

LAKE TAHOE BASIN FRAMEWORK IMPLEMENTATION REPORT

D R A F T

Prepared for:



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of Engineers®
Sacramento District

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ACRONYMS AND ABBREVIATIONS

1969 Compact	Tahoe Regional Planning Compact of 1969
1974 Study	USEPA Lake Tahoe Study of 1974
1980 Compact	Tahoe Regional Planning Compact of 1980
BLM	Bureau of Land Management
CalTrans	California Department of Transportation
CO	Carbon Monoxide
Coalition	Lake Tahoe Transportation and Water Quality Coalition
Framework Report	Lake Tahoe Basin Framework Implementation Study Report
Corps	U.S. Army Corps of Engineers
CTC	California Tahoe Conservancy
DCSID	Douglas County Sewer Improvement District
E.O.	Executive Order
EIP	Environmental Improvement Program
ETCC's	Environmental Threshold Carrying Capacities
FAMU	Federal Agency EIP Management Unit
FHWA	Federal Highway Administration
Framework Study	Lake Tahoe Basin Framework Implementation Study
FTA	Federal Transit Authority
FY	Fiscal Year
League	League to Save Lake Tahoe
LTBEC	Lake Tahoe Basin Executives Committee
LTEEC	Lake Tahoe Environmental Education Coalition
LTFAC	Lake Tahoe Federal Advisory Committee
LTBMU	Lake Tahoe Basin Management Unit
MTBE	Methyl Tertiary Butyl Ether
NDEP	Nevada Division of Environmental Protection
NDOT	Nevada Department of Transportation
NLTRA	North Lake Tahoe Resort Association
NRCS	Natural Resources Conservation Service
NTPUD	North Tahoe Public Utility District
O ₃	Ozone
P.L.	Public Law
Partnership	Tahoe Federal Interagency Partnership
Reclamation	U.S. Bureau of Reclamation
RTPA	Regional Transportation Planning Agency
RWQCB	Regional Water Quality Control Board
SEZ	Stream Environment Zone

SNPLMA	Southern Nevada Public Land Management Act
STPUD	South Tahoe Public Utilities District
SWRCB	State Water Resources Control Board
Tahoe Basin	Lake Tahoe Basin
TMPO	Tahoe Metropolitan Planning Organization
TREX	Tahoe Regional Executives Committee
TRG	Tahoe Research Group
TRPA	Tahoe Regional Planning Agency
TTD	Tahoe Transportation District
UC	University of California
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WRDA	Water Resources Development Act

EXECUTIVE SUMMARY

The Lake Tahoe Basin Framework Implementation Study (Framework Study) is a watershed study conducted by the Sacramento District of the U.S. Corps of Engineers (Corps) to clarify challenges for Federal agencies to accomplish basin-wide, programmatic implementation of the Environmental Improvement Program (EIP), and place them in the context of today's political, social and natural environment. The EIP is a coordinated Federal, State, regional, and local clearinghouse that includes capital projects, research and scientific activities, program support and technical assistance, and operations and maintenance activities.

The Lake Tahoe Framework Implementation Report (Framework Report) documents the results of the Framework Study and presents proposed enhancements – by the stakeholder team, the Lake Tahoe Transportation and Water Quality Coalition (Coalition), its invited participants and the Corps' study team – to the authorities, missions, mandates, policies and procedures of Federal agencies in the region. These enhancements represent a comprehensive approach to resolve challenges to basin-wide restoration projects and programs. These enhancements are for consideration by Congress and Federal agency management. The Framework Report is for information only and does not represent an agency position or serve as a decision document under the Federal process.

About the Framework Report

The Framework Report contains three elements that collectively represent a comprehensive approach for improving the efficiency and effectiveness of Federal EIP implementation at site-specific and basin-wide levels. These elements include:

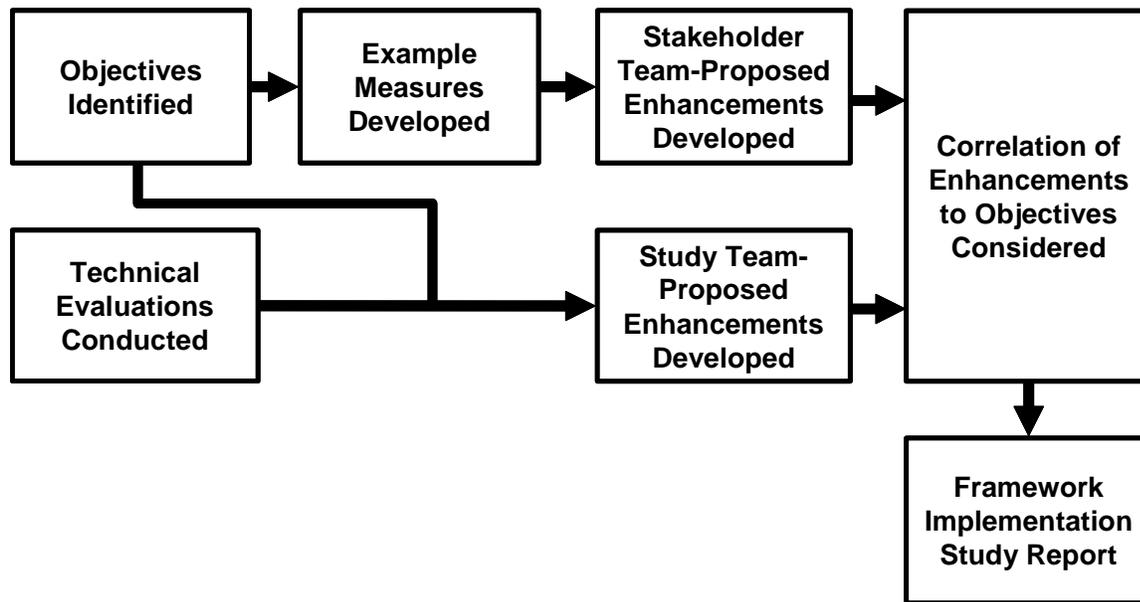
- Element I. EIP Management and Federal Agency Capability Enhancements
- Element II. Baseline Conditions of the Southern Nevada Public Land Management Act of 1998 (SNPLMA) EIP Project Nomination and Selection Process
- Element III. Program Management and General Enhancements

The process by which the study team identified, analyzed, and presented these elements involved the active participation of Federal, State, regional, and local agencies, as well as environmental and business interests from the private sector (stakeholders). In addition, several other entities were consulted, including the Coalition, the Tahoe Regional Executives Committee (TREX), and the Lake Tahoe Basin Executives Committee.

Framework Study Process

Figure ES-1 shows the Framework Study process that contributed to development of Elements I and III. The process included a two-track approach that resulted in the development of proposed enhancements. All enhancements began with stakeholders and the study team identifying a series of objectives, which were based on goals – rather than problems – necessary to achieve basin-wide, programmatic Federal EIP implementation. Stakeholders, with study team assistance, then developed example measures that would meet the identified objectives. These measures served as a foundation for development of stakeholder team enhancements – as expressed in Element I – for consideration by Congress.

Figure ES-1. Framework Study Process Overview

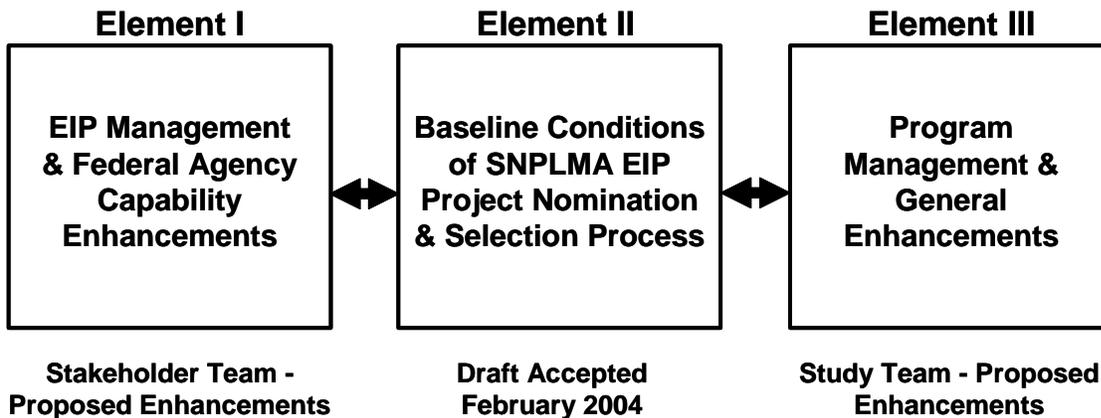


The second track of the process was completed by the study team and initiated four technical evaluations. These technical evaluations were intended to provide information to justify and supplement the existing environmental threshold standards used in the Lake Tahoe Basin (Tahoe Basin) for EIP management and priorities. Based on the technical evaluations and the stakeholder objectives, the study team then developed program management and other general enhancements – as expressed in Element III – for consideration by Congress and Federal agency management.

Comprehensive Federal EIP Program

While Elements I and III include enhancements specific to individual agencies or current Tahoe Basin management practices, Element II represents the SNPLMA EIP Project Nomination and Selection Process required by a recent amendment to SNPLMA. The amendment spurred the identification and development of many enhancements included in Elements I and III. Through these enhancements, stakeholders and the study team believe that Federal agencies would have the mechanisms and resources necessary to begin to realize the objectives developed during the Framework Study and opportunities provided by the SNPLMA amendment. The three elements and their enhancements are shown in Figure ES-2 and summarized below.

FIGURE ES-2. Overview of the Elements of a Comprehensive Framework



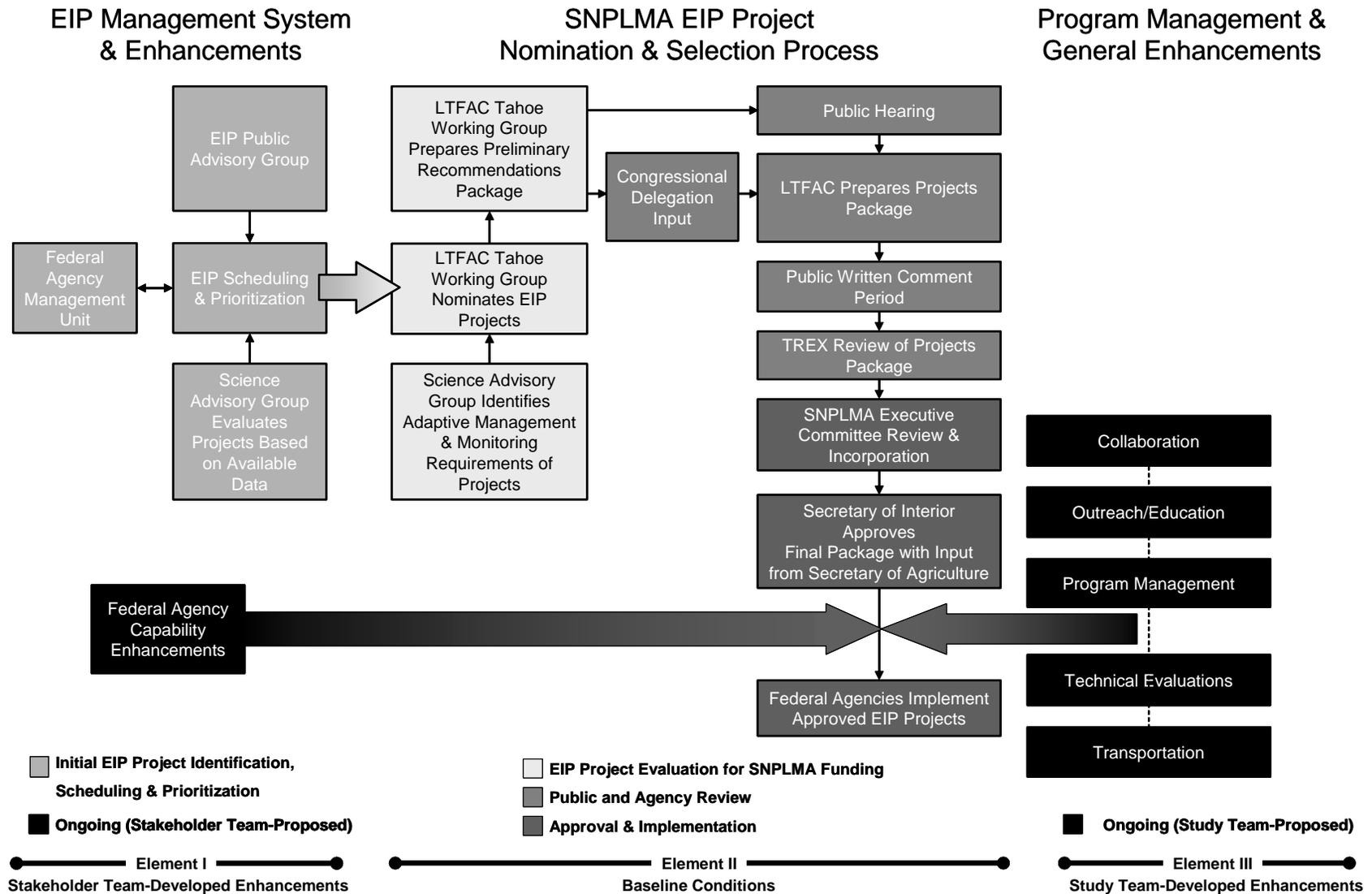
Element II - Baseline Conditions - SNPLMA EIP Project Nomination and Selection Process

Congressional authorization of the SNPLMA amendment provided about \$37.5 million per year – until a maximum of \$300 million is approved – of new, reliable, and dedicated funding to the Tahoe Basin for Federal EIP implementation. In approving the amendment, Congress required development of an implementation process to be formally accepted by the SNPLMA Executive Committee. This requirement created a new baseline for how basin-specific projects are identified, funded, and monitored.

This baseline was established when stakeholders – through multiple meetings supported by the Framework Study – developed a draft implementation agreement as required by the amendment. Participants in the development of the draft agreement included Federal, state, regional, private, and public stakeholders. These included the Corps, U.S. Forest Service, U.S. Environmental Protection Agency, Nevada Division of State Lands, California Tahoe Conservancy, Lake Tahoe Federal Advisory Committee (LTFAC), Tahoe Regional Planning Agency (TRPA), and the Desert Research Institute. The agreement is a Federal, state, and local partnership whereby Federal EIP projects in the Tahoe Basin are identified, nominated, and selected.

The process is supported by the Lake Tahoe Science Advisory Group through evaluation of projects based on available data. The process also includes multiple opportunities for public participation. Figure ES-3 shows the proposed EIP Management System and Enhancements, SNPLMA EIP Project Nomination and Selection Process, and Program Management and General Enhancements (Elements I, II, and III, respectively).

Figure ES-3. Comprehensive Framework for Federal EIP Implementation



Elements I and III Proposed Enhancements

Currently, a number of agency programs do not have the capability to take full advantage of SNPLMA. To realize the full potential of the SNPLMA Amendment and to remove historical impediments to basin-wide EIP implementation, the stakeholder team developed a series of program clarifications and enhancements to the missions, mandates, and authorities of Federal agencies operating in the Tahoe Basin. As a result, some enhancements focus on maximizing the potential of the SNPLMA Amendment by providing implementing agencies the flexibility to use the new funding in ways that their current programs may not allow (for example, grants). Other enhancements focus on allowing agencies to perform their responsibilities in the Tahoe Basin more effectively in order to complement the SNPLMA funding. Enhancements as they relate to Elements I and III include:

Element I. Stakeholder Team EIP Management and Federal Agency Capability Enhancements

- Federal Agency EIP Management Unit (FAMU)
 - Establishment of the FAMU is essential in order to meet the objectives and basic implementing measures that key Federal agencies agreed to as part of the Framework Study. The FAMU, a management system, is designed to organize, prioritize, and schedule all Federal agencies' EIP projects based on a variety of factors including agency capacities and authorities, as well as potential opportunities to consolidate similar projects. One of the principal goals of the FAMU is to ensure that projects nominated in the SNPLMA process for the Tahoe Basin have been thoroughly analyzed and prioritized prior to consideration. The FAMU would be operated as a partnership among TRPA and Federal agencies wishing to participate in implementing EIP projects in the Tahoe Basin.
- Federal Agency Capability Enhancements
 - Developed by the stakeholder team, the Federal Agency Capability Enhancements are legislative improvements that would help realize (1) objectives developed during the Framework Study process and (2) opportunities provided by SNPLMA. The Coalition and its public partners believe these enhancements would benefit EIP implementation.

Element III. Study Team Program Management and General Enhancements

- Program Management and General Enhancements
 - Developed by the study team, these enhancements focus on program management and other issues as they relate to collaboration, outreach/education, and transportation, as well as enhancements related to technical evaluations conducted by the Corps.

Report Conclusions

Continued Development of the Comprehensive Framework Program

While recognizing the constraints of the study, the study team concluded that in order to develop a comprehensive framework (that is, integrating Elements I, II, and III), additional future considerations are necessary.

The focus of these considerations should be to identify and analyze the potential implications of implementing a comprehensive framework program and presenting the results in a programmatic or comprehensive document. Specifically, the intended and unintended consequences of implementing Elements I and III (for example, identifying effects on existing non-Federal programs or State agencies) and programmatic environmental effects should be fully considered. Further, the manner in which implementation of Elements I and III would interrelate to and be affected by Element II should be considered carefully.

A focus on continued development of the infrastructure and processes of a comprehensive framework will:

- Capitalize on the momentum generated during the Framework Study and the stakeholders' activities.
- Result in consistent progress toward improvement of water quality in Lake Tahoe.
- Assist in the attainment of the Environmental Threshold Carrying Capacities used to measure environmental improvement in the Tahoe Basin.
- Allow for efficient use of Federal agency resources (including staff resources and SNPLMA funding).

