



Lake Tahoe

Federal Advisory Committee

Meeting Minutes
 Thursday, October 11, 2012, 9 a.m. – Noon
 Tahoe Environmental Research Center
 291 Country club Drive, Incline Village, NV 89451

Attendees –

- Steve Teshara, Bob Anderson, Ann Nichols, Peter Kraatz, Patrick Wright, John Reuter, Heather Bacon, Jim Lawrence, Mark Novak, Michelle Sweeney

Agency Representatives –

- Arla Hains, Joey Keely, USFS; Ted Thayer, Karin Edwards, TRPA; Steve Chilton, FWS; Myrnie Mayville, BOR; Maureen McCarthy, TSC; Brett Storey, Placer County; Gail Louie, Sam Ziggler, EPA, Pam Robinson, Senator Heller's Office

Chairman -

- Steve Teshara

Designated Federal Official (DFO)

- Jeff Marsolais, USFS

Opening Comments, Introductions, Review of Agenda, and Approval of Minutes from June 14, August 9, 2012 -

- Steve T. – I ask everyone here today to introduce themselves.
- Steve T. – does the DFO have any opening comments?
- Jeff - thank you for your continued participation in the Lake Tahoe Federal Advisory Committee (LTFAC) as it comes to a close. We are shooting for no-gaps between this LTFAC and the next. We will give an update later in the meeting on the re-chartering status.
- Steve – do we have a motion for approval of the June minutes?
- Jim - I move for approval.
- Bob - second.
- Heather – I abstain since I did not attend the meeting.
- The June 14, 2012 minutes were approved by the group.
- Steve – any comments on the August 9, 2012 minutes?
- Jim - I move for approval,
- Bob - second.
- The August 9, 2012 minutes were approved by the group.

Tahoe Interagency Executive Steering Committee (TIE SC) meeting update – Steve T., Jeff, and Karin

- Jeff – we had a continued conversation about important funding streams and how to develop those. We are developing a view of public/private partnerships. It is helpful to be hearing directly from Steve on LTFAC feedback. It is an important conversation that is starting to move positively.
- Jim – everyone on the committee recognizes the challenge to moving forward in these times and finding continued funding for projects. What can we do, how do we bridge gaps, and prioritize projects? We have become very strategic.
- John – are there suggestions on other funding sources yet?
- Jim – we agreed that would be the primary focus of an all-day meeting in early 2013.
- Steve – we know the funding opportunities have changed. We need to find the new funding that is not stamped as an earmark. We need to find evidence that people are thinking beyond the rudimentary. Hopefully we are getting to the end of the dark tunnel where everything is simply stopped or reduced. We need to talk about the Environmental Improvement Program (EIP) being a public/private partnership. We have a new cache with the Tahoe Fund. Everyone in the country has the same issues and we have to explain that Lake Tahoe is unique. 70% of land in the Basin is owned by Forest Service (FS) and it is not designated a national park. Things would be different then. We have new people in place with the notion of updating the Memorandum of Understanding (MOU) and agreements that emerged from the 1997 Presidential Forum. People forget so the updating is a good way to remind them. A lot of good things came out of the agreements in the past. We need to bring them back out and dust them off for those now in authority. It will take some time but should be done. If we don't there will be no funding.
- Ann – some are using a new focus on development to solve our problems. That has made us less special. Everyone has the same problems, we are not special.
- Steve – the EIP is central to our efforts. That is what we are looking to.
- Patrick – unless we can show we are integrating housing, walking, and bike able communities, we will get no money from California. Every grant program is doing that. Integration is the new trend. With all partnerships it's the flavor of the month. The new theme is sustainability. We are recasting the same projects but integrating more to get more merit. It is not pro or anti-development.
- Ann – we are trying to be like a city but we're smaller. Are we caught in between and don't qualify for the program?
- Patrick – I don't know why.
- Peter – we are in the same dilemma. We are looking for creative ways to qualify for granting funds. The money out there takes more time to find. On the transportation side, we need to show projects as multi-faceted to have the most success. There is money out there.
- Bob – how much is integration and sustainability just creative language? How much is actually doing something differently?
- Patrick – that's the challenge. Do you want everyone doing their own thing? We are trying to do more watershed planning as opposed to parcel planning. Everybody has different regulations. The EIP, that's the beauty of it, everyone is working together and jointly prioritizing.
- Peter – the Caltrans funding process is so different.
- Patrick – Caltrans is using water quality money to try and cover other project elements. The problem is the new emphasis on sustainability; the funding sources haven't caught up. Peter has to go after several different types of money and it doesn't always pan out.

