that clear connection on performance measures agreed to by the Tahoe Interagency Executives Steering Committee (TIE SC).
- Michelle – the language on the handout should be added to the approval of the package.
- Linda – the contract is with BLM, they don’t care necessarily about detailed EIP reporting per say. The problem with being specific in the proposal is it ties it down too much; we are still finishing the performance measures. It is not necessary in each project proposal, it is explicit, and it is what we have to do.
- Jeff –we are looking for broad language that this Round 12 project will report to performance measures relevant to this project.

- Michelle – I'm not looking for specific language today. I'm looking for a commitment for when the contract is released to the implementer.
- John P. – how will I know two years ahead?
- Steve – I suggest to move beyond this is to have a statement made in the report to capture what the committee is saying. One sentence like...approving the package with this direction. This will make a closer tie with reporting and the EIP. I liked Joann's suggestion. We have reporting obligations but it would cost money to hire an engineer etc to fulfill. We don't want to create busy work. Let's create one sentence to add to the project package. Let's take a short break and draft something to become a part of the recommendation.
- John R. – I agree with Steve. I ask to put this topic on the agenda of a future meeting. The topic would be how to go from generic to specific when the time comes. How to determine reporting parameters and who is responsible. **Action item.**
- Steve – when we meet in the fall we need a full presentation on how the reporting works.
- Jeff – we've had lots of good discussion. We have talked about various proposals and generic language to give a directive to connect the dots of performance measures to the projects. I need to get a gut check where we are at with approving Round 12? The way Steve framed it up, you could have a consensus. The language discussed in the hallway could be in the agreement. The second piece to this discussion is another proposal from Michelle on Round 12.
- Steve – we can discuss Michelle's second proposal, ask for other proposals, take a short break and work on the language, then come back with a consensus.
- Michelle – I would like to see ECG at \$10M. Fine sediment is my bottom line. Erosion Control Grants are the best venue for that. I went to experts on these projects; the conclusion is that more fine sediment is removed in the end by moving money into erosion control.
- Peter – I'm all about water quality – ten years in the area. I've been on the LTFAC several years. Water quality is not the only thing in the Basin. Of the \$34M, \$15.6M is going towards water quality – that's 46%. We came up with a balanced packet. I support the package as stated today.
- Doug Martin – from the State of Nevada perspective –the stormwater tools are so important. The \$480M is not a reduction to the grant, but part of the tools. Having those tools helped a contractor decide not to forward a project. Local governments in California don't have the same perspective. Nevada feels this is not a reduction, it helps them.
- Bob A. – I speak in support of Michelle's proposal. It is all about fine sediment. It doesn't change the percentage; it depends on where you take money from. I propose we take funding out of the Camp Rich project based on hydrology. Spending money on Camp Rich is important but in terms of sediment it is a real stretch. Due to the hydrological nature of the site, there is virtually zero surface conductivity to the Lake. Sweepers are a much bigger impact on reducing fine sediment. I was a water quality engineer in a former life.
- John R. – I echo what was just said. I asked questions many meetings ago if the FS identified this as an urgent project. My understanding is there may not be a lot of conductivity into the Lake. That runoff drains into the Pope Marsh. The marsh is a natural treatment.
- Jeff – our staff is saying these are strategic investments in conductivity.

- John R. – I asked before, and received no response back. I cannot support taking money from the Area-wide Planning project, it is extremely important. The proposal on the table is to put \$480K back and take \$280 from Area-wide Planning. Given the fact there was a lot of support in the Tahoe Working Group (TWG) and support in the LTFAC so far - I would have to say if we put money back, I think there are other projects that people have expressed concerns about.
- Bob C. – if it would finish the project, the money should go to Camp Rich. I'm not for pulling any money out of any project. I'm ready to make a recommendation.
- Jim – I echo what Doug and Bob just said. On the Nevada side we see Stormwater Tools as critical. On Camp Rich – as a land manager (whether federal government, state agency or private), you have a responsibility to BMP property under TRPA code. To take money away from a federal BMP project for the State, I struggle with that concept. We can't play with numbers, at the end of the day we need to make sure we are funding full projects. This is a tourist destination so we are asked why Camp Rich is so run down.
- Jeff – the original project proposal was \$5.5M, we went way down from the original proposal. Every dollar more will get more BMPs done.
- Steve – the erosion control money stacks up. You are worried about a fund that is quite well financed. The money is not spent. There is plenty still there. Erosion control is the one program where money not spent comes back to the program. There is money to do erosion control at the local level.
- Michelle – I would like to point out that looking into this question about money stacked up into the erosion control bank account – what Sue Norman said was a mischaracterization. I appreciate the discussion and factually different views. Not that one is right and one is wrong.
- Jeff – we could debate for the next hour. Last year \$1M was added back and re-circulated.
- Rochelle – I agree with both sides. I speak in support of what Michelle, Bob, and John have been saying. In response to Jim – federal dollars to federal share. The ECG program has been part of the federal share since the Compact was amended in the 1980s. Note that this is compensation to local governments for sacrificed tax revenues. In the future, there will be a drought; structurally there are ways to get mobile BMPs funded from the government. The FS can fund Camp Rich. Erosion Control Grants are very likely over for quite a time to come. They are just not structurally easy to fit into a federal budget. Go with the full \$10M as suggested.
- Jeff – we've spent a lot of time on Michelle's proposal. But we have not discussed changes to the preliminary list. I've heard arguments on both sides - 1) to leaving the list as is with performance measures language added. 2) A proposal with changes to the dollars. I suggest starting with the preliminary project list with the new language, and then take it to the next step if we have any one below a five on the consensus gauge.
- Heather – is there a way to state concern over the \$480K? If any additional funding becomes available, can it go to that specific project?
- Linda – on ECG - when they are implementing projects and they come in under budget, the funding comes back to the grant fund. Funding only re-circulates within ECG.
- John F. – when money goes unutilized it stays in a dedicated reserve for a type of activity but not for an agency?