Implementing Successful Change

Development of the infrastructure and processes needed to support a comprehensive framework is critical to the ongoing success in the Tahoe Basin. Ongoing assessment of the effects of implementing Elements I and III, as well as interrelating all elements, will likely reveal additional processes and infrastructure needed to address the complex and evolving needs of the Tahoe Basin. Some of these include:

- Development of the agency policies and processes surrounding implementation.
- Definition of roles and responsibilities of entities involved.
- Definition of coordination and communication strategies for entities directly and indirectly involved.
- Definition of a structure to ensure accountability.
- Definition of public participation in the processes.
- Definition of staffing and funding requirements.

The success of the enhancements will require that the implementing agencies have the flexibility to respond to these evolving needs while being sensitive to other Tahoe Basin processes and programs. The existing stakeholder collaboration and congressional interest currently create an environment for implementing successful change in the Tahoe Basin.

1.0 THE LAKE TAHOE BASIN FRAMEWORK STUDY

1.1 Purpose of the Framework Study

The Lake Tahoe Basin Framework Implementation Study (Framework Study) and this resulting Lake Tahoe Basin Framework Implementation Study Report (Framework Report) are intended to provide decision makers (that is, Congress and Federal agency management) with the information necessary to determine logical changes to the current operating processes of Federal agencies working in the Lake Tahoe Basin (Tahoe Basin) (see Figure 1). The framework of activities developed as a part of the Framework Study and detailed in this Framework Report are intended to improve efficiencies and effectiveness of Federal implementation of the existing Tahoe Basin environmental restoration program, the Environmental Improvement Program (EIP).

In June 2003, Senators Harry Reid (D-Nevada) and John Ensign (R-Nevada) announced efforts to amend the Southern Nevada Public Land Management Act of 1998 (SNPLMA) (Public Law (P.L.) 105-263) to direct funds to the Tahoe Basin specifically for EIP project implementation. Following this announcement, the U.S. Army Corps of Engineers study team recognized that the changes resulting from the amendment effort needed to be incorporated into the Framework Study. As a result, the purpose of the Framework Study was adjusted to include development of (1) implementation processes required by SNPLMA, and (2) enhancements to current processes and activities in the Tahoe Basin that would improve the likelihood of successful EIP implementation.

The Framework Study featured active participation by local, regional, state, and Federal agencies along with environmental and business interests from the private sector (collectively, "stakeholders"). In addition, a number of organizing entities were consulted, such as the Lake Tahoe Federal Advisory Committee (LTFAC), Lake Tahoe Transportation and Water Quality Coalition (Coalition), the Tahoe Regional Executives Committee (TRES), and the Lake Tahoe Basin Executives Committee (LTBEC). (See Appendix C for a discussion of the mission of these entities.)

The study team, with assistance from the Coalition and its invited participants (hereinafter "stakeholder team") worked to complete the Framework Study. The study resulted in (1) identification of opportunities for improvement in the Tahoe Basin, (2) development of the EIP Project Nomination and Selection Process in accordance with the SNPLMA, (3) development of stakeholder team-proposed enhancements to present processes and activities that would insure productive use of approximately \$37.5 million per year up to a maximum of \$300 million approved to Federal Tahoe Basin agencies through SNPLMA for EIP implementation, (4) development of study team-proposed enhancements, and (5) identification of future considerations necessary to continue development of a comprehensive framework for successful Federal EIP implementation.

Figure 1. Tahoe Basin Location Map



Source: Caltrans 2003

1.2 Background

Many reports have been prepared addressing the challenges of working within the Tahoe Basin which suggests that changes must be made and new strategies implemented to ensure that implementation of environmental restoration projects is effective and efficient. As early as the 1974 U.S. Environmental Protection Agency's (USEPA) Lake Tahoe Study (1974 Study), changes in Federal policy in the Tahoe Basin were being proposed. More recently, in 2001, the Threshold Evaluation Report, completed by the Tahoe Regional Planning Agency (TRPA), once again identified the inefficiencies of existing EIP implementation and stated as one of its strategies to "ensure resources coming into the [Tahoe] Basin are being used effectively and efficiently for EIP projects."

Even with these recommendations, the "environment" at that time was not right for change. In 2003 and in early 2004, a combination of congressional interest (see Appendix A, Pertinent Framework Study Correspondence), local involvement, and new legislation that provides consistent funding for the Tahoe Basin (SNPLMA Amendment (P.L. 108-108), text provided in Appendix B) has created a unique opportunity. With this combination of interest and activity, the opportunity to develop the solutions necessary to move beyond recognition of problems in the Tahoe Basin to improving implementation and management of the EIP is now reasonably attainable.

1.3 Authorizing Language

The Framework Study was authorized in 2001 by the 2002 Energy and Water Development Appropriations Act (P.L. 107-66). The Act stated . . . "the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a comprehensive watershed study at full Federal expense to provide a framework for implementing activities to improve the environmental quality of the Tahoe Basin and the Secretary shall submit a feasibility level report within 30 months of the enactment of this Act." Under this direction, the Corps initiated the Framework Study.

1.4 Considerations

Upon initiating the Framework Study, the study team realized the long history of work in the Tahoe Basin. This work included completion of studies and reports; implementation of legislative, regulatory, and process initiatives; and development of strong local coalitions in a collaborative environment. As a result, the study team approached the Framework Study with several considerations in mind. These considerations are presented below.

1.4.1 Watershed Approach

As awareness of environmental issues has grown, agencies have initiated a watershed approach for natural resource management and restoration studies and efforts. As a result, the Framework Study was conducted with consideration of the entire Tahoe Basin watershed—that is, the study team considered the entire watershed when proposing enhancements for implementation. The goal of each proposed enhancement is to ultimately provide a positive effect on the overall health of the Tahoe Basin watershed.

1.4.2 Building on Previous Successes

Efforts to preserve and/or restore the Tahoe Basin environment have been on-going for many years. As a result, numerous studies have been completed, agreements formalized, laws and regulations implemented, and informal collaboration conducted. The Framework Study attempted to build on this wealth of information and previous success. Appendix C provides a detailed list of historical information considered during the Framework Study. The main components considered during the Framework Study process were as follows:

1. The Tahoe Regional Planning Compact of 1969 (1969 Compact) that created TRPA and confirmed the need for bi-state and Federal regulatory power to sustain the environmental values of the Tahoe Basin.
2. The Environmental Threshold Carrying Capacities (ETCC's) used to measure environmental success in the Tahoe Basin.
3. The EIP perceived as the mechanism for attaining environmental sustainability in the Tahoe Basin.
4. The efforts of Federal agencies to successfully implement EIP projects.
5. Development of partnerships, including the LTFAC, the Basin Executives, the Lake Tahoe Federal Interagency Partnership (Partnership), the Coalition, and their role in developing Federal implementation strategies for EIP projects.

As the study progressed, the SNPLMA Amendment was developed and passed into law. As a result, this act provided yet another opportunity to build on previous successes.

1.4.3 Respect for Work Completed Previously

The study team recognized that work already completed should not be duplicated, but that this work could be enhanced. The study team worked with local entities to determine those areas requiring additional evaluation or information that did not have an avenue for completion. This work is discussed in Section 1.5.2 and Section 4.3.5.

1.4.4 Implementation of an Open Process

The study team sought input from Tahoe Basin specialists in Federal program implementation and state, local, and regional specialists in EIP project implementation. The study team attempted to provide an open decision process based on consensus whenever possible. This Framework Report does not represent any agency position.

1.5 Framework Study Scope

After receiving congressional direction and appropriations to complete the Framework Study in October 2001, the study team engaged stakeholders to determine their primary needs with regard to implementation of the EIP. After working with stakeholders, two areas of interest were identified for the Framework Study including:

- The Federal agency process as it relates to EIP implementation.

- Technical evaluations aimed at defining baseline information needed to supplement and justify environmental threshold standards for the Tahoe Basin.

1.5.1 EIP Implementation

Stakeholders noted that the EIP is the clearinghouse for projects aimed at reversing adverse effects to the Tahoe Basin generally, and to improving the water clarity of Lake Tahoe specifically. Based on this feedback, the study team focused on Federal agency EIP project implementation recognizing that all projects aimed at improving the environmental quality eventually become a project within the EIP. Therefore, the Framework Study considered how Federal agencies could work together to improve implementation.

1.5.2 Technical Evaluations

Based on stakeholder input and their defined need for additional technical information to justify and supplement the existing environmental threshold standards, a measure that provides an indication of environmental change, for the Tahoe Basin, the Corps initiated four technical evaluations. Evaluations focused on (1) a risk evaluation and corrective action plan for shore zone wastewater lines, (2) an evaluation of the nutrient contribution from groundwater to Lake Tahoe, (3) an evaluation of the nutrient and sediment contribution from stream erosion to Lake Tahoe, and (4) an evaluation of the status of stormwater master planning in the Tahoe Basin.

In addition to these four technical evaluations, the Corps also initiated an effort to formalize the collaborative process in the Tahoe Basin. This effort focused on working with a diverse group of interested entities to determine if a collaborative process could be used to set public policy.

The four technical evaluations and the collaborative process study are more fully discussed in Section 4.0. These studies assisted the scientific and regulatory communities to more fully understand the Tahoe Basin watershed. As appropriate, outcomes from each of the studies have been used to develop study team-proposed enhancements (Element III) as described in Section 6.0.

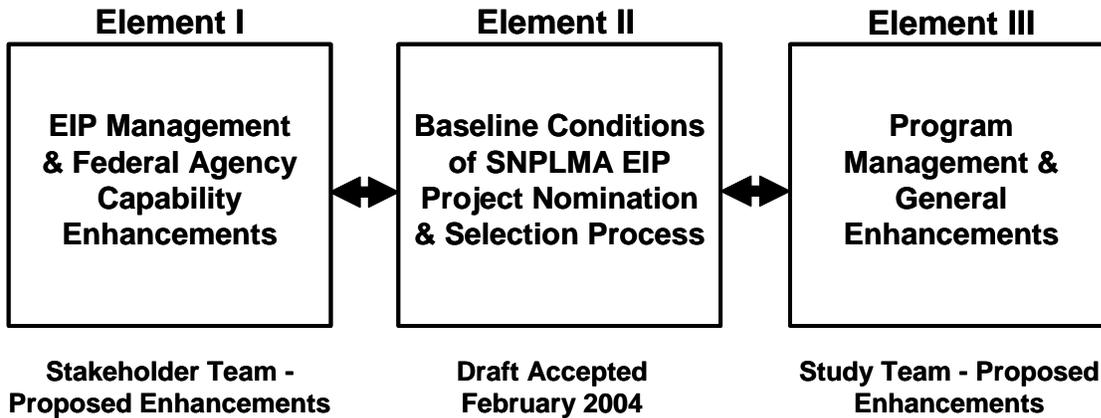
1.6 Framework Study Accomplishments

The Framework Study clarified and synthesized the reoccurring problems that have been identified in the Tahoe Basin during the past three decades and placed them in the context of today's political and social environment (Section 4.0).

The Framework Study also formalized the dialogue regarding Federal challenges of implementing and managing the EIP, opportunities to improve Tahoe Basin management and implementation practices, and identification of objectives that stakeholders envision for the future of the Tahoe Basin. The stakeholder team was able to work together, with assistance from the study team, to develop proposed enhancements to some very complex problems (Section 5.0). The study team developed additional proposed enhancements (Section 6.0). This Framework Report also introduces some future considerations necessary to continue development of a comprehensive framework for Federal EIP implementation (Section 7.0).

During the development of the Framework Study and the Framework Report, the study team realized that three distinct elements should be included in a comprehensive Federal EIP program. The three elements are presented in Figure 2 and described in the following sections.

FIGURE 2. Comprehensive Framework Elements Overview



Element II is a component of the SNPLMA Amendment and as such is considered the baseline conditions for the Framework Study (see Section 3.0). Elements I and III were developed based on Framework Study efforts and stakeholder team- and study team-proposed enhancements as described in Sections 5.0 and 6.0.

The Framework Report sets the stage for future environmental success in the Tahoe Basin. It should be recognized that this report only presents a framework. The enhancements to current processes and activities proposed in this report were generated within the schedule and budget constraints of the Framework Study. As such, the breadth and depth of each proposed enhancement varies from agency to agency and concept to concept. Similarly, the complexity and nature of the enhancement and related agency structure also shaped the breadth and depth of enhancement development. Consequently, future considerations for each enhancement will also vary in complexity.

Following this Framework Study, effort should continue to specifically develop the implementation requirements and guidance necessary to fully and successfully implement the proposed enhancements or Elements I and III. Future efforts will be necessary to adequately define roles, responsibilities, and authorities of Federal agencies and participating entities to ensure continued success in EIP implementation and management. These efforts are discussed in Section 7.0.

1.7 Framework Report Products

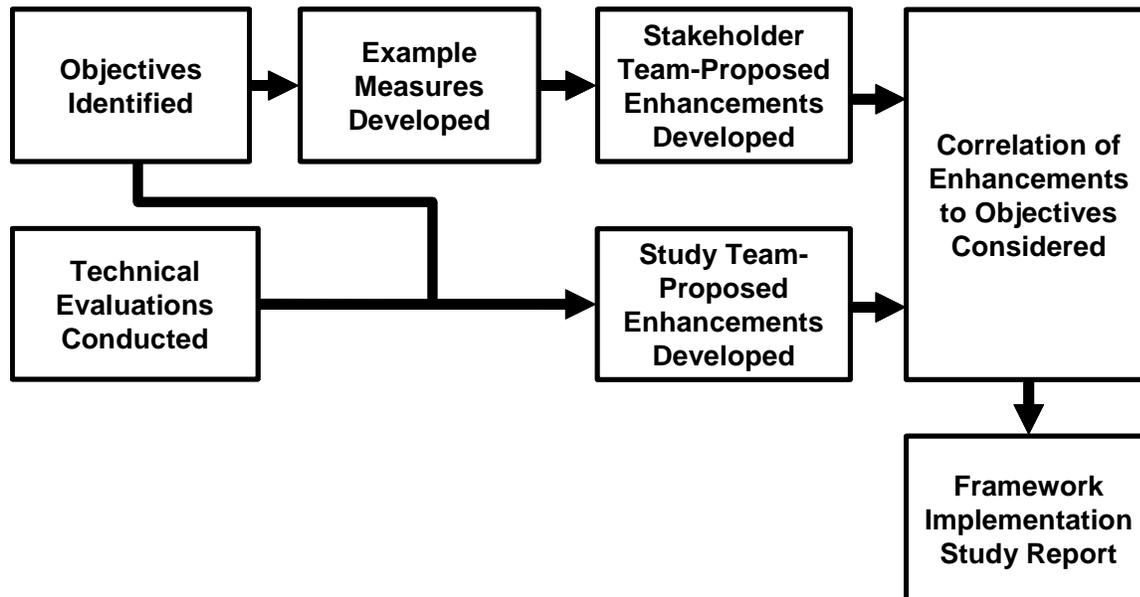
The following sections of this Framework Report provide a description of the process and outcomes of the Framework Study effort as it relates to determining opportunities for improving efficiency and effectiveness of Federal agency EIP implementation. Federal agency and stakeholder participation in the process was key to defining the opportunities and solutions to ensure more effective EIP implementation.

The Framework Study process focused on identification of problems and opportunities and developed a framework of initial steps, to valid solutions. Figure 3 presents an overview of the process. Section 2.0 of this report provides a summary of the pertinent information considered in the study process. Section 3.0 provides a description of the baseline conditions. Section 4.0 details the progression of the Framework Study, how the stakeholders were engaged, and the process used to develop proposed enhancements.

Products of this Framework Report include:

- The description of the Baseline Conditions (Element II), SNPLMA EIP Project Nomination and Selection Process (Section 3.0).
- A description of the opportunities and objectives identified as important to Tahoe Basin stakeholders (Section 4.0).
- A list of example measures that, if implemented, could facilitate achievement of the identified objectives (Section 4.0).
- The findings of technical evaluations conducted as a part of the Framework Study (Section 4.0).
- A description of stakeholder team-developed enhancements (Element I) that, if implemented, are intended to improve the potential for EIP implementation success (Section 5.0).
- A description of study team-developed enhancements (Element III) that, if implemented, are intended to improve the potential for EIP implementation success (Section 6.0).
- A list of example infrastructure and process needs that should be further considered to ensure the continued development of a comprehensive framework.

FIGURE 3. Framework Study Process Overview



2.0 PERTINENT REPORTS, ENTITIES, LEGISLATION AND ACTIVITIES

Much has been accomplished to preserve the environmental quality of the Tahoe Basin. Projects have been implemented, reports written, legislation enacted, activities initiated, and entities created—all with an aim toward improving the environmental quality of the Tahoe Basin. These successes have been the result of activities initiated as early as 1969 when the 1969 Compact was initially adopted and TRPA created.

This section provides information about reports, entities, legislation and activities pertinent to the Framework Study. Appendix C provides additional detail on these subjects.

2.1 Reports and Studies

Table 1 below summarizes the themes and issues of historical reports and studies. Several problems identified and the solutions proposed in the 1974 Study were similar to those identified during the Framework Study. These findings and potential solutions presented in the 1974 Study were considered during development of opportunities, objectives, and measures of the Framework Study.