- Bob – what is the role for LTFAC in making this work better?
- Steve – we need to advocate for flexibility and reinforce the message that Tahoe has needs as part of the federal government responsibilities that come with land ownership and management.
- Jeff – we are unique in terms of land management, environment, and mission delivery. We have a government structure that we can talk about. The fact is, we have established a governance structure that allows agencies (federal, state, and local) to coordinate. That structure makes this place a lot different. We are talking at all levels with an effective flow of information. Our Tahoe Regional Executives (TREX) ask about the LTFAC. They read the meeting notes. They are interested in the accountability. The TIE SC connecting the LTFAC through the Chair is an important connection. It is efficient and effective.
- John R. – I want to know how the science is transferable. How can the rest of the country use it? We need to create jobs and get the economy going. LTFAC could get the word out.
- Ann - the Brockway Erosion Control Project ran out of money. Are there commitments in advance so we don't run out of money when only half done? For the Snow Creek Stream and Wetland Restoration Project, are we looking for more funding sources?
- Peter – for Snow Creek - we found more money and it will be finished. For the Brockway project, we hit the highest source of sediment in the area with good treatments. Some day we may revisit but for the most part the treatments look good in that area. We can talk off-line.
- Steve – for individual areas we are looking into funding at the TIE SC. For example, Aquatic Invasive Species (AIS).
- Peter – on the Kings Beach project – SNPLMA funding added \$7.2M that has been sitting in the coffers for a long time. We are hoping to start next year but the overall project will still be short of funds. We talked to Caltrans and told them to step up since it is money they would normally have to spend. It is a leveraging strategy. How about a letter of support from LTFAC? Agencies get hamstrung with the color of the money and need to bust out of that.
- Steve – I would like to wrap up by saying that on the last meeting agenda we could add an item to write to the Secretary of Agriculture reminding him of the agreements in place, and the capacity of collaboration and decision making. We could provide copies of the documents.
Action item. Also we can have a brief recap of 2011-2013 LTFAC history summarizing all the great work done.

Efficiencies in Land Management – Jeff, Patrick

- Jeff – you all know we have urban lots $\frac{1}{4}$ to $\frac{1}{2}$ acre in size. They were mainly purchased through the Santini-Burton Purchase Authority. There is a total of 3500 of them. No other forest has urban lots. We have to manage them around homes. It is an expensive part of the work we do treating acreage so close to homes.
- Patrick – TRPA instituted residential building restrictions in the 1980s so many people could not build on their lots. We were their outlets. California Tahoe Conservation (CTC) sent out form letters letting them know we would buy the lots. The FS had a similar program. We send crews to the same neighborhoods as the FS does for lot maintenance. A Federal Inspector General report asked why the FS was managing them. The FS doesn't normally do that. We have been brainstorming for years on a large land exchange. We would manage $\frac{1}{4}$ acre lots and give the FS larger lots that are surrounded by FS land anyway.
- Patrick - referring to the map - 2000 parcels would go to CTC, 88 to the FS. The acreage in the exchange is almost exactly the same. No use would change. The same protections and uses stay in place. The challenge is, if you followed the normal land exchange process, you have to

appraise each lot. That would take decades. Through the Lake Tahoe Restoration Act (LTRA) or another bill, we need to get Congress to approve the exchange with all the same protections in place. We hope the legislation would not close the door for Nevada to do something similar.