- Linda – it goes out to a competitive process, another round of proposals.
- Bob C. – isn't it a fact there are more erosion control projects than money?
- Peter – yes. When Santini-Burton purchases property off the tax rolls, the GID, counties etc. don't get taxes from those properties. But they still have to provide water, snow removal etc to that property.
- Steve – my proposal is to take a consensus on the preliminary Round 12 package, capital projects first with the addition of the performance measure language.
- Linda – Michelle kept talking about contracts. Any type of contract that we subcontract out they have the language to report within the EIP framework. We will provide a letter to the SNPLMA Executives and Tahoe Regional Executives on where this language would go:

“LTFAC recommends to TREX and the Secretary of Interior for approval that EIP reporting requirements and related performance measures be required in the instrument(s) federal agencies use when awarding SNPLMA monies (funds).”

- Jeff – any federal funding vehicle instrument itself will include this language.

#### **Final Recommendation for Lake Tahoe SNPLMA Round 12 - Jeff**

- Steve – my proposal is that our consensus objective would be to adopt the preliminary Round 12 recommendation for capital projects.

A consensus was taken:

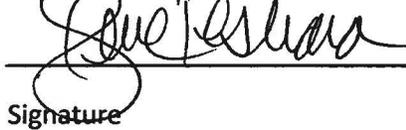
- 1) Yes and I support it – 4
  - 2) Acceptable and I support it – 7
  - 3) Can live with it and I support it – 6
  - 4) Willing to step aside and I support it – 0
  - 5) Willing to step aside – do not support it – won't block it – 0
  - 6) Blocking, don't support it (must given an option instead) – 0
  - 7) Need more information – 0
- Jeff – based on the count of 17, the preliminary recommendation is approved.
  - Steve – I move to take a consensus on the package of science themes.
    - 1) Yes and I support it – 12
    - 2) Acceptable and I support it – 5
    - 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 given an option instead) – 0
    - 7) Need more information – 0
  - The package of science themes is approved.

### Logistics and Review - Jeff

- Jeff – this dialogue is not lost. The federal partners heard you.
- Michelle – thank you for considering what I brought forward today.
- Rochelle – we all owe thanks to Michelle for that work.
- Jeff – there was an earlier recommendation that we schedule a LTFAC meeting after the SNPLMA Executives meet mid-June. We need to be thinking about a chairperson. I would like to solicit one more time via email, requesting your participation as a chairperson. If you are interested, send me an email. We will have that dialogue at the next meeting.
- Bob C. – for the chairperson, we need to discuss a job description. That chairperson will be the leader into what the LTFAC will become. We need some discussion before we choose.
- Jeff – we can talk about the role and about this committee in the future.
- Bob C. – we need closure of process for the evolution and choosing a chair that can lead through that process.
- Steve – I will prepare a memo characterizing what the committee did prior to SNPLMA. **Action item.**
- Linda – future topic: EIP database and performance measures, how we got there, LTRA 2012, updating partner agreements, packaging them and bringing them forward.
- Jeff – last closing comments?
- Peter – add a discussion of the August Event at next meeting. **Action item.**
- Linda passed out a revised LCT proposal.
- Michelle – thanks to Linda and Arla for help with the meeting.
- Steve – welcome Nancy Gibson as the new Forest Supervisor. We have appreciated Jeff as our DFO. He leads meetings in a professional manner.
- Jeff – I acknowledge we have come a long way in a short amount of time. There was pressure on all of us. Our relationships are intact and growing and building. LTFAC will serve a new and growing role in the future.

**Adjourned.**

Minutes certified by LTFAC Chairman Steve Teshara

 \_\_\_\_\_ 11/2/11

Signature

Date