Table 1. Historical Reports and Studies

Date	Title/Event	Parties/Authors	Themes/Issues
1974	Lake Tahoe Study	USEPA	Congress, in Section 114 of the Federal Water Pollution Control Act of 1972, directed a thorough and complete study on the adequacy of and the need for extending Federal oversight and control to preserve Lake Tahoe's resources. Additionally, the USEPA was to examine the interrelationships and responsibilities of the various agencies of the Federal, state, and local governments.
1978	Federal Policy for the Lake Tahoe Basin	Taskforce included USFS and 11 Federal agencies and departments with assistance from the States of California and Nevada and TRPA	The report provides a basis for coordinating Federal activities in the Tahoe Basin by setting forth guidelines for all agencies. Guidelines include (1) general policies of Federal agencies, (2) management of Federal land, (3) grants for planning and construction, (4) regulatory and enforcement, and (5) Federal policy implementation process.
1979	Role of the USFS and Other Federal Agencies in the Lake Tahoe Region	USFS, Region 5	The report provides a historical accounting of Federal agency activities and political processes at work in the Tahoe Basin since the early 1900's through 1979. The report discusses the hurdles faced by the agencies and by TRPA.
1979	Lake Tahoe Environmental Assessment	Western Federal Regional Council	The assessment analyzes the effect of development on the Tahoe Basin ecosystem and makes recommendations for addressing the Tahoe Basin's resulting environmental concerns. The Western Federal Regional Council recommended adoption of environmental threshold standards and associated carrying capacities in an effort to manage the environmental threats facing the Tahoe Basin.

Date	Title/Event	Parties/Authors	Themes/Issues
1980	Lake Tahoe Basin Water Quality Plan	California, TRPA	The plan restricts development of lots designated as high erosion hazard and located within SEZ's. This restricts development of approximately 12,000 parcels on steep slopes or near streams previously approved by TRPA and local government.
1981	Reaching Consensus on Environmental Thresholds and a Carrying Capacity for the Lake Tahoe Basin	Tahoe Federal Coordinating Council	Under E.O. 12247 and building on the Lake Tahoe Environmental Assessment of 1979, the report was a cooperative effort of participating agencies and the public to define Tahoe Basin values considered important.
1986	TRPA Regional Plan	TRPA	The Regional Plan is a comprehensive 20-year master planning document for the Tahoe Basin. It outlines the goals and policies that must be considered when implementing projects in the Tahoe Basin in an effort to maintain the special resources and meet environmental thresholds. The plan includes the Code of Ordinances, Goals and Policies, Water Quality Management Plan or the "208 Plan," Regional Transportation/Air Quality Plan, Plan Area Statement, Scenic Quality Improvement Plan, Capital Improvements Program, and a comprehensive monitoring program.
1988	Lake Tahoe Basin Management Unit Forest Plan	USFS	Unlike many national forest plans that emphasize resource extraction, the plan for the LTBMU emphasizes water quality protection. Additionally, the LTBMU also implements the statewide 208 Plan for forestlands.
1991	TRPA Regional Plan Update	TRPA	This plan updated the 1986 TRPA Regional Plan.
1994	Water Quality Control Plan for the Lahontan Region	Lahontan RWQCB	The Lahontan Basin Plan is the basis for the Lahontan RWQCB's regulatory program. It sets forth water quality standards for the surface and ground waters of the region (including Lake Tahoe), which include both designated beneficial uses of water and the narrative and numerical objectives that must be maintained or attained to protect those uses.
1998	Focused Action Plan – EIP	TRPA	The Focused Action Plan for the EIP is a compilation of implementation requirements for Basin efforts. It includes summaries and proposed schedules for projects, Tahoe program elements, studies, regulatory amendments, and funding requirements needed to realize threshold attainment.
2000	Evolution of Collaboration	TRPA	This report is a case study that evaluates the watershed management efforts used in the Tahoe Basin against criteria provided by the National Academy of Public Administration. The study considers the environmental and political history of the Tahoe Basin, TRPA development, implementation of the regional plan, and the collaborative efforts that occurred as a result.

Date	Title/Event	Parties/Authors	Themes/Issues
2001	Lake Tahoe Watershed Assessment Report	USFS Pacific Southwest Research Station	This report provides a thorough assessment of the Lake Tahoe watershed including human land use and environmental conditions; air quality; aquatic resources, water quality, and limnology; biological integrity; social, economic, and institutional assessment; and adaptive management strategy elements.
2001	Evaluation of Constraints Affecting Implementation of the EIP	Corps in cooperation with TRPA	The report identifies the institutional, technical, and social constraints to effective EIP implementation. It provides suggested alternatives for successful implementation.
2002	2001 Threshold Evaluation	Prepared by TRPA	The report presents TRPA's threshold attainment findings, makes analytical and corrective recommendations, and sets TRPA direction for the remainder of the 1987 Regional Plan and the future of the 2007 Regional Plan.
2002	Report to the Federal Interagency Partnership: Best Practices in Collaboration and Group Process Design	Prepared for the Pathway 2007 Team by Harriet Goldman & Associates	The report considers the collaborative processes of the Tahoe Basin as compared to a model of best practices as defined by many practicing facilitators in the world. It provides an accounting of the major strengths and weaknesses of the Tahoe Basin process.
2003	Stakeholder Belief Change in the Lake Tahoe Basin	Prepared for USFS Pacific Southwest Research Station by the UC Davis Center for Environmental Conflict Analysis	This report considers changes in stakeholder positions from 1970 to 2001 through analysis of four surveys completed by Tahoe Basin policy participants in 1970, 1984, 1990, and 2001.
2003	Program Management and Coordination Plan for the EIP	Prepared for Basin Executives, sponsored by Corps, CTC, TRPA, and USFS	The plan provides recommendations on program management and coordination alternatives to effectively implement the EIP.
Ongoing	LTBEC Annual and Mid-Year Progress Reports	LTBEC for the Partnership	As directed by the Federal Interagency Partnership Agreement, a mid-year and annual progress report is provided to Congress. The progress reports summarize current activities and future goals of the Partnership.

Both from a historical and contemporary perspective, the 1974 Study successfully captures a broad and still relevant set of critical issues. Table 2 summarizes those findings relevant to the Framework Study. Appendix C provides a more detailed summary of the 1974 Study.

Table 2. Findings of the 1974 USEPA Lake Tahoe Study

Problem Area	Proposed Findings
Federal Policy	Federal agencies in the Tahoe Basin are each implementing individual policies. Reconsider dissimilar policies to provide a cohesive statement of Federal policy for the Tahoe Basin.
	Designate the Tahoe Basin as an area of national significance.
	Define "coordination" as it relates to both process and results for Federal and non-Federal programs.
	Strengthen link between Federal agencies and TRPA. Possible structural fixes include increasing coordination by creating either a Federal Coordinators Committee or a Tahoe Executive Committee, or establishing a Federal Administrator.
Erosion and Sedimentation Control	Jointly establish source control measures with TRPA and Lahontan RWQCB.
	Ensure inspection and enforcement is fully funded.
	Create a program, including memorandum of understanding among Federal, regional, state, and local entities, which considers both land use and waste discharge controls.
	Provide research and demonstration grants to develop and demonstrate source control mechanisms.
	Determine appropriate Federal funding sources and authorization vehicles as required.
Transportation	Determine appropriate Federal funding sources and authorization vehicles as required.
Regulation of Private Development	Strengthen link between Federal agencies and TRPA. Possible structural fixes include increasing coordination by either creating a Federal Coordinators Committee or a Tahoe Executive Committee, or establishing a Federal Administrator.
	Fully fund the NRCS and resource conservation districts to provide technical assistance to private landowners.
Public Participation	Maximize public participation in the Federal decision process.

2.2 Tahoe Basin Agencies and Entities

Many entities have been involved in efforts to improve the environmental quality of the Tahoe Basin. Several Federal, state, and local agencies, as well as local entities, are key to the success of ongoing efforts and have the capability to bring about change. These influential entities are presented in Table 3 along with their missions and mandates. Appendix C, Historical Conditions, provides a more comprehensive accounting of the entities involved in Tahoe Basin activities.

Table 3. Influential Tahoe Basin Agencies and Entities

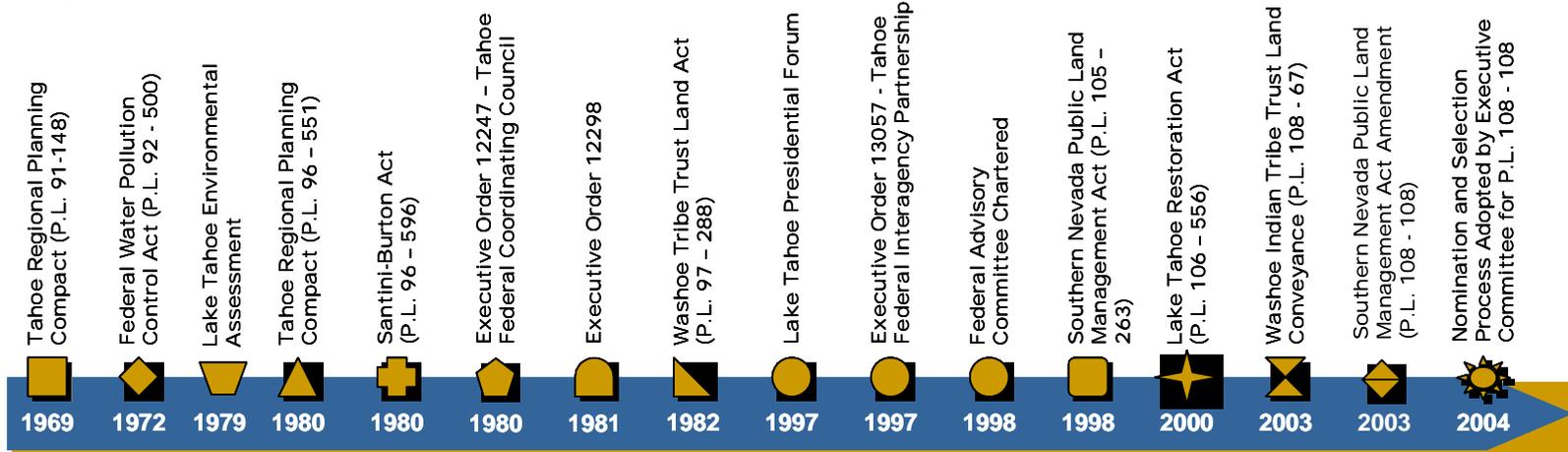
Agency	Mission/Mandate
Federal	
Corps	To provide quality, responsive engineering services to the nation including planning, designing, building and operating water resources and other civil works projects (navigation, flood control, ecosystem restoration, and watershed planning); designing and managing the construction of military facilities for the U.S. Army and U.S. Air Force (military construction); and providing design and construction management support for other defense and Federal agencies (interagency and international services).
FHWA	To create the best transportation system in the world for the American people through proactive leadership, innovation, and excellence in service.
FTA	Improve public transportation for communities in the United States.
Reclamation	To manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the public.
USDOT	To serve the United States by ensuring a fast, safe, efficient, accessible, and convenient transportation system that meets vital National interests and enhances the quality of life, today and into the future.
USEPA	To protect human health and to safeguard the natural environment — air, water, and land — upon which life depends.
USFS	To sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations.
Tribal	
Washoe Tribe	To preserve the Lake Tahoe region and work toward secure access to native property and sites around the Tahoe lakeshore.
Regional	
Lahontan RWQCB	To preserve, enhance, and restore the quality of California’s water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.
TRPA	To oversee land use planning and manage or regulate the associated environmental effects; maintain environmental standards, issue permits, enforce regulations, oversee attaining Federal water and air quality standards; and ensure attainment of environmental thresholds.
State	
CTC	To develop and implement programs through acquisitions and site improvements to improve Lake Tahoe water quality; preserve the scenic beauty and recreational opportunities of the region; provide public access; preserve wildlife habitat areas; and manage and restore lands to protect the natural environment.
Nevada Division of State Lands	To implement Nevada’s share of the EIP; coordinate and implement a wide range of projects designed to improve water quality, control erosion, and restore natural watercourses; improve forest health and wildlife habitat; and provide recreational opportunities.
Non-Government/Non-Profit Organization	
Coalition	To focus on issues related to Tahoe Basin transportation and water quality.
The League	To build public support, bring science and politics together, build consensus among the varied interest groups around protecting and restoring Lake Tahoe, and act as the advocate for sensible development in the Tahoe Basin.
NLTRA	To promote, enhance, reinvigorate, coordinate, and direct tourism for the economic betterment of the North Lake Tahoe Region.

2.3 Historical Legislation and Activities

Figure 4 provides a timeline of key legislation and activities aimed at protecting the Tahoe Basin during the past 30 years. The timeline provides a visual representation and validates the historical effort extended to improve the environmental quality of the Tahoe Basin. Further, this timeline places today's efforts, in particular the SNPLMA Amendment, in context with past accomplishments. The SNPLMA Amendment represents the next significant step towards environmental quality improvement. Appendix C provides more specific information pertaining to these historical legislation and activities.

Figure 4. Pertinent Tahoe Basin Legislative Actions

Legislative Act and Activities



Result

-  Congress passes the 1969 Tahoe Regional Planning Compact creating the Tahoe Regional Planning Agency.
-  Federal Water Pollution Control Act directs USEPA to study adequacy of, and need for, extending Federal oversight to preserve fragile ecology of Lake Tahoe.
-  Western Federal Regional Council prepares the Lake Tahoe Environmental Assessment, establishing key aspects of the existing management framework of the Tahoe Basin.
-  The 1969 Tahoe Regional Planning Compact is amended and signed into law, changes composition of the Lake Tahoe Regional Planning Agency governing board, mandates a regional plan, and adopts environmental thresholds.
-  Directs a portion of funds from Federal land sales in southern Nevada to be used to purchase sensitive land in the Tahoe Basin.
-  Creates the Tahoe Federal Coordinating Council to ensure that Federal agency actions protect Tahoe Basin resources.
-  Revokes Executive Order 12247 and terminates the Tahoe Federal Coordinating Council.
-  Declares land be held in trust for the Washoe Tribe.
-  President convenes environmental summit at Lake Tahoe focusing on water quality, forest restoration, restoration, recreation, tourism, and transportation.
-  Creates the Tahoe Federal Interagency Partnership to ensure Federal agency actions protect the extraordinary resources of the Tahoe Basin.
-  Secretary of Agriculture charters 20-member Lake Tahoe Basin Federal Advisory Committee to represent regional, state, local, and natural interests.
-  Provides for disposal of public land in the vicinity of Las Vegas Valley and creates a special account for revenue generated.
-  Directs USFS to prepare a priority projects list in cooperation with stakeholders, increases USFS granting capability, and authorizes Federal expenditures of up to \$300 million to fund 10-year, \$908 million Environmental Improvement Program at Lake Tahoe.
-  Directs Secretary of Agriculture to convey 24 acres within Tahoe Basin to the Secretary of Interior to be held in trust for the Washoe Tribe.
-  Amends the Southern Nevada Public Land Management Act to provide dedicated funding for Federal Environmental Improvement Program project implementation.
-  Defines Tahoe Basin-specific Nomination and Selection Process for P.L. 108-108 funded projects.

3.0 BASELINE CONDITIONS – ELEMENT II

During the course of preparing the Framework Study, new legislation was drafted and became public law: the SNPLMA was amended and included in the U.S. Department of Interior Appropriations Act (P.L. 108-108). The amendment provides approximately \$37.5 million per year up to a total allocation of \$300 million for EIP project planning and implementation. The SNPLMA Amendment is included in Appendix B.

As a result of this development, the study team recognized the importance of incorporating the SNPLMA Amendment into the Framework Study, specifically the implementation agreement. An implementation agreement is a requirement of SNPLMA that defines the manner in which SNPLMA will be carried out and funds distributed in the Tahoe Basin. SNPLMA requires that the implementation agreement be in place prior to distribution of funds. For the Tahoe Basin, the implementation agreement is fulfilled by the stakeholder team-developed (assisted by the Study Team) nomination and selection process (see Appendix D). Products developed by the study team were beneficial in the stakeholder team's efforts to develop the nomination and selection process. SNPLMA, as it pertains to the Tahoe Basin, is described below.

3.1 Southern Nevada Public Land Management Act (SNPLMA)

SNPLMA was first introduced in 1998 (P.L. 105-263) and allowed the Secretary of the Interior to dispose of public land, via sale or transfer, in a specified area near Las Vegas, Nevada. One component of the authorization allows a portion of the funds generated from these sales to be used to acquire environmentally sensitive land in Nevada. Local governments and the U.S. Forest Service (USFS) took advantage of these funds to purchase property in Nevada.

3.2 SNPLMA Amendments

SNPLMA was first amended in 2002 (P.L. 107-282) to clarify that the Secretary of Agriculture had jurisdiction for land sales/transfers/purchases of national forest system land and the Secretary of the Interior had jurisdiction for other land. This amendment was important for the Tahoe Basin because the primary landowner and purchaser in the Tahoe Basin is the USFS. The USFS is under the jurisdiction of the Secretary of Agriculture.

The most recent SNPLMA Amendment (P.L. 108-108) is significant for the Tahoe Basin. The recent amendment, included in the Department of Interior Appropriations Act of 2003, allows up to \$37.5 million per year until \$300 million has been allocated to be used for restoration projects in the Tahoe Basin. The amendment provides for a portion of these funds to be used for capital costs authorized by the Lake Tahoe Restoration Act, Federal projects in the EIP, and erosion control grants to local governments.

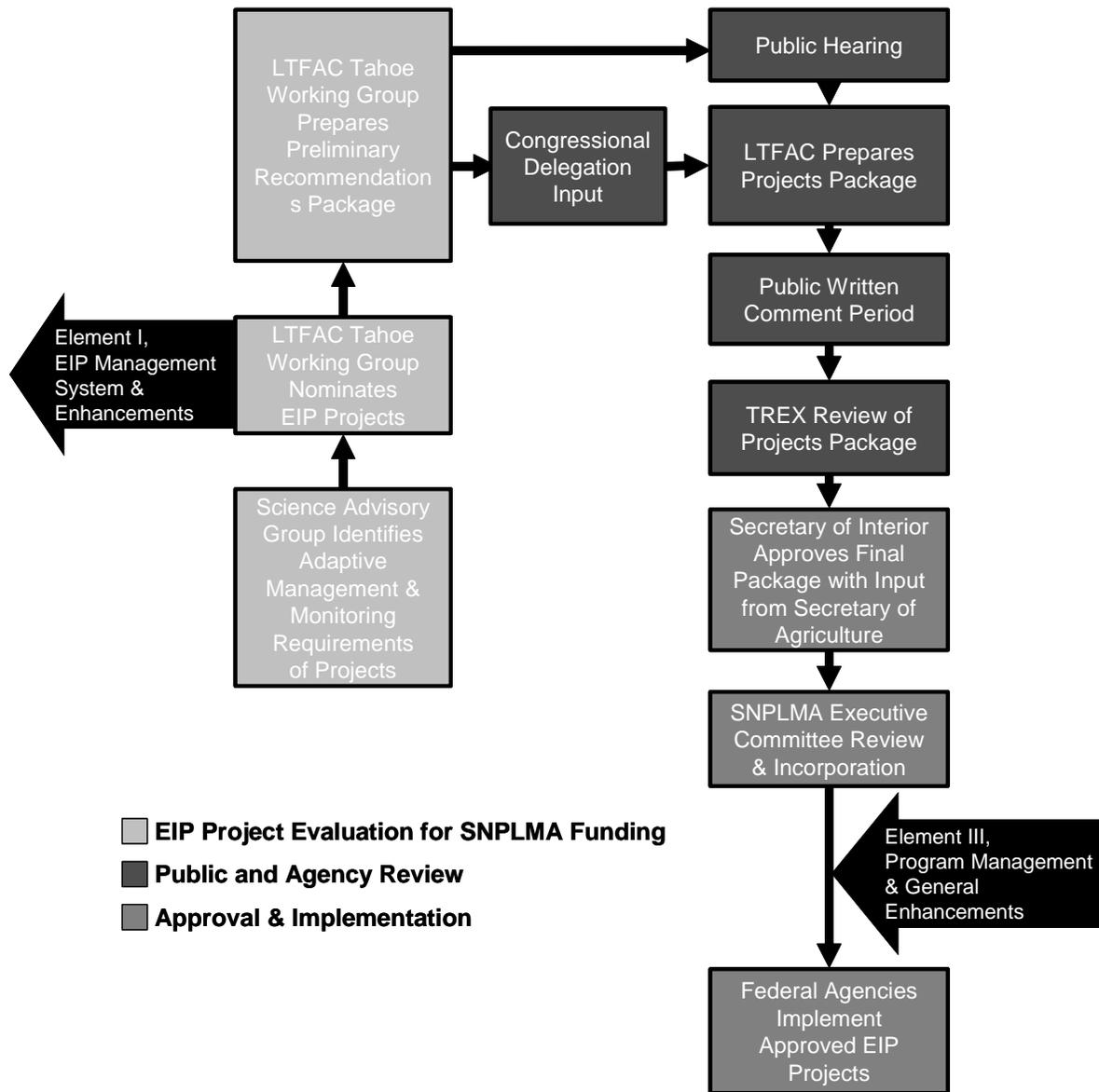
The amendment (P.L. 108-108) requires that these funds be spent in accordance with an amendment to the "implementation agreement" as defined in the 1998 act (P.L. 105-263). The one requirement specified in the amendment (P.L. 108-108) is that the modified implementation agreement must ensure that appropriate interested entities from Nevada and California are able to participate in the process to recommend projects for funding.

3.3 SNPLMA Amendment Implementation Agreement - EIP Project Nomination and Selection Process

Realizing how integral implementation of the SNPLMA Amendment would be to successful EIP project completion, the Corps engaged in the development of the implementation agreement; specifically, development of the SNPLMA nomination and selection process for EIP projects with a Federal responsibility. The process of conducting the Framework Study had already provided the momentum for stakeholders to work together toward a common end. The collaborative working environment established during the Framework Study was adopted and used by the stakeholder team with assistance from the study team to develop the project nomination and selection process for the SNPLMA Amendment.

The Coalition and the study team—through multiple meetings—supported by the stakeholder team, the congressional delegation, and the primarily affected local stakeholders (Nevada Division of State Lands, California Tahoe Conservancy (CTC), LTFAC, TRPA, USFS, USEPA, Corps, and the Desert Research Institute) worked to ensure a satisfactory locally developed process. A flowchart that summarizes the SNPLMA EIP Project Nomination and Selection Process is provided in Figure 5. The full text of this process as developed by the stakeholder team is included in Appendix D. The SNPLMA Executive Committee accepted the draft Tahoe-specific nomination and selection process in February 2004.

Figure 5. SNPLMA EIP Project Nomination & Selection Process



4.0 STUDY PROCESS

Congressional authorization of the Framework Study created an opportunity for Federal agencies acting in the Tahoe Basin and public and private interested entities to propose legislative changes to improve the efficiency and effectiveness of EIP implementation. The Framework Study provided the means to examine the Federal agency processes and systems currently in place and to propose enhancements to promote efficiencies and effectiveness, as appropriate. The Framework Study also provided a forum for Federal agency staff within the Tahoe Basin to suggest enhancements that could directly affect their capabilities to participate in EIP implementation. Stakeholders were also able to provide input regarding Federal agency activities in the Tahoe Basin. The Framework Study allowed stakeholders to:

- Use their experience and lessons learned to identify and provide opportunities to increase efficiency in implementing EIP projects in the Tahoe Basin.
- Participate with other stakeholders in discussions concerning implementation of EIP projects and opportunities to leverage resources.
- Take advantage of current congressional interest and the need for information to guide future Federal assistance for the Tahoe Basin.
- Use the mechanisms and processes developed for the Framework Study as a template for SNPLMA EIP project nomination and selection process development.
- Begin discussions regarding Federal agency EIP management among Federal agencies and stakeholders to develop concepts for improvement.

This section details the process and outcomes of work completed by stakeholders in their effort to consider opportunities and enhancements to the EIP processes. Figure 6 provides a graphical representation of the study process.

4.1 Identification of Opportunities and Objectives

In order to define the needs of the Tahoe Basin stakeholders as they relate to EIP implementation, the study team considered historical documentation (as noted in Section 2.0) and engaged Federal agency staff currently working in the Tahoe Basin as well as various local interested entities. Engaging Federal agency staff allowed a more comprehensive consideration of the opportunities.

To determine potential opportunities, the study team queried Federal agency staff and stakeholders regarding challenges or hurdles experienced when undertaking implementation of EIP projects. A comprehensive list of challenges was developed. Several of the challenges had been identified in earlier reports. Twenty-seven challenges were initially identified and redefined as "opportunity statements" for EIP implementation based on past experiences and stakeholders' perspectives. These opportunity statements reflect the vision of stakeholders for successful implementation of the EIP. The opportunity statements suggest concepts to improve efficiency and effectiveness of EIP implementation. The opportunity statements were categorized and then consolidated into five primary statements. These opportunity statements were then revised based on review comments from stakeholders. Appendix E provides a timeline of the Framework Study process. Table 4 below presents the five primary opportunity statements for EIP implementation as developed by stakeholders with assistance from the study team.

FIGURE 6. Framework Study Process

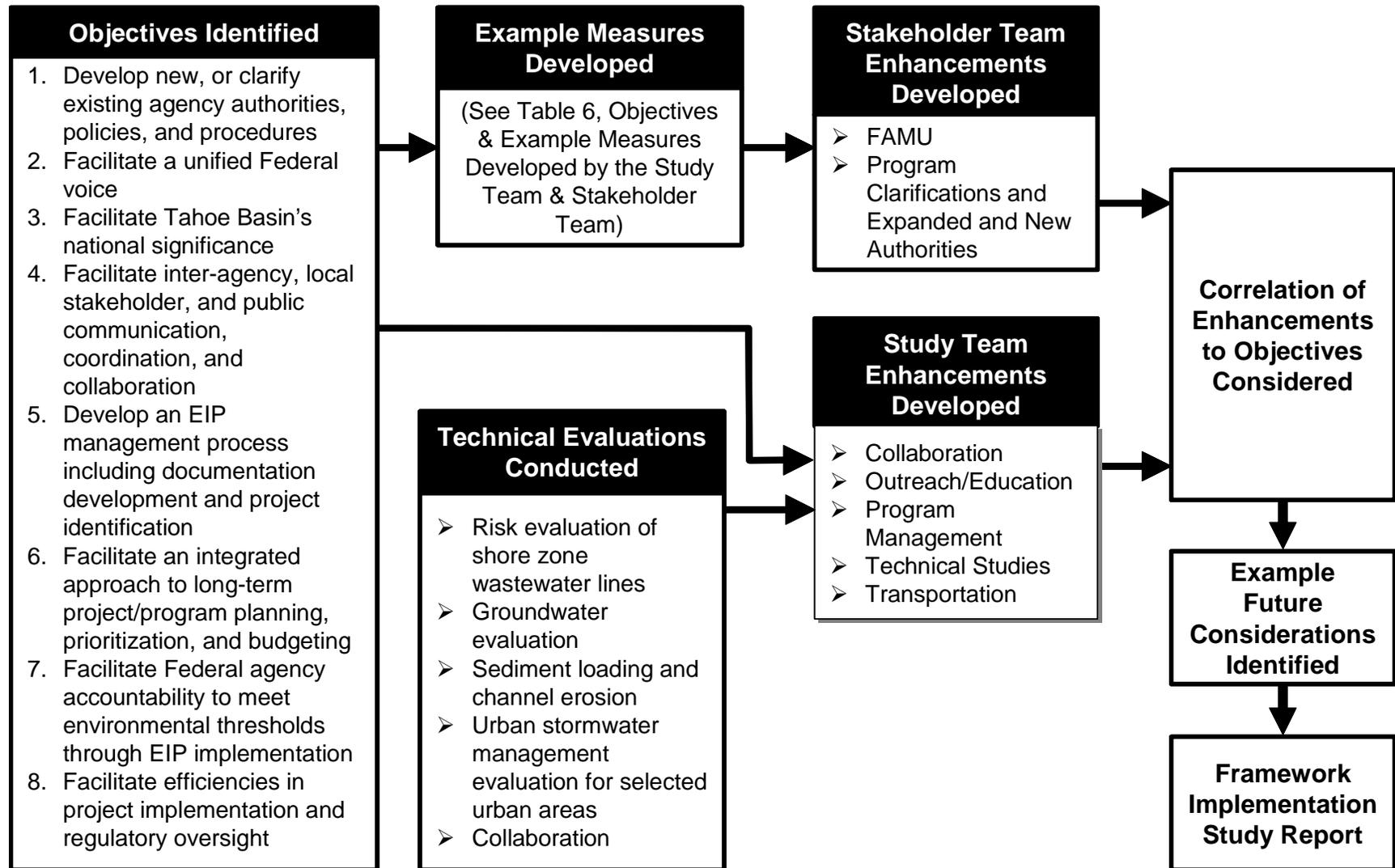


Table 4. EIP Implementation Opportunity Statements

Category	Opportunity Statements
Legislative Authority	Changes to, and clarification of, agencies' existing authorities, or new authorities, could create new avenues for completion of EIP projects. Authority changes and clarifications would provide agencies greater flexibility to manage the unique resources of the Tahoe Basin independent of national agency mandates and missions.
Communication/Coordination	Improvements to communication and coordination between and among involved agencies and stakeholders would develop efficiencies in process and generate greater trust, thereby encouraging more efficient implementation of EIP projects.
Funding	Modifications to, and increased understanding of, how funds are provided for Tahoe Basin activities could allow coordinated long-term planning and programming of the EIP. Opportunity also exists for Federal, state, or local legislative changes to ensure allocation of existing funds or additional funds for Tahoe Basin projects.
Agency Process/Policy	Changes to, and increased understanding of, existing agency processes and policies could create opportunities for partnering and cost sharing to improve the efficiency and effective implementation of EIP projects. Changes would not require legislative action, but rather internal agency action.
Regulatory/Permitting	Modifications to, and increased understanding of, regulatory and permitting processes could create increased efficiency and effectiveness in EIP project implementation. Opportunities exist to develop streamlined processes that consider the special nature of the Tahoe Basin resource and political environment.

Using these five primary opportunity statements, the study team, in cooperation with stakeholders, developed objectives that, if met, would capitalize on the opportunity to improve effectiveness and efficiency of the EIP implementation process. Initially, 20 objectives were identified. Based on feedback from agency staff and stakeholders, the study team consolidated the 20 objectives into the 8 presented in Table 5. Those objectives included in Table 5 were similarly identified in the 1974 USEPA Lake Tahoe Study.

Table 5. Objectives for Improving the EIP Implementation Process

Objectives
1. Develop new, or clarify or expand existing agency authorities, policies, and procedures to allow for greater efficient and effective EIP implementation.
2. Facilitate a unified Federal voice.
3. Facilitate Tahoe Basin's national significance.
4. Facilitate inter-agency, local stakeholder, and public communication, coordination, and collaboration.
5. Develop an EIP management process including documentation development and project identification.
6. Facilitate an integrated approach to long-term project/program planning, prioritization, and budgeting among Tahoe Basin EIP implementing agencies.
7. Facilitate Federal agency accountability to meet environmental thresholds through EIP implementation.
8. Facilitate efficiencies in project implementation and regulatory oversight.

4.2 Development of Measures

Following development of objectives, the study team and stakeholders developed specific measures to assist in achievement of each objective. The measures were developed as representative examples; that is, they were not intended to be a comprehensive listing or representative of a full range of possible measures. The study team and stakeholders intended that these measures, or others similar to them, if implemented, could lead to the potential attainment of the identified objectives—thereby capturing potential opportunities for increasing efficiency and effectiveness. The measures were revised based on continual feedback from stakeholders. Measures for which agreement did not exist were eliminated from consideration.

The example measures range from requiring significant legislative action to requiring cultural and structural changes within agencies to modifications of Tahoe Basin agency policies. Some measures would be more difficult to implement than others; the difficulty of implementing a measure does not necessarily directly relate to the benefit derived. For example, a measure that is considered easy to implement does not necessarily imply that its benefit is minimal, and conversely, a measure that may be difficult to implement does not necessarily imply that a large benefit would result.

Objectives and example measures developed by the study team and stakeholders are presented in Table 6.

4.3 Development of Enhancements

During the Framework Study, the stakeholder team realized that though a positive step for the Tahoe Basin, an infusion of Federal funding alone was not enough to achieve the stakeholders' vision as stated in the objectives for EIP project implementation (see section 4.1). There was a realization that enhancements to existing Federal processes and capabilities would be necessary to ensure the most effective use of not only SNPLMA funds, but also any other Federally appropriated funds. The stakeholder team was able to develop these enhancements with the awareness that the political environment, both locally and nationally, was primed for new concepts.

4.3.1 Three Elements of a Comprehensive Framework

As the Framework Study progressed and information was gathered from stakeholders, it became clear that a comprehensive framework consisting of three distinct elements was needed for successful EIP management and project implementation. These three elements are

- Element I - EIP Management and Agency Capability Enhancements, articulated as stakeholder team enhancements;
- Element II – Baseline Conditions, SNPLMA EIP Project Nomination and Selection Process; and
- Element III - Program Management and General Enhancements, articulated as study team enhancements.

Table 6. Objectives and Example Measures Developed by the Study Team and Stakeholders

OBJECTIVE 1: DEVELOP NEW OR CLARIFY OR EXPAND EXISTING AGENCY AUTHORITIES, POLICIES, AND PROCEDURES TO ALLOW FOR GREATER EFFICIENT AND EFFECTIVE EIP IMPLEMENTATION
U.S. Geologic Survey
Appropriation of funds to conduct research and monitoring in the Tahoe Basin.
Federal Highway Administration/Federal Transit Authority
Expanded eligibility criteria for highway/transit funds within the Tahoe Basin.
Ability to target highway/transit funds within the Tahoe Basin to specific programs or activities.
Ability to reserve portions of various highway/transit funds for the Tahoe Basin.
Ability to transfer highway/transit funds to agencies other than state Department of Transportation or transit recipients.
U.S. Army Corps of Engineers
Flexibility in cost-sharing agreement (local authority for changes) in application of the Truckee River and Tributaries, California and Nevada; Resolution by the Committee on Environment and Public Works of the United States Senate to the Tahoe Basin.
Funding, work-in-kind enhancements, and flexibility in cost-sharing agreement (local authority for changes) to the existing Lake Tahoe authority under the Watershed Management, Restoration, and Development; Section 211, WRDA 99 (amends Section 503, WRDA 96).
Funding, work-in-kind enhancements, and flexibility in cost-sharing agreement (local authority for changes) to the existing authority within the Environmental Infrastructure; Section 502, WRDA 99 (amends Section 219, WRDA 92).
Fenced funding for existing authority within rural Nevada; Section 595, WRDA 99.
Funding for existing authority within the Tribal Partnership Program; Section 203, WRDA 00.
U.S. Forest Service
Implement a “no-year budget” funding strategy.
U.S. Environmental Protection Agency
Develop grant guidance that allows Lake Tahoe specific projects to forego the competitive grant process and provide discretion to the Lake Tahoe region to give special consideration for funding.
Natural Resources Conservation Service
Develop Backyard Conservation Program improvements including additional funds to cost share with, or provide incentive payments to, private landowners.
Remove Lake Tahoe specific projects from National grants competition.
Allow Federal agency flexibility for special consideration of projects to be funded outside the competitive grant process; that is, enact an exemption for certain Federal agencies such as USEPA and NRCS.
Provide agency discretion and flexibility to fund and support Tahoe Basin priority programs and projects.
Delegate authority to enter into cost-sharing agreements to staff at regional or local level dependent on agency hierarchy.
Provide authority for cost sharing based on program goals to promote local, state, and Federal individual agency project implementation; that is, funds expended on individual agency projects could be used to meet cost-sharing requirements on other projects meeting similar program/watershed goals.

OBJECTIVE 2: FACILITATE A UNIFIED FEDERAL VOICE
Assign LTBECC the primary responsibility to plan, program, set priorities, and speak on environmental quality improvement for the Partnership to represent the Federal interest within an established protocol.
Assign a lead agency the responsibility and authority to plan, program, set priorities, and speak on environmental quality improvement with the Partnership to represent the Federal interest within agency authority.
Create a corporation with the responsibility and authority to plan, program, set priorities, fund programs and projects, and speak on environmental quality improvement in place of the Partnership interest.
OBJECTIVE 3: FACILITATE TAHOE BASIN’S NATIONAL SIGNIFICANCE
Develop various agency and/or non-agency national titles or special designations that would be meaningful to the Tahoe Basin; for example, critical watershed or national recreation area designation.
Create and fund a presidentially appointed board that reports to the Administration and Congress.
Develop LTFAC’s role in reporting to Tahoe Basin constituency and Administration regarding progress at Lake Tahoe.
Use the LTFAC in a programmatic fashion to facilitate the Tahoe Basin image and gain high-level access for advocacy efforts; for example, access to policy makers.
Create a unique environment in the Tahoe Basin by implementing innovative concepts and outreach activities that draw attention to and spur action towards the Tahoe Basin by public, agencies, legislators, and other interested parties (for example, banning two-stroke engine use on Lake Tahoe and the use of electric cars at Echo Summit).
Develop a LTFAC succession plan that eases restrictions on participation; for example, eliminates term limits.
OBJECTIVE 4: FACILITATE INTERAGENCY, LOCAL STAKEHOLDER, AND PUBLIC COMMUNICATION, COORDINATION, AND COLLABORATION
Develop interactive process to track and communicate project implementation and success.
Develop multi-agency newsletter that is locally distributed, providing outreach and project coordination opportunities, highlighting successes, and emerging issues.
Develop interactive web page for EIP agency activities to convey coordinated efforts on similar projects and projects in the same watershed to interested public.
Develop “project matching software” that allows agencies working on similar projects to coordinate and consolidate program management efforts.
Hire a Tahoe Basin community liaison to assist with permitting outreach, monitoring data network, local stakeholder outreach, and congressional outreach.
Create a Federal representative (lead agency) that provides needed technical information to the public, Congress, and the Administration.
Share National program guidance among agencies as it relates to the Tahoe Basin.
Communicate permit processes to local stakeholders via newsletters.
Include local agency representatives on multi-agency review teams to provide input within an established formal collaboration process.
Develop process for local labor interests to track and extend employment opportunities associated with the EIP program and project implementation.

OBJECTIVE 5: DEVELOP AN EIP MANAGEMENT PROCESS INCLUDING DOCUMENTATION DEVELOPMENT AND PROJECT IDENTIFICATION
Integrate and coordinate Federal efforts to implement EIP projects with state, local, and private entities.
Involve Federal agencies in creating EIP project priorities (EIP document management).
Clarify individual Federal agency roles in EIP program/project implementation.
Facilitate EIP prioritization.
Redefine the Partnership program.
Align Federal transportation efforts with EIP projects.
Avoid orphan EIP projects.
OBJECTIVE 6: FACILITATE AN INTEGRATED APPROACH TO LONG-TERM PROJECT/PROGRAM PLANNING, PRIORITIZATION, AND BUDGETING AMONG TAHOE BASIN EIP IMPLEMENTING AGENCIES
Develop an integrated agency work plan and link to a cross-cut budget plan (single budget submission reflecting all Federal agencies in the Tahoe Basin rather than individual budget submissions by each agency) based on annual, 5-, and 10-year goals.
Elicit local stakeholder and public input and support for the planning and prioritization process.
Develop screening methodology for project and program prioritization to ensure consistent prioritization throughout the Basin.
Develop individual agency-specific short-, mid-, and long-term plans for each watershed and combine into a program management process.
Hire and fund dedicated program manager and staff to set priorities and address long-term budgeting and funding issues as well as manage the grant process and assist grant applicants.
Include all Federal agencies as participants in the Lake Tahoe Restoration Act and develop “agency specific” line items within the Act; for example (1) provide a line item for Corps projects, (2) create USEPA special program management process, (3) provide a specific line item for USGS projects, and (4) provide transportation project implementation and operation and maintenance funding.
Develop multi-year funding processes allowing carry-over of funds or “no-year” funding; that is, funding based on project completion requirements and not fiscal year funding.
Fund and develop the Science Advisory Group.

OBJECTIVE 7: FACILITATE FEDERAL AGENCY ACCOUNTABILITY TO MEET ENVIRONMENTAL THRESHOLDS THROUGH EIP IMPLEMENTATION
Implement standard agency-reporting (fiscal and project/program implementation success) requirements on a National level via Congress and the Administration detailing successes toward EIP implementation and threshold attainment.
Implement standard agency-reporting (fiscal and project/program implementation success) requirements at the regional level via LTFAC detailing successes toward EIP implementation and threshold attainment.
Implement an independent peer review or multi-agency review of programs and projects that expands fiscal accountability and grant oversight beyond each agency’s internal review process and base future funding allocation on review results and successes toward EIP implementation and threshold attainment.
Amend EIP accounting and reporting guidelines to include funding for operations, maintenance, and monitoring and adaptive management.
Identify the need, responsible parties, and timelines for operations, maintenance, and monitoring in perpetuity to maintain or improve threshold attainment gains.
Establish a multi-agency review team that is responsible for budget and fiscal accountability and grant oversight ensuring EIP implementation and threshold attainment.
OBJECTIVE 8: FACILITATE EFFICIENCIES IN PROJECT IMPLEMENTATION AND REGULATORY OVERSIGHT
Evaluate other agencies streamlining efforts and make recommendations, as they relate to permitting and processes, for use in the Tahoe Basin; for example, Morro Bay Partnership Agreement and Elkhorn Slough Permitting Agreements.
Develop state/local regulatory “general permits” concept for specific types of project work within the Tahoe Basin.
Develop a Federal or state programmatic permit (Section 404, pier approval, or tree removal permit).
Develop a regulatory help desk with advisory responsibilities for all Tahoe Basin permits to promote efficient and effective program and project review and implementation.
Create a multi-agency, multi-disciplined review committee (decision body) that would provide early consultation for the regulatory process and be responsible for regulatory agency acceptance of permits within an established protocol.
Develop and implement a dispute resolution process (using existing Federal models) for regulatory issues for those agencies without a process currently.

Element II is the baseline condition as described in Section 3.0. The development of Elements I and III is discussed below. Figure 7 presents these three elements of a comprehensive framework of the Federal EIP Program as envisioned by the study team and identifies how the study team and stakeholders' Framework Study efforts relate to Elements I and III. Element I, the EIP Management System, provides valuable input into the baseline conditions (Element II). Element II ultimately relies on the successful implementation of Element III, Program Management and General Enhancements, for effective and efficient EIP project implementation.

4.3.2 Development of Stakeholder Team-Proposed Enhancements – Element I

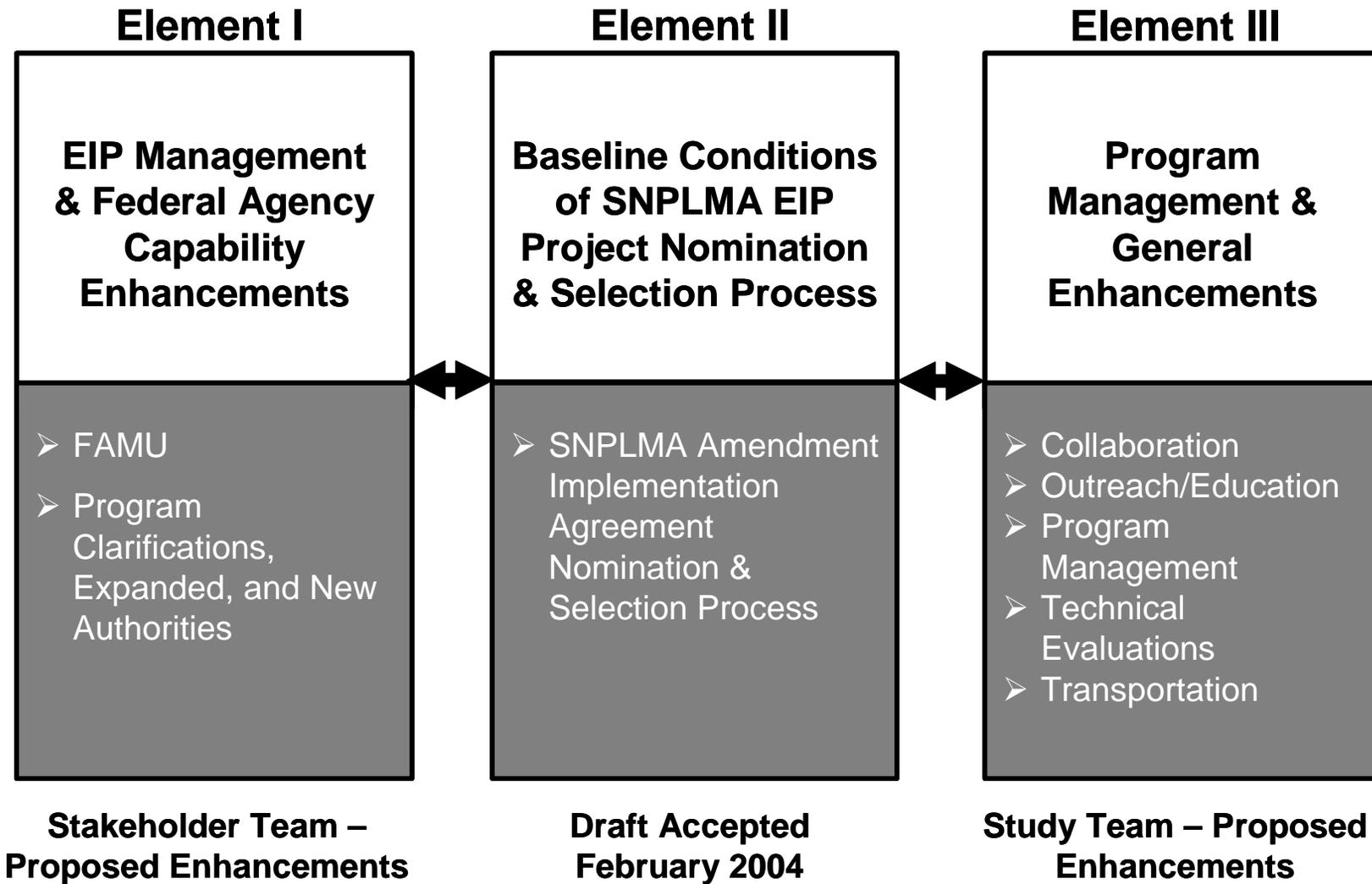
The stakeholder team recognized that with the infusion of Federal funding, improved Federal participation in EIP scheduling and prioritization would be necessary. A natural consequence of this improved Federal participation would be improved coordination and communication among Federal agencies and between Federal agencies and TRPA. Additionally, this improved participation would provide a stimulus to improve communication and coordination with state, local and regional entities.

Within the confines of existing Federal agency authorities, policies, and processes, efficient and effective use of SNPLMA funds for EIP implementation could be difficult. As a result, the stakeholder team, assisted by the study team, developed an enhancement focusing on clarifications for existing authorities and new and expanded authorities to facilitate more efficient and effective Federal agency implementation.

4.3.3 Baseline Conditions – SNPLMA EIP Project Nomination and Selection Process – Element II

As discussed in Section 3.0, during the course of preparing the Framework Study, new legislation was drafted and became public law: the SNPLMA was amended and included in the U.S. Department of Interior Appropriations Act (P.L. 108-108). The amendment provides up to approximately \$37.5 million per year up to a total allocation of \$300 million for EIP project planning and implementation. The SNPLMA Amendment and the administration of the SNPLMA nomination and selection process establishes the baseline conditions of the Framework Study, that is, Element II and is included in Appendix B. A flowchart that summarizes the SNPLMA EIP Project Nomination and Selection Process is provided in Figure 7. The full text of this process as developed by the stakeholder team is included in Appendix D. The SNPLMA Executive Committee accepted the draft Tahoe-specific Nomination and Selection Process in February 2004.

FIGURE 7. Elements of a Comprehensive Framework



4.3.4 Development of Study Team-Proposed Enhancements – Element III

In addition to the realizations of the stakeholder team, the study team recognized the need for and developed several other proposed enhancements. These study team enhancements focused on more long-term, broader concepts that build upon Elements I and II, such as formal collaboration, outreach/education, and program management. These enhancements were developed for the purposes of facilitating development of a structure that supports the most efficient and effective implementation policies. The study team also developed specific enhancements related to the four technical evaluations and transportation-related issues. The text below summarizes information considered for development of these study team-proposed enhancements. Section 6.0 presents the specific enhancements.

Formal Collaboration

A feasibility assessment report on formal collaboration was conducted to evaluate whether stakeholders in the Tahoe Basin could make constructive use of a formal collaborative process in setting public policy. The assessment clarifies issues, conditions, trends, goals, and stakeholder views as well as an appropriate design of a formal collaborative process. The feasibility assessment report was based on input received from the participating agencies including detailed interviews with nearly 50 major decision makers.

Pathway 2007, a combined effort to integrate the regional planning efforts of the USFS, TRPA, Lahontan Regional Water Quality Control Board (RWQCB), and the Nevada Division of Environmental Protection (NDEP) was considered the ideal selection for the collaboration feasibility assessment. Pathway 2007 represents the most complete spectrum of Tahoe Basin issues. This coordinated regional planning effort is scheduled for completion in 2007 and will have a fundamental effect on virtually all activity within the Tahoe Basin for the next 20 years. The planning efforts include:

- USFS Land and Resource Management Plan Revision
- TRPA Regional Plan Update
- Lahontan RWQCB and NDEP Lake Tahoe Total Maximum Daily Load Process Study

The feasibility assessment report concluded that current conditions are not favorable to immediately initiate a formal collaborative process. Current conditions and historical precedents do not presently predict favorable results from a formal collaborative process in the Tahoe Basin unless stakeholders make fundamental cultural and process changes to: (1) be self-reflective enough to acknowledge their collaborative limitations, (2) grow beyond these limitations, and (3) provide the fiscal and temporal resources to change these limitations.

Despite the conclusion of the feasibility assessment report, representatives from influential Tahoe Basin agencies believe that the future lies within a formal collaborative process that involves agencies and the public. These representatives have acknowledged the fundamental cultural and process changes required to shift current conditions to conditions that support initiation of a formal collaborative process.

Outreach/Education

Several stakeholders in the Tahoe Basin suggested a programmatic or coordinated approach to community education and outreach as a means to facilitate EIP implementation. Proponents of this concept included a subcommittee of the Basin Executives and members of LTFAC. Additionally, this need was recognized by the Program Management and Coordination Plan Report prepared by a joint venture of CH₂M-Hill and Parsons for TRPA, USFS, CTC, and the Corps. The Lake Tahoe Environmental Education Coalition (LTEEC) has been the strongest proponent to date.

Program Management

Program management as defined in *The Handbook of Project Based Management* is "...management of a group of projects in a coordinated way to obtain benefits not available from managing them individually". (Turner 1992) While there is broad philosophical support for program management in the Tahoe Basin, there is not currently general support indicated for any specific plan or scope defining program management. There is, however, general agreement that the development of any program management proposal for the EIP must recognize that the proposed program management would not duplicate the role of the project managers. Project manager duties typically involve matters of scope, schedule, budget, and project coordination.

In evaluating past attempts to consider program implementation in the Tahoe Basin, as well as evaluation of program management as it might apply to the SNPLMA Amendment, it becomes evident that before trying to build a program management structure that affects multiple agencies, one must very clearly describe a detailed definition of what program management involves and what role is proposed for the program management organization. It must be determined if program management includes management and control, tracking what others do, or merely ad hoc sharing of information of common interest. Additionally, a quantification of the benefit-to-cost ratio of program management must be determined. Agency participation will be predicated on these determinations. The success of future Tahoe Basin program management rests on this.

4.3.5 Technical Evaluations

The conclusions of the technical evaluations conducted by the Corps are provided below.

Risk Evaluation and Corrective Action Plan for Shore Zone Wastewater Lines

The purpose of the risk evaluation for shore zone wastewater lines was to determine the potential effect the wastewater facilities within the Tahoe Basin, especially in the shore zone, have on the nutrient load of Lake Tahoe. The evaluation provides a quantified estimate of exfiltration (leakage) from wastewater collection systems within the Tahoe Basin, and a qualitative assessment of risk from overflows/releases from the wastewater collection system in the shore zone and sensitive stream environmental zones (SEZ's) on the lake.

The evaluation applied best engineering judgment to existing data and assumptions. The evaluation concluded that about 0.42 percent and 1.0 percent of the total annual nutrient budget for nitrogen and phosphorus, respectively, for the lake was contributed from expected exfiltration during normal operations. The magnitude of this contribution will be utilized in helping to set the relative priority on infrastructure replacement and rehabilitation. The evaluation also performed

a risk assessment of overflows/releases from the wastewater collection system. Critical sewer facilities were identified and categorized based on the potential magnitude of the effects to Lake Tahoe should an overflow/release occur. Qualitative risk levels were established for the critical sewer facilities along with priority levels for the high and medium risk facilities. Draft risk reduction action plans were also developed.

The risk assessment concluded that while minor spills continue to occur, catastrophic spills have not been reported in years. This enviable record is probably due to a heightened level of preventative maintenance, which is at least partly due to the strict regulatory environment. However, wastewater systems are aging to the point where wastewater districts will be faced with increasingly costly preventative maintenance or initiation of a comprehensive capital replacement/rehabilitation plan. The sub-study recommends that any major capital replacement/rehabilitation plan be initiated soon and be spread over 15 to 20 years such that it can be accomplished in a manner so as to avoid a huge short term capital expenditure and associated calamitous effect on community quality of life.

Groundwater Evaluation

The purpose of the groundwater evaluation was to enhance the understanding groundwater plays in the eutrophication processes that reduce the clarity of Lake Tahoe. The groundwater evaluation estimated the phosphorus and nitrogen nutrient loading from groundwater flowing into Lake Tahoe. The evaluation also identifies known and potential sources of phosphorus and nitrogen and nutrient reduction alternatives. The groundwater evaluation identified those areas that have the greatest estimated groundwater nutrient contribution in the Tahoe Basin.

The information in the groundwater evaluation was based on best engineering and geological judgment, interpretation, and modeling using existing data, reports, interviews, and scientific principles. The estimate of nutrient loading was separated into five regions based on political boundaries and major aquifer limits. The total estimate indicates that groundwater is a significant contributor of nutrients. The overall nitrogen and phosphorus loading contributed by groundwater is estimated to be 13 percent and 15 percent of the total annual budget for the lake, respectively for nitrogen and phosphorus. This estimate also indicates that the areas most deserving of additional investigation, characterization, and mitigation are the Tahoe Vista/Kings Beach and Tahoe City/West Shore regions. The key sources evaluated for nitrogen and phosphorus included fertilized areas, sewage, infiltration basins, and urban infiltration.

The groundwater evaluation concluded that since groundwater is an important contributor of nutrients to Lake Tahoe; more information on the subsurface geology and the natural levels of groundwater nitrogen and phosphorus in the Tahoe Basin is needed. The evaluation also concluded that phosphorus plumes generated from many sources in the Tahoe Basin might be a continuing problem for years to come despite immediate efforts to limit introduction of any new phosphorus.

Sediment Loadings and Channel Erosion Evaluation

The purpose of the sediment loadings and channel erosion evaluation was to combine detailed modeling of several representative watersheds with reconnaissance level evaluation of numerous sample sites to determine which basins and areas were contributing sediment to Lake Tahoe. Additionally, numerical modeling of upland and channel erosion processes for the next 50 years was conducted on three representative watersheds.

The evaluation included analysis of land use, land cover, soil erodibility, steepness, geology, and historical stream cross-sections. Historical flow and sediment-transport data from more than 30 sites were used to determine bulk suspended-sediment loads and yields for sites around the lake. Fine-grained sediment transport was determined from historical data based on relations derived from particle-size distributions across the range of measured flows.

The evaluation concluded that stream erosion contributes a significant level of fine sediment and nutrients to the lake. When comparing those watersheds with little human disturbance with those watersheds that have experienced human disturbance, a very significant increase in erosion and sediment yield is evident from the disturbed watersheds. The evaluation also concluded that the storm event of 1997 acted to flush out many streams in the Tahoe Basin resulting in lower sediment yields in successive years following the event. Several streams such as the Upper Truckee River, Blackwood Creek, and Third Creek, continue to yield significant sediment. The evaluation looked in greater detail at the Upper Truckee River and concluded that the controlling stream bank erosion in reaches adjacent to the golf course and downstream from the airport could significantly reduce sediment delivery to the lake.

Urban Stormwater Master Planning Evaluation

Stormwater and other surface water runoff have been shown to be a significant contributor of pollutants and to the loss of clarity in Lake Tahoe. The stormwater management evaluation assessed the current status of urban stormwater master planning in the Tahoe Basin, comparing it to state-of-the-art planning within the industry, and evaluating site-specific best management practices issues.

The evaluation concluded that while numerous activities relating to urban stormwater management are underway in the Tahoe Basin, a comprehensive master planning strategy does not presently exist. Master planning might prevent redundancies in the Tahoe Basin and identify consistent strategies to implement regional best management practices.

4.3.6 Transportation Concerns

Transportation affects virtually all threshold programs and is an extremely significant feature in the Tahoe Basin economic health. Transportation efforts in the Tahoe Basin involve a large number of agencies, boards, coalitions, divisions and organizations dedicated solely to the successful implementation of a comprehensive transportation plan. Yet, difficulty in project implementation due to lack of funding and a project champion is reality. The significance of transportation in the Tahoe Basin and the uncertainty faced in implementation of transportation projects as well as stakeholder interest prompted the study team to review transportation issues further.

Consideration of transportation issues by the study team was limited to an understanding of the issues and enhancements that could be addressed within the scope of the Framework Study—that is, as part of the effort to determine the primary needs of Federal agencies and stakeholders with regard to implementation of the EIP. Three significant issues were identified through meetings with members of LTFAC, USFS, TRPA, USEPA, California Department of Transportation (CalTrans), North Lake Tahoe Resort Association (NLTRA), and others. These issues were: (1) pass-through of Federal funds to state entities, (2) Federal criteria to receive

metropolitan planning organization funding; and (3) lack of transportation-specific components in the EIP and ETCC's.

The U.S. Department of Transportation (USDOT), Federal Transit Authority (FTA) and Federal Highway Administration (FHWA) currently provide pass-through Federal funding to the States of California and Nevada. Pass-through funding does not address EIP transportation associated projects. As a result, a disconnect between Federal responsibility and EIP implementation is created.

The Federal and state criteria used to qualify for transit and transportation funds are based on resident population. During peak visitor periods, the population increases three-fold straining the transportation and transit infrastructure and causing affects to water quality, air quality, recreation, noise, etc.

The ETCC's and the EIP do not include specific transportation components. As a result, these transportation projects are not competitive with other EIP projects based on the stated program threshold attainment. Projects currently defined as 'transportation projects' and not labeled under their proper threshold, often are not competitive with other EIP projects based on the stated program threshold attainment. Projects currently defined as 'transportation' should be cross-referenced and redefined in accordance with the ETCC benefits and attainment status.

5.0 STAKEHOLDER TEAM-PROPOSED ENHANCEMENTS – ELEMENT I

Capitalizing on a collaborative effort and capturing the momentum from the SNPLMA efforts have allowed the stakeholder team to develop enhancements to implement far-reaching changes in the way the EIP is managed.

The stakeholder team, with study team assistance, developed two types of enhancements (management- and Federal agency capability-related enhancements) to ensure more effective implementation and management of EIP projects using SNPLMA funds. These enhancements are described below, and as appropriate, include requirements for successful implementation. As noted previously, the enhancements are developed to varying degrees of breadth and complexity. Section 6.0 presents the enhancements proposed by the Study Team, Element III.

5.1 Management Related Enhancements - Federal Agency EIP Management Unit (FAMU)

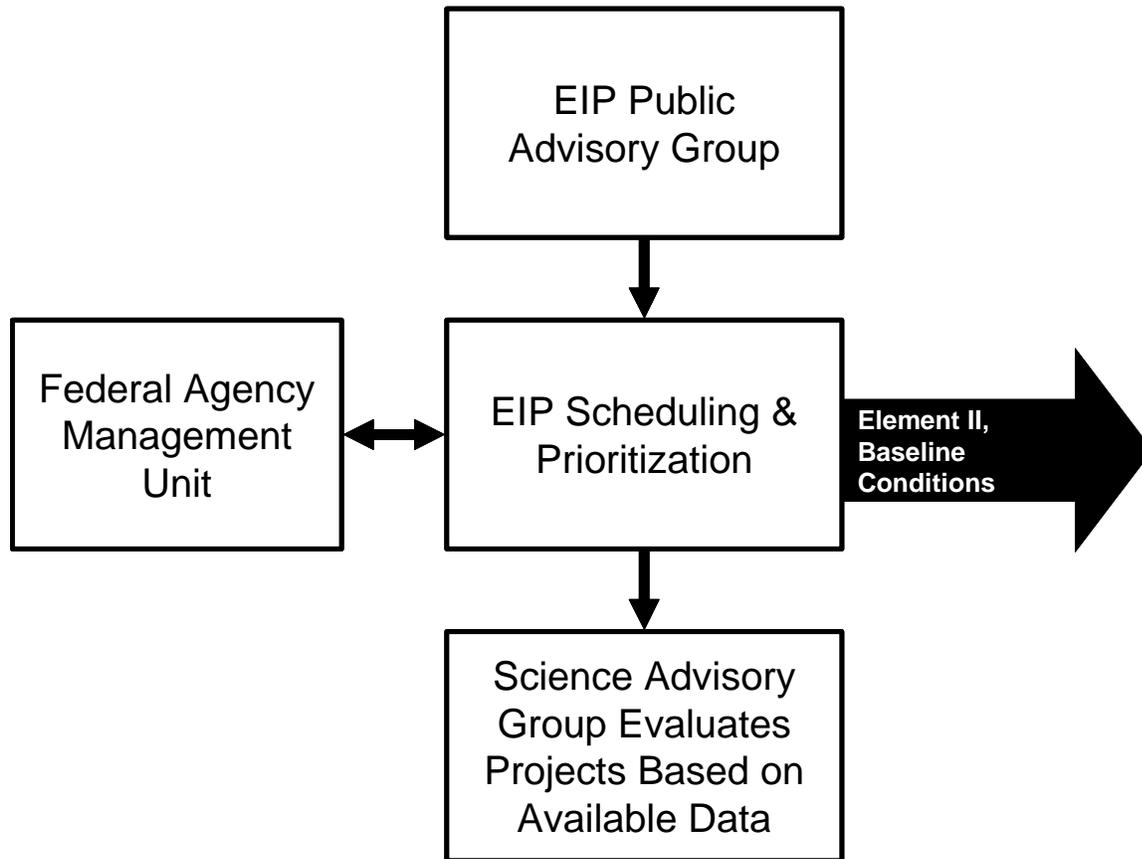
Presently, there is no formal organization or mechanism to ensure that all Federal EIP projects are integrated and coordinated in a programmatic manner that provides the most cost-effective use of the available funds. Divergent approaches among the no fewer than eight Federal agencies with EIP responsibilities are primarily a function of rules and management styles that limit the ability of Federal agencies to relinquish their EIP responsibilities, while maintaining accountability to their agency mission, mandate and authority. Therefore, a management mechanism is required that coordinates the activities of all Federal agencies responsible for EIP implementation while respecting their need to be accountable to their respective departments.

It is essential that a management unit be established that meets the objectives and basic implementing measures that key Federal agencies agreed to as part of the Framework Study (see Appendix D). Development of the FAMU and other associated components is necessary to implement the Federal EIP Management System. This management system is designed to organize, prioritize, and schedule all Federal agencies' EIP projects based on a variety of factors including agency capacities and authorities, as well as potential opportunities to consolidate similar projects. One of the principal goals of the FAMU is to ensure that projects nominated in the SNPLMA process for the Tahoe Basin have been thoroughly analyzed and prioritized prior to consideration. The FAMU would be operated as a partnership among TRPA and Federal agencies wishing to participate in implementing EIP projects. The relation of the FAMU to the EIP management system is presented in Figure 8.

5.1.1 Correlating Objectives

The FAMU has the potential to at a minimum partially address all eight objectives identified in Section 4.0. This capacity to address the objectives is dependent upon the actual FAMU implementation strategy.

FIGURE 8. EIP Management System



5.2 Federal Agency Capability Enhancements

Program clarifications and expanded and new authorities were developed for the Corps, the USDOT, USEPA, U.S. Bureau of Reclamation (Reclamation), and USFS. Program clarification and authority modification are limited to those areas, specific to the Tahoe Basin, which could provide a benefit to EIP implementation. These 17 clarifications and authorities are presented in alphabetical order by agency in Table 7. The table also provides a listing of the objectives at least partially met by each clarification or expanded or new authority.

Table 7. Program Clarifications and Expanded and New Authorities

Authority or Program	Proposed Enhancement	Specific Objective Addressed as Developed by the Stakeholder Team	Relevant Objectives as presented in section 4.1
Corps			
Truckee River and Tributaries, California and Nevada; Resolution by the Committee on Environment and Public Works of the United States Senate to the Tahoe Basin	Provide authority for the Corps’ Sacramento District to enter into non-standard cost-sharing agreements.	Currently, Corps must gain approval on non-standard cost-sharing agreements from Washington, DC, headquarters offices. Standard cost-sharing agreements are often not compatible with Tahoe-specific needs, and as a result, non-Federal sponsors are reluctant to partner with the Corps.	Objectives 1, 7, and 8
Watershed Management, Restoration, and Development; Section 211, WRDA 99, (amends Section 503, WRDA 96)	Provide funding, work-in-kind enhancements, and flexibility in cost-sharing agreements within this existing authority.	Currently, the Corps receives appropriations on a project-by-project basis, has stringent work-in-kind requirements, and incompatible cost-sharing agreements for Tahoe-specific non-Federal sponsor needs. As a result, non-Federal sponsors are often hesitant to partner.	Objectives 1, 7, and 8
Environmental Infrastructure; Section 502, WRDA 99 (amends Section 219, WRDA 92)	Provide funding, work-in-kind enhancements, and flexibility in cost-sharing agreements within the existing Environmental Infrastructure authority focusing on EIP Implementation.	Currently, the Corps receives appropriations on a project-by-project basis, has stringent work-in-kind requirements, and incompatible cost-sharing agreements for Tahoe-specific non-Federal sponsor needs. As a result, non-Federal sponsors are often hesitant to partner.	Objectives 1, 7, and 8
Section 595 of WRDA 1999	Provide fenced funding within this existing authority focusing on EIP Implementation.	Competition for funding is based on projects being considered state-wide, making it difficult for the Corps to commit to project participation.	Objectives 1, 7, and 8
Section 203 of WRDA 2000	Provide funding under this existing authority focusing on EIP Implementation.	Lack of funding for this authority does not allow the Corps to partner with the Washoe Tribe to implement EIP projects.	Objectives 1, 7, and 8
SNPLMA Amendment (P.L. 108-108)	Authorize the Secretary of the Army to use SNPLMA funds for executing the Federal share of restoration projects in the Tahoe Basin in the form of grants, reimbursements including reasonable costs of project initiation, or through local cooperation agreements with non-Federal partners.	SNPLMA does not refer to, nor provide, any specific guidance on how the Corps executes work at Lake Tahoe using SNPLMA funds. Using the Economy Act (31 U.S.C. 1535) as a basic authority, the Corps would then be limited to performing SNPLMA work with Corps staff or by contract, but could not use grants, reimbursements, or interagency agreements.	Objectives 1, 7, and 8

Authority or Program	Proposed Enhancement	Specific Objective Addressed as Developed by the Stakeholder Team	Relevant Objectives as presented in section 4.1
USEPA			
Section 106 Grant Program Funding for Interstate Compact Commissions	Direct the USEPA to allow TRPA to participate in the Clean Water Act Section 106 Grant Program, Funding for Interstate Compact Commission contingent upon meeting program criteria.	The deadline for agency participation in Section 106 of the Clean Water Act lapsed before TRPA could enter the program.	Objectives 1, 7, and 8
National Grants Program	Provide guidance to the USEPA that the implementation agreement for EIP projects in the Tahoe Basin be exempt from usual project competition requirements, much like the Chesapeake Bay grant program; or that the process agreed to by BLM and all of the Federal agencies involved in implementing Tahoe SNPLMA projects satisfies any applicable competition requirements.	Because of the USEPA competition requirement for grant funding, participation in SNPLMA may be rendered unlawful and infeasible.	Objectives 1, 7, and 8
Reclamation			
Fish and Wildlife Coordination Act of 1934	Provide a statutory definition to the Lake Tahoe Regional Wetland Development Program (Fish and Wildlife Coordination Act of 1934) that clarifies how funds may be used for program needs in the Tahoe Basin. These needs include design and implementation of projects to benefit fish, water quality, wildlife, riparian areas, vegetation, and lake habitats. In addition, a critical need identified in the Corps Lake Tahoe Framework Study is coordination of projects by different Federal agencies to ensure cost effectiveness and efficiency between projects. The coordination of the projects into a cohesive, cross agency framework would assist in timely implementation of projects funded from both the SNPLMA and future congressional appropriations.	Currently, the Lake Tahoe Regional Wetlands Development Program does not have a statutory definition, which leaves the Reclamation without clear congressional guidance as to how the funds under this program may be expended.	Objectives 1, 7, and 8

Authority or Program	Proposed Enhancement	Specific Objective Addressed as Developed by the Stakeholder Team	Relevant Objectives as presented in section 4.1
USDOT			
SNPLMA Amendment (P.L. 108-108)	Clarify the authority of USDOT to set aside 1 percent of Public Lands Highway funds to conduct project-specific activities, including project planning, environmental studies, preliminary design, and construction. (Included in pending House and Senate transportation reauthorization bills (HR 3550 and S 1072.)	The Transportation Equity Act of the Twenty-First Century provided that in addition to the typical metropolitan planning organization funds made available to the TMPO, that “not more than 1 percent of the funds allocated under Section 202 (Federal Lands Highway Program) may be used to carry out the transportation planning process for the Lake Tahoe region”. Public law 96-551 authorizes TRPA’s adopted ETCC’s, and its EIP that supports the threshold standards, which further describes the financial responsibilities of the Federal government, California, and Nevada, as well as local public and private partners.	Objectives 1, 7, and 8
TMPO	Allow TMPO to expend 1 percent of allocated funding on operation and maintenance costs associated with transit projects.	Currently, no entity is responsible for O&M of transit projects.	1, 6, 7, and 8
USFS			
Inter-governmental Personnel Agreements and Transfer Capabilities	Direct the USFS to establish staff for transit programs, perhaps in the form of a detailee from the National Park Service via Intergovernmental Personnel Agreements and Transfer Capabilities, and allow for SNPLMA and other funding sources to be used for operation and maintenance.	LTBMU lacks expertise and operating funding to provide an effective transit system.	Objectives 1, 7, and 8
Special Area Designation	Designate the Tahoe Basin as the “Lake Tahoe National Scenic Recreation Area” in lieu of the “Lake Tahoe Basin Management Unit”.	LTBMU current designation does not lend itself to the type of stature and visibility necessary to ensure Tahoe of a reliable source of funding.	Objectives 1 and 3
SNPLMA Amendment (P.L. 108-108)	Provide authority under the SNPLMA to use these funds for SNPLMA administration.	The administration of the Tahoe SNPLMA program is the responsibility of the USFS. However, SNPLMA does not explicitly authorize the use of SNPLMA funds for these costly activities, and no other source is available to the LTBMU.	Objectives 1,4,5, and 7

Authority or Program	Proposed Enhancement	Specific Objective Addressed as Developed by the Stakeholder Team	Relevant Objectives as presented in section 4.1
USFS Cont.			
Federal Advisory Committee Charter	Renew charter of the LTFAC and amend its mission to participate in the SNPLMA project nomination and selection process; that is, the LTFAC would work with the Tahoe Working Group to ensure appropriate selection of projects.	The current LTFAC charter expires this year, and the committee must renew its charter in order to remain a functioning and influential entity in the Basin.	Objectives 1 and 7
All agencies working in Tahoe Basin			
SNPLMA Amendment (P.L. 108-108)	Authorize use of SNPLMA funds to establish the FAMU with neutral/non-aligned staff for programmatic management of the Federal portion of the EIP.	Currently, there is no dedicated staff or funds to secure the staff for important program management functions.	Objectives 1,4,5,6,7 and 8
SNPLMA Amendment (P.L. 108-108)	Encourage applicable Federal agencies in Tahoe to participate, where appropriate, in the FAMU.	Under current operating and funding structure, participation in FAMU may be inconsistent dependent upon changing agency priorities.	Objectives 1,4,5, 6, 7, and 8

6.0 STUDY TEAM-PROPOSED ENHANCEMENTS – ELEMENT III

As stated previously, the study team recognized the need for and developed several enhancements in addition to those developed by the stakeholder team. The purpose of these additional enhancements is to facilitate meeting certain objectives and develop a structure that supports the most efficient and effective implementation policies in the Tahoe Basin. These proposed enhancements and an identification of the relevant objectives as presented in Section 4.1 are included in Table 8.

Table 8. Study Team-Proposed Enhancements – Element III

Program Management General Enhancements	Proposed Enhancement	Relevant Objectives as presented in section 4.1
Collaboration	<ol style="list-style-type: none"> 1. Congressional funding, and support. 2. Federal agency commitment. 3. Regional, state and local agency commitment. 	Objective 4
Outreach/Education	<ol style="list-style-type: none"> 1. Fund as a project cost. 2. Fund as a part of overall program management activities. 	Objective 4
Program Management	<ol style="list-style-type: none"> 1. Use SNPLMA funds for program management of EIP projects through planning, design, and construction to improve Federal agency accountability in meeting ETCC's. 	Objective 6
Technical Evaluations		
Risk Evaluation and Corrective Action Plan for Shore Zone Wastewater Lines	<ol style="list-style-type: none"> 1. Draft and implement a capital replacement/rehabilitation plan, on the scale of the EIP, for wastewater system infrastructure. 	Objective 7
Groundwater Evaluation	<ol style="list-style-type: none"> 1. Support strong continuing role of research and science in the EIP. 2. Critical need for immediate analysis of the effects of stormwater runoff infiltration practices have on groundwater. 	Objective 7
Sediment Loadings and Channel Erosion Evaluation	<ol style="list-style-type: none"> 1. Support strong continuing role of research and science in the EIP. 2. Continue structured land use policy to regulate watershed disturbance. 	Objective 7
Urban Stormwater Master Planning Evaluation	<ol style="list-style-type: none"> 1. Initiate a comprehensive urban stormwater master planning strategy. 	Objective 7

Program Management General Enhancements	Proposed Enhancement	Relevant Objectives as presented in section 4.1
Transportation	<ol style="list-style-type: none"> 1. Develop a transportation threshold category 2. Accurately list transportation projects under new threshold category and determine attainment criteria. 3. Maintain Tahoe Transportation District, LTFAC, TMPO and FHWA coordination activities to develop Federal transportation project champions. 4. Modify Federal transit and transportation funding criteria, including TMPO funding, to be based on visitor and resident population of the area. 	Objective 7

7.0 REPORT CONCLUSIONS

The goal of the Framework Study was to develop a framework of activities (enhancements) that addresses the Federal challenges in implementing the existing environmental restoration program (EIP) in the Tahoe Basin. The study content and focus were developed jointly by the study team and stakeholders to identify logical changes to the current operation of Federal agencies implementing the EIP. The Framework Study included Elements: I, Stakeholder Team Enhancements; II, Baseline Conditions; and III, Study Team Enhancements.

7.1 Proposed Enhancements Related to Elements I and III

Stakeholder team and study team enhancements are proposed based on the results of the Framework Study. The stakeholder team enhancements include two types: management and Federal agency capability enhancements. Study team enhancements address a broader range of issues. Enhancements to Elements I and III are described in general below and more fully described in Sections 5.0 and 6.0.

7.1.1 Element I - Stakeholder Team Enhancements

Management Enhancements - Federal Agency EIP Management Unit (FAMU)

Currently, there is no formal organization or mechanism to ensure that all Federal EIP projects are integrated and coordinated by the Federal agencies in the Tahoe Basin. The FAMU is an enhancement aimed at ensuring that all Federal EIP projects are planned, prioritized, and scheduled in a programmatic manner, thereby providing the most cost-effective use of available funds (see Figure 9). Specifically, the FAMU would ensure that any project nominated for SNPLMA funding has been reviewed and considered by the stakeholder working groups in the Tahoe Basin. Section 5.1 provides a complete description of the FAMU.

Federal Agency Capability Enhancements

In addition to the FAMU, the stakeholder team also proposed enhancements for new, clarification, or expansion of existing agency authorities, policies, and procedures to allow for more efficient and effective implementation of the EIP. These enhancements are supported by the stakeholder team; however, they were not as fully developed as the FAMU. Further development is necessary to clarify the roles and responsibilities of the various Federal agencies participating in the EIP. These Federal agency capability enhancements are presented in Section 5.0, Table 7.

7.1.2 Element III - Study Team Enhancements

The study team focused on program management and general enhancements including those related to collaboration, outreach/education, and transportation, as well as enhancements related to the technical evaluations by the Corps. These enhancements were developed only to the level required to identify the objectives met. These enhancements are designed as integral steps toward meeting the Framework Study's objectives, but further collaboration with stakeholders is needed to fully develop and successfully implement them. See Section 6.0, Table 8, for a description of study team enhancements.

7.2 Baseline Conditions – Element II

Elements I and III are intended to support Element II. A flowchart that summarizes this process is provided in Figure 9. A summary of the baseline conditions is included in Section 3.0. The full text of this process as developed by the stakeholder team is included in Appendix D. The SNPLMA Executive Committee accepted the draft Tahoe-specific nomination and selection process in February 2004.

7.3 Continued Development of the Comprehensive Framework Program

While recognizing the constraints of the Framework Study, the study team concluded that in order to develop a comprehensive framework (that is, integrating Elements I, II, and III), additional future considerations are necessary.

The focus of these considerations should be to identify and analyze the potential implications of implementing a comprehensive framework program and presenting the results in a programmatic or comprehensive document. Specifically, the intended and unintended consequences of implementing Elements I and III (for example, identifying effects on existing non-Federal programs or State agencies) and environmental affects should be fully considered. Further, the manner in which implementation of Elements I and III would interrelate to and be affected by Element II should be considered carefully.

Focusing on continued development of the infrastructure and processes of a comprehensive framework will:

- Capitalize on the momentum generated during the Framework Study and the stakeholders' activities.
- Result in consistent progress toward improvement of water quality in Lake Tahoe.
- Assist in the attainment of the ETCC's used to measure environmental improvement in the Tahoe Basin.
- Allow for efficient use of Federal agency resources (including staff resources and SNPLMA funding).

7.3.1 Implementing Successful Change

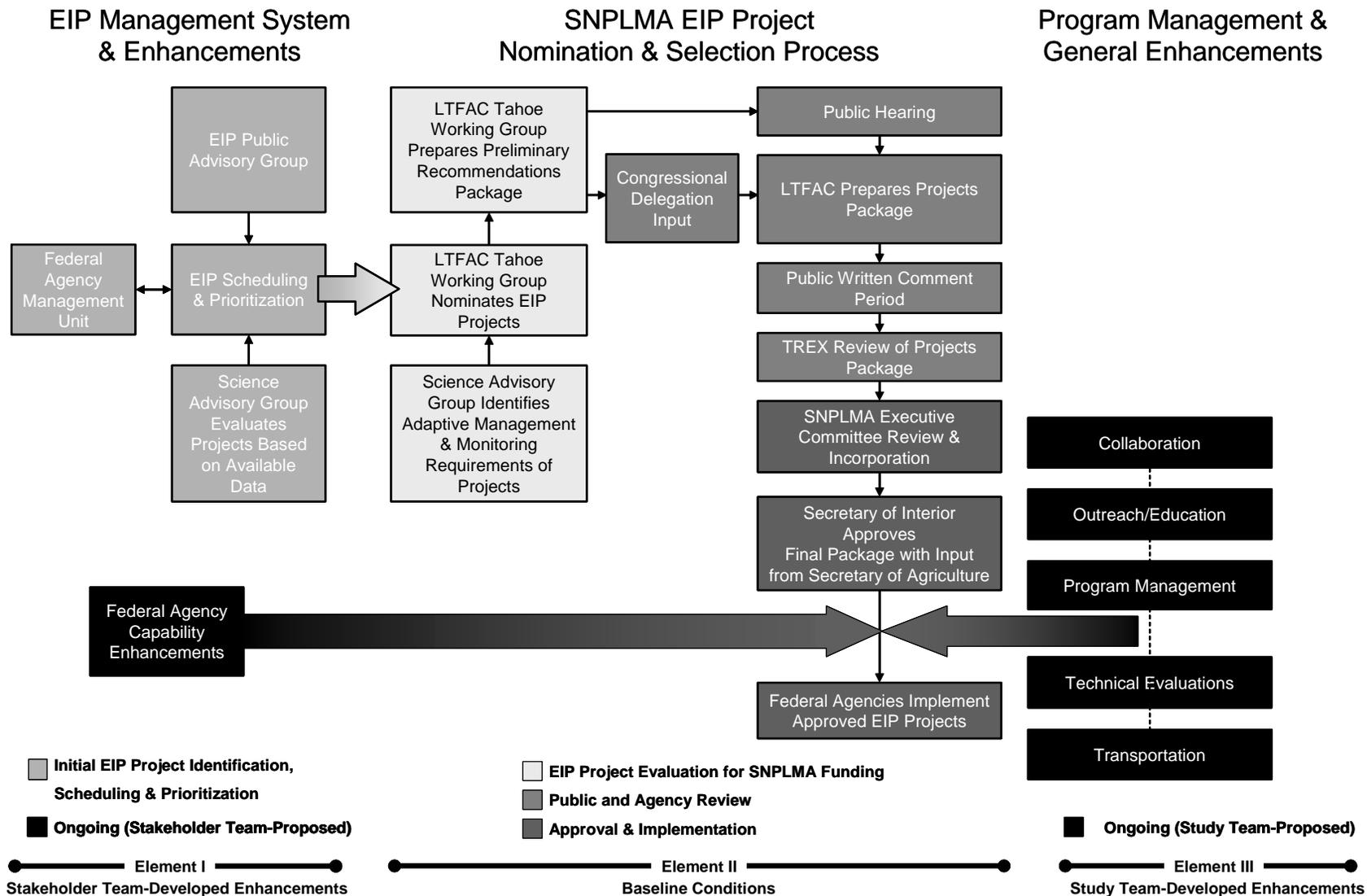
Development of the infrastructure and processes needed to support a comprehensive framework is critical to the ongoing success in the Tahoe Basin. Ongoing assessment of the effects of implementing Elements I and III, as well as interrelating all elements, will likely reveal additional processes and infrastructure needed to address the complex and evolving needs of the Tahoe Basin. Some of these could include:

- Development of the agency policies and processes surrounding implementation.
- Definition of roles and responsibilities of entities involved.
- Definition of coordination and communication strategies for entities directly and indirectly involved.

- Definition of a structure to ensure accountability.
- Definition of public participation in the processes.
- Definition of staffing and funding requirements.

The success of the enhancements will require that the implementing agencies have the flexibility to respond to these evolving needs while being sensitive to other Tahoe Basin processes and programs. The existing stakeholder collaboration and congressional interest currently create an environment for implementing successful change in the Tahoe Basin.

FIGURE 9. Comprehensive Framework for Federal EIP Implementation



**LAKE TAHOE BASIN
FRAMEWORK IMPLEMENTATION REPORT
D R A F T**

**APPENDIX A
PERTINENT FRAMEWORK STUDY
CORRESPONDENCE**

Prepared for:
The U.S. Army Corps of Engineers
Sacramento, CA

April 2004

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United States Senate
 COMMITTEE ON APPROPRIATIONS
 WASHINGTON, DC 20510-6026
www.senate.gov/appropriations

STEVEN J. CORTESE, STAFF DIRECTOR
 TORRENCE L. SAUTAIN, MINORITY STAFF DIRECTOR

February 27, 2003

Robert P. Flowers
 Lieutenant General, USA
 Commanding
 441 G. St. NW
 Washington, DC 20314

Dear General Flowers,

I understand that the Sacramento District Planning staff will be holding the first of several workshops for the development of the Lake Tahoe Basin Framework Implementation Study on March 11, 2003. I am sending you this letter to emphasize my desires concerning this effort. But first, please let all workshop participants know that I appreciate the time being committed and understand the impact this project will have on existing workloads. The eventual success of the Study, and ultimately the future of the Lake Tahoe Basin, will require everyone's attendance and active participation.

Over the last five years, the Lake Tahoe Basin has witnessed many individual successes aimed to keep Lake Tahoe blue. These project-by-project activities have netted localized benefits to the environment, wildlife and the local economy, and it is gratifying to know that U.S. Army Corps of Engineers and other agencies are making progress. However, many daunting and complex challenges face the Lake Tahoe Basin and a business-as-usual approach will not meet the needs of the region.

I view the ultimate goal of the Lake Tahoe Basin Framework Implementation Study to develop a "plan of action" that builds above and beyond the historical successes and implements a strategy to proactively deal with the complex and complicated issues facing the Basin. Therefore, the long-term strategy of the Study must focus on programmatic or Basin-wide solutions based on multi-agency cooperation. Through such cooperation, we break down the barriers that have kept agencies from realizing Basin-wide solutions. A programmatic approach will allow better communication and collaboration, and allow entities in the Basin to work together to eliminate redundancies and streamline processes. All in all this will increase effectiveness, efficiency, and productivity.

Your agency has been asked to provide a report to Congress by spring of 2004. I expect that by using this report and its findings, my staff will be able to guide future legislative actions. Findings should include a programmatic approach to short- and long-term solutions for the Basin. This approach will ensure that Federal staff and funding are effectively used and progress is realized in the improvement of the Lake Tahoe Basin.

I want to hear the ideas and recommendations that provide me with an implementable course of action. Whether its changes to agency roles or special funding strategies – no thinking is too broad. My staff and I will do everything possible to ensure success in the Lake Tahoe Basin and I look forward to working with all agencies within the Basin to that result.

My best wishes to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry Reid", written over a printed name.

HARRY REID
Ranking Member, Energy and Water
Development Subcommittee



January 5, 2004

Co-Chairs:
 Steve Teshara
 Rochelle Nason
 Andrew Strain

California Ski Industry Association

Incline Village Crystal Bay Chamber of Commerce

Incline Village Crystal Bay Visitor & Convention Bureau

Lake Tahoe Gaming Alliance

Lake Tahoe Visitors Authority

North Lake Tahoe Resort Association

South Lake Tahoe Chamber of Commerce

Stateline Redevelopment Partnerships

Tahoe-Douglas Chamber of Commerce

Tahoe-Sierra Preservation Council

The League to Save Lake Tahoe

Colonel (P) Joseph Schroedel
 District Engineer
 U.S. Army Corps of Engineers
 South Pacific Division
 333 Market Street, Room 1101
 San Francisco, CA 94105-2195

Re: Coordination of Lake Tahoe Basin Framework Implementation Study (Study) and Report and the Southern Nevada Public Lands Management Act Amendment (SNPLMA)

Dear Colonel Schroedel:

The Lake Tahoe Transportation & Water Quality Coalition respectfully requests that the U.S. Army Corps of Engineers (Corps) continue its assistance and collaboration with the Coalition and other Lake Tahoe partners in developing a "locally preferred alternative" in coordination with the SNPLMA, and integrate this alternative and other associated work into the Corps' Study effort.

The Coalition is currently focused on the following to assist in completion of the Report:

- Preparation of the locally preferred alternative in the form of a process to implement the Tahoe Amendment to the Southern Nevada Public Lands Management Act (SNPLMA). This work is being done with the help of staff from key Federal and State agencies, as well as the Desert Research Institute. Coordination of this proposed process is underway with the Bureau of Land Management (which administers the SNPLMA) to ensure concurrence.
- Reviewing and providing comment on measures to increase efficiency and effectiveness of Environmental Improvement Program (EIP) implementation as developed through the Corps' Framework Study effort.
- Suggesting specific changes to current authorities for the essential Federal agencies responsible for EIP implementation.

Colonel Schroedel, page 2

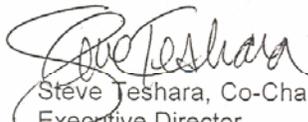
- Suggesting Federal agency EIP management system elements that would be most feasible and increase effectiveness.

We believe the work currently being completed is consistent with the Congressional intent of the Corps' Report and will be of great value to Lake Tahoe and the process of implementing the EIP. We understand that the Report is required to be completed and submitted in the near future, and are making every effort to keep within the required timetable.

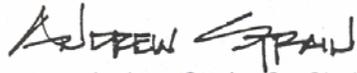
The Coalition also respectfully requests that the Corps continue to provide technical assistance to enable us to monitor the progress of the Study as it is reviewed by the Corps and considered by Congress.

Thank you for your review and consideration of our requests.

Very Sincerely Yours,


 Steve Teshara, Co-Chair
 Executive Director
 North Lake Tahoe
 Resort Association


 Rochelle Nason, Co-Chair
 Executive Director
 League to Save Lake Tahoe


 Andrew Strain, Co-Chair
 Vice President, Planning & Governmental Affairs
 Heavenly Ski Resort

cc: Colonel Michael J. Conrad, Jr., District Engineer, Sacramento District
 Ms. Linda Finley-Miller, Chief, Programs & Project Management Division
 Mr. Ken Hitch, Chief, Planning Division
 Ms. Susan M. Fry, HDR

**LAKE TAHOE BASIN
FRAMEWORK IMPLEMENTATION REPORT
D R A F T**

**APPENDIX B
SOUTHERN NEVADA PUBLIC LAND
MANAGEMENT ACT AMENDMENT**

Prepared for:
The U.S. Army Corps of Engineers
Sacramento, CA

April 2004

From: H. R. 2691

One Hundred Eighth Congress
of the United States of America

SEC. 341. Section 4(e)(3)(A)(vi) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended by striking “under this Act” and inserting “under this Act, including costs incurred under paragraph (2)(A)”.

SEC. 342. LAKE TAHOE RESTORATION PROJECTS. Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is further amended—

- (1) in clause (v), by striking “and” at the end;
- (2) by redesignating clause (vi) as clause (vii); and
- (3) by inserting after clause (v) the following:
“(vi) transfer to the Secretary of Agriculture, or, if the Secretary of Agriculture enters into a cooperative agreement with the head of another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as amended), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts, in accordance with a revision to the Southern Nevada Public Land Management Act H. R. 2691—78 of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and”.

For entire legislation refer to:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_bills&docid=f:h2691enr.txt.pdf

**LAKE TAHOE BASIN
FRAMEWORK IMPLEMENTATION REPORT
D R A F T**

**APPENDIX C
HISTORICAL CONDITIONS**

Prepared for:
The U.S. Army Corps of Engineers
Sacramento, CA

April 2004

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1.0 INTRODUCTION TO HISTORICAL CONDITIONS OF THE LAKE TAHOE BASIN

This report describes: (1) legislative actions, (2) reports and studies, (3) agency activities, and (4) partnerships and working groups that have set the standards for how Federal, state, regional, and local agencies coordinate with one another and with stakeholders in the Lake Tahoe Basin (Tahoe Basin). The combination of environmental, recreational, gaming, and tourism interests in the Tahoe Basin have led to interesting and unique opportunities for consensus and ultimately collaboration. Historical activities created the process we know today.

Based on historic information and information learned from workshops held in 2003, it could be said that history repeats itself. That is, some of the problems articulated in The Lake Tahoe Study completed by the U.S. Environmental Protection Agency (USEPA) in 1974, remain today. Additionally, the solutions proposed in that study are similar to those being considered by some in the Tahoe Basin today.

Much has been done to remove the hurdles identified historically. Successful implementation of Federal legislation such as the 1980 Tahoe Regional Planning Compact (1980 Compact) has led to the success of the Tahoe Regional Planning Agency (TRPA) and the implementation of the environmental thresholds concept. The Environmental Improvement Program (EIP) has gone a long way toward developing a capital improvement plan to reverse the environmental effects realized in the Tahoe Basin. National attention has brought Federal dollars and congressional interest to the Tahoe Basin and Federal agencies to the table to implement their portion of the EIP.

2.0 RELEVANT LEGISLATIVE ACTS AND ACTIVITIES

Numerous legislative actions have been implemented and pivotal activities taken place during the last three decades with the goal of protecting and improving the environmental quality of the Tahoe Basin. A summary of relevant legislative actions is provided below in chronological order.

2.1 Tahoe Regional Planning Compact – 1969 (P.L. 91-148) (1969 Compact)

On December 18, 1969, consent of Congress was given to the Tahoe Regional Planning Compact (1969 Compact) that “Authorizes the Secretary of Interior and others to cooperate with TRPA to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around the lake” (Public Law (P.L.) 91-148). The 1969 Compact was the first National attempt to direct environmental planning on an interstate basis by creating a regional entity, TRPA (USEPA 1974). A discussion of TRPA follows in Section 4.0, Key Planning Entities Acting in the Tahoe Basin.

The 1969 Compact legislated the following TRPA goals

- To enhance the efficiency and governmental effectiveness of the region;
- To harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the Federal, state, and other public agencies and non-governmental agencies and organizations which affect or are concerned with planning and development within the region.

The 1969 Compact directed the

- Establishment of a governing board and determined its construct and membership;
- Completion of a regional plan or long term general plan for development in the region;
- Completion of an interim plan to be adopted pending adoption of the regional plan;
- Establishment of an Advisory Planning Commission, its construct, and membership;
- Establishment of TRPA agency powers; and
- Financial contributions by the States of California and Nevada, counties, and cities.

The 1969 Compact also legislated the following Federal agency cooperation:

- The Secretaries of Interior and Agriculture were authorized, upon request of TRPA, to cooperate with TRPA in all respects compatible with carrying out the normal duties of their Departments.
- Consent was subject to the Presidential-appointment of a non-voting representative to the TRPA governing board.

The first Presidential appointment to TRPA was made in April of 1970. Immediately, a committee of Federal agencies, known as the Federal Coordinators Committee, was convened. The Federal Coordinators Committee was intended to provide inter-agency coordination for development and implementation of TRPA's Regional Plan. (USEPA 1974) A follow-on effort was initiated in 1973 when the Tahoe Executive Council was formed to provide policy guidance to Federal agencies. Members included the Departments of Agriculture, Interior, Defense, Transportation, Housing and Urban Development, and the USEPA. (USEPA 1974)

2.2 Federal Water Pollution Control Act - 1972 (P.L. 92-500)

Section 114 of the Federal Water Pollution Control Act of 1972, directed the “USEPA Administrator, in consultation with TRPA, the Secretary of Agriculture, other Federal agencies, representatives of state and local governments, and members of the public to conduct a thorough and complete study on the adequacy of, and need for, extending Federal oversight and control in order to preserve the fragile ecology of Lake Tahoe.” (P.L. 92-500)

The study was expected to (1) consider the inter-relationships and responsibilities of Federal, state, and local governments, (2) determine the necessity to redefine the legal arrangements among these governments, and (3) make specific legislative recommendations to Congress. These three ideas were to be evaluated in light of the potential environmental effect on the Tahoe Basin. This legislative language resulted in the completion of The Lake Tahoe Study by the USEPA in 1974. This study is considered to have laid the groundwork for successful inter-governmental and public coordination in the Basin.

2.3 Executive Order 12247 – Tahoe Federal Coordinating Council -1980

In October 1980, Federal Executive Order (E.O.) 12247 directed the creation of the Tahoe Federal Coordinating Council. The E.O. directed that the council be composed of representatives from the Departments of Defense, Interior, Agriculture, Commerce, Health and Human Services, Housing and Urban Development, and Transportation as well as the USEPA. The intent of this interagency council was to develop and issue environmental thresholds and carrying capacities for air, water, and terrestrial components of the Tahoe Basin. These thresholds and carrying capacities were to be developed in consultation with local and state governments and stakeholders, and were to be refined periodically. The Tahoe Federal Coordinating Council was also tasked with assisting state and local governments in adopting and utilizing these thresholds and further utilizing them to determine the effect of Federal actions on the Tahoe Basin environment. (E.O. 12247)

2.4 Tahoe Regional Planning Compact -1980 (P.L. 96-551) (1980 Compact)

On December 19, 1980, consent of Congress was given to the 1980 Compact along with authorization for the Secretary of Agriculture and other agencies to cooperate with TRPA, which was created by the 1969 Compact. As did the 1969 Compact, the 1980 Compact also encouraged the wise use and conservation of the Lake Tahoe region.

The 1969 Compact was amended after several years of struggle by TRPA to create a regulatory foothold in the Tahoe region. Limitations of the 1969 Compact made it very difficult

for TRPA to ensure that development activities did not diminish the resources in the Tahoe Basin. The Western Federal Regional Council released the Lake Tahoe Environmental Assessment in 1979 and reported that

- Algal concentrations had increased 150 percent;
- Urban development had increased 78 percent; and
- 75 percent of marshes, 15 percent of forests, and 50 percent of meadowlands had been converted to urban use or had otherwise been destroyed. (Western Federal Regional Council 1979)

The final report concluded some success by TRPA, pointed out the weaknesses, and suggested solutions to the problems. Ironically, no local governments would support the changes proposed by the Western Federal Regional Council.

The next five years proved tumultuous for TRPA. Both the California and Nevada Legislature passed dissimilar legislation to address the Tahoe issues. As a result, the State of California cut off funding to TRPA. Both the California and Nevada TRPA offices were individually funded and given more authority than the federally mandated bi-state TRPA office.

After much political intervention and negotiation, a new compact was developed in 1980. The amended compact differs from the 1969 Compact as follows:

- Increases governing board membership from 10 to 14 and sets a 4:3 state majority as compared to a 3:2 local majority,
- Governing board voting requires a dual majority for project approval rather than denial,
- TRPA has full authority over public works projects rather than none,
- All new casinos are prohibited in the Tahoe Basin as compared to a grandfather clause,
- Requires establishment of environmental threshold carrying capacities (ETCC's/environmental thresholds),
- Limits development for two years from 1980 to 1982,
- Creates the Tahoe Transportation District and sets regional transportation goals to reduce reliance on autos and reduce air pollution,
- Requires detailed environmental documentation for project implementation,
- Adds new members to the Advisory Planning Commission, and
- Changes the “60-day rule” to 180 days for TRPA action on permit applications.

Renegotiation of the compact and the requirement of a new regional plan spurred fears of stricter regulations. As a result, a desire for local entities to organize was established. At this time, the Tahoe-Sierra Preservation Council and the Tahoe Gaming Alliance were formed. Many of TRPA’s staunch supporters were lost.

2.4.1 Regional Plan

TRPA's first regional plan was not adopted until 1984 and was subsequently challenged in court by environmental and development interests. TRPA's governing board adopted the most recent regional plan in 1987. The regional plan is intended to guide decision-making in the Tahoe Basin with regard to growth and development. It contains comprehensive land use, transportation, recreation and public services, and facilities plans for the Tahoe Basin. Goals and policies contained in the regional plan supercede those contained in other plans such as transportation, water quality and community plans. The goals and policies included in the regional plan are updated periodically, as necessary to maintain the environmental thresholds and to incorporate relevant scientific data.

2.4.2 Environmental Threshold Carrying Capacities (ETCC's)

Since the establishment of the ETCC's/environmental thresholds in 1982, TRPA has performed three threshold attainment studies to assess the relative progress of various programs in the Tahoe Basin EIP in addressing environmental degradation issues in the Tahoe Basin. The first threshold attainment study was conducted in 1991, the second in 1996, and most recently, in 2001.

Table 1, summarizes the environmental resource areas, associated thresholds, and attainment status of each threshold as provided in TRPA's 2001 Threshold Evaluation Report. The report summarizes the 2001 results as:

“Of the 36 threshold indicators that TRPA tracks for overall attainment, approximately seven are in attainment; this means that monitoring indicates the threshold meets the adopted standard. Monitoring results find that 25 of the indicators are in non-attainment, which means they do not meet the standard. The status is unknown for the remaining four indicators, meaning TRPA did not have the data to make the determination. Some of the non-attainment indicators are close to attainment. If a ‘near attainment’ category is considered for indicators that are very close to the standard, then eight of these are in near attainment and 17 are in significant non-attainment. Significant non-attainment includes indicators that will not be attained in the near future, have negative trends or are not making interim targets. Approximately 20 out of 26 of the indicators did not meet their interim targets.” (TRPA 2001)

2.5 Executive Order 12298 – Elimination of Tahoe Federal Coordinating Council - 1981

In March of 1981, E.O. 12298 revoked E.O. 12247, eliminating the Tahoe Federal Coordinating Council for reasons of redundancy in Federal responsibilities of TRPA.

TABLE 1. Summary of Environmental Threshold Indicator Status

Environmental Threshold Compliance Indicator Trends						
Threshold		Evaluations			Trend	
		1991	1996	2001		
I.	AIR QUALITY					
	AQ-1	CO	Nonattainment	Attainment	Attainment	↑
	AQ-2	O ₃	Nonattainment	Nonattainment	Nonattainment	–
	AQ-3	Particulate	Nonattainment	Nonattainment	Attainment	↑
	AQ-4	Visibility	Attainment	Nonattainment	Nonattainment	↓
	AQ-5	U.S. Highway 50 Traffic Volume	Nonattainment	Attainment	Unknown	–
	AQ-6	Wood Smoke	Nonattainment	Nonattainment	Unknown	↑
	AQ-7	VMT	Nonattainment	Nonattainment	Nonattainment	↓
	AQ-8	Atmospheric Nutrient Loading	Attainment	Attainment	Unknown	↑
II.	WATER QUALITY					
	WQ-1	Turbidity (Shallow)	Attainment	Attainment	Attainment	–
	WQ-2	Clarity, Winter	Nonattainment	Nonattainment	Nonattainment	↑
	WQ-3	Phytoplankton PPr	Nonattainment	Nonattainment	Nonattainment	↓
	WQ-4	Tributary Water Quality	Nonattainment	Nonattainment	Nonattainment	↑
	WQ-5	Runoff Water Quality	Nonattainment	Nonattainment	Nonattainment	–
	WQ-6	Groundwater	Nonattainment	Nonattainment	Nonattainment	–
	WQ-7	Other Lakes	Unknown	Unknown	Unknown	–
III.	SOIL CONSERVATION					
	SC-1	Impervious Coverage	Nonattainment	Nonattainment	Nonattainment	↓
	SC-2	Naturally-Functioning SEZ	Nonattainment	Nonattainment	Nonattainment	↑
IV.	VEGETATION					
	V-1	Relative Abundance and Pattern	Nonattainment	Nonattainment	Nonattainment	↑
	V-2	Uncommon Plant Communities	Attainment	Attainment	Attainment	↑
	V-3	Sensitive Vegetation	Nonattainment	Nonattainment	Nonattainment	–
	V-4	Late Seral/Old Growth (New)			Nonattainment	↑
V.	FISHERIES					
	F-1	Lake Habitat	Nonattainment	Nonattainment	Nonattainment	↑
	F-2	Stream Habitat	Nonattainment	Nonattainment	Nonattainment	↑
	F-3	In-Stream Flows	Unknown	Unknown	Attainment	–
	F-4	Lahontan Cutthroat Trout (New)			Attainment	↑
VI.	WILDLIFE					
	W-1	Special Interest Species	Nonattainment	Nonattainment	Nonattainment	↑
	W-2	Habitats of Special Significance	Attainment	Nonattainment	Nonattainment	↑
VII.	SCENIC RESOURCES					
	SR-1	Travel Route Ratings	Nonattainment	Nonattainment	Nonattainment	↑↓
	SR-2	Scenic Quality Ratings	Nonattainment	Nonattainment	Nonattainment	↑↓
	SR-3	Public Recreation Area Scenic Quality Ratings	Unknown	Unknown	Nonattainment	↓
	SR-4	Community Design	Unknown	Nonattainment	Nonattainment	↑
VIII.	NOISE					
	N-1	Single Event (Aircraft)	Unknown	Nonattainment	Nonattainment	↑
	N-2	Single Event (Other)	Attainment	Attainment	Nonattainment	–
	N-3	Community Noise	Nonattainment	Nonattainment	Nonattainment	–
IX.	RECREATION					
	R-1	High Quality Recreational Experience	Unknown	Unknown	Nonattainment	↑
	R-2	Capacity Available to the General Public	Attainment	Attainment	Attainment	↑

Source: TRPA 2002a

↑ = Positive Trend ↓ = Negative Trend – = No Trend

2.6 Santini-Burton Act – 1980 (P.L. 96-596)

The Santini-Burton Act