- Jeff – this is not the first time we have had conversations with partners on this topic. It is a big deal, and we are hoping to find out what this body would like to see in terms of transparency. From your perspective, what should we be thinking about to move this forward, or maybe folks are not ready for this. There are obvious inefficiencies or concerns we haven't addressed.
- Bob – this is a no-brainer. How we accomplish, that is where it gets complicated. Going to Congress is the only way to get this done. How can LTFAC help with the how?
- Ann – in the Regional Plan Update (RPU), FS property is being traded to Vail for development. Important thing about the land exchange is that all future uses cannot change from what they are now. CTC will sell and allow development on the land. The public is not aware of the selling. Everyone needs to be aware. I'm very concerned. It is okay if in the future uses can't be changed.
- Jeff – TRPA can't take FS land and give to Vail.
- Ann – in alternative three.
- Jeff – I'm confident that it is not set up that way. We can discuss off line
- Ann – it is set for resort recreation, multi-family with no real parameters. Fifty-two acres at the top of Ski Run belongs to the FS.
- Jeff – hearing the rationale that future uses should not be allowed to change. How do we establish deed restrictions that give CTC flexibility to management and stay in context?
- Patrick – we can stipulate that. All are Santini-Burton that can't be developed, can't be changed.
- Jim – parcels we received have a deed restriction on every parcel. A stipulation is put in a clause – if something happens to the property that is not allowed, the property goes back to FS.
- Ann – CTC can sell off the parcels.
- Jeff – how do we make sure the parcels can't be changed?
- Mark – have we analyzed maintenance in the future? Is there equity in the trade?
- Patrick – our costs would be higher but in the public taxpayer perspective it makes sense. We manage 5000 lots, taking on 3500 more cost more but eventually saves the taxpayer.
- John R. – drawbacks we haven't heard so far?
- Patrick – it is more complicated than we are making it. Parcels have different levels of treatments. We will need to go through a process to make a plan. Other than that, we don't see policy issues. There will be no changes in uses because of the deed restriction. There is always going to be a fear from change in ownership and that things will change in usage.
- Jeff – conceptually we are at the beginning stage. It is very expensive to have two crews from two different agencies. We are interested in hearing questions to make sure we have a broad enough view. One option is no-action.
- Heather – I commend both groups for thinking creatively. Cost efficiencies are important to let the public know and have a say.
- Ann – the information is overwhelming right now. CTC trading with State Parks for parcels for sale to the public. The public needs notice. It is very confusing. We need to have a debit/credit side. Can they sell land to pay for it? I don't know.
- Jim – what's best for the land, in California that is a no-brainer. Nevada decided not to do this. There are a lot of lots. It is easy to protect the property. It gets down to who has the resources to manage the lots. We don't in Nevada. If CTC can take on and get funding for the long-term than that what's best for the landscape. It will take a long time to do. SNPLMA has paid for urban lot work for the FS. How do you factor that in? Transfer those lots first to minimize the hit

to CTC? There are lessons learned from Ely in Lincoln County, be specific in your legislation. Resource inventory and legislation is needed to address that, and cost. NEPA documentation sometimes can be exempt, that should be part of your conversation with the public.

- Jeff – both agencies have done heavy lifting in the past couple year. These are all good points.
- Steve – anyone else want to weigh in? We need to help people understand the change in ownership. We tried to help those in the past when they could not develop their property. We responded to their questions. We need to look how this can be done.
- John R. – is the management significantly different from the two agencies?
- Jeff – the management no, but the appearance is. People get confused. Permit or no, the operational part seems different. The forestry is about the same but looks different.
- Jim – the treatment practices are very similar.
- Peter – do you anticipate a NEPA/CEQA document? That evokes public involvement.
- Patrick – yes.
- Jeff – the processes we could use without Congress could include a huge risk of cost overruns. We are trying to sense out all the things to consider. We are committed to the public comment process. Thanks for the thoughts on this. I'll update as things do or don't move forward.

Aquatic Invasive Species – Lake Mead Updates – Ted Thayer, TRPA

- Ted – we are talking about Lake Mead because of the Quagga mussel. They originally come from the Caspian Sea. They came from a container ship and went across the Atlantic into the Great Lakes.

PowerPoint presentation.

- Ted – we are still concerned about Lake Mead. Five fouled boats came from Lake Mead and Lake Mohave. We are concerned about the next 5-10 years when every other lake is infested. It will be harder to keep Lake Tahoe clean.
- Ted – a new law prohibits taking invasive species across state lines, this is a new tool for State Parks.
- Ann – why no gates on launches in Lake Mead?
- Ted – because of the size of the ramps. There are many unattended launches. People can go across the desert. We can't stop boats at the fee booths for security reasons.
- Peter – is it too late to get rid of the mussels in Lake Mead?
- Ted – yes. They can only manage them. There are new treatments but no removing them from the lake.
- Peter – Lake Tahoe has two inspection stations in winter. Can people enter other areas?
- Ted – the private marinas are still open.
- Bob – Lake Mead boat owners are not held responsible. They take chances and sneak away. Not enough happens to them. What if they lost their boat for entering the lake?
- Ted – violations can include forfeiture of whatever was making the transfer.
- Steve C. – violations include monetary fines on up to a felony. Quagga mussels need to be added to the list for fines.
- Ted – we are beginning the effort in the western states. We need to go back to DC and push.
- Steve T. – this is something that LTFAC could write a letter about. Add the Quagga mussel to Lacey Act violations. Send the letter to the Secretary of Agriculture. **Action item.** There must be more risk for these people for not being responsible.
- Jeff – from the conversation at the last LTFAC, I talked to superintendent at Lake Mead. There the challenges are significant. There are hundreds of entry points across the desert, unmanaged. They are trying everything they can, but they have limitations. They have

exercised every legal authority that they could. There are some lessons learned there. The Lacey Act is part of it. Agency authority is through legislation to oversee special uses permits. United States Department of Interior or Park Service regulations don't cover all their needs. They don't want to see the mussels spread. Should we ask them the regulatory needs they have? The recent barges – how they got out of the lake coated. The power company had a right to be out of their regulatory arm. It was a loophole. We should be working with them to expose lessons learned and find out regulatory needs. **Action item.**

- Steve T. – we should research and have a draft letter for the next meeting. **Action item.**
- Ted – I would like to be in that process.
- Ann – looking at the economic cost of losing the lake, why not “Tahoe boats” only? Some say the mussels are already there in the lake.
- Ted – every winter we evaluate the level of potential risk. We sample in Lake Tahoe and send off plankton samples and look under the microscope for DNA of mussels.
- John R. – what the public hears is it only takes one.
- Ted – the study is if the mussels can complete life cycle in Lake Tahoe. We know more about the risks. The finance plan we are working on –half is potential sources. Revision of the current EIS management plan includes the economic consequences.
- Michelle –I acknowledge the role of this group, LTFAC, for allocating the funds to take on a different regional role. For the remaining funds from SNPLMA, keep in mind the priority of this issue. We can't build a wall around Lake Tahoe.
- Heather – owners of contaminated boats have gone to lakes close to Lake Tahoe. Do those lakes have the ability to keep boats out? Are we working with them?
- Ted – we continue to sample and have not found any mussels.
- Jim – there is a Nevada law in place that sets forth fees from boats. State Parks and Nevada Department of Wildlife are trying to get something in place. Best they can do with what has been allocated.
- Ted – we are getting State Park people information on how to set up decontamination stations. We treat many lakes as infested lakes.
- Steve C. – Fish & Wildlife Service has come up with \$400K to provide stations for two years from boater accident money.
- Steve – monitoring money?
- Steve C. – from BOR.
- Steve – we can research and come back with a letter. **Action item.** During the first meeting as new committee we can discuss “Tahoe boats” only and the losses incurred from that.

Public comment – none

Biomass Update – Brett Storey, Placer County

PowerPoint presentation

- Steve – who are the investors?
- Brett – Liberty Energy wants to buy the energy. There are a number of third party venture capitalists that are interested depending on the economic analysis. There is a Department of Energy grant. We have a total of \$8M in investments.
- Bob – is transportation factored in the green gas calculations?
- Brett – yes.
- John R. – what's the relationship between need for the FS and your ability to take it on?
- Brett – we have a master stewardship agreement with those details.

- Jeff – we are bringing on 25,000 acres of ground with good NEPA on it. We have the option of biomass compared to pile and burn. There is real capacity there.
- Brett – the Tahoe National Forest has a large capacity. Around 90% of the materials are in the Basin. We will do everything we can with the FS first. We are discussing with the Fire Chiefs to match their needs. We are responsible for the transport. We would grind on site, place into the trucks and drive out.
- Jeff – we had a biomass component in Angora. But barely broke even. Closer biomass would be much better.
- Steve – thanks Brett and Placer County. They have gone above and beyond.

Round Robin

Steve – the ribbon cutting for the Tahoe Transit center is Monday, October 17 at 3 p.m.

Future Meeting Topics:

- Visit fuels work again.
- Two letters discussed today.
- Recap 2011-2013 LTFAC accomplishments.

Charter Renewal Process – Jeff

- Jeff – the FAC Washington DC contact, Helen, was on loan with USDA and is back. We have asked her to work on changes for the charter. The next round of selections for individuals will have two-year and three-year representation. We would like to stagger the membership. We will do outreach for only half the committee and keep us effective with half the committee staying on. We are moving forward with more named seats because they represent named organizations and will have alternates selected. An internal team is helping us. With the election cycle FAC could be delayed. We will open another outreach period. Have anyone send applications to me.

Adjourned 12:01 p.m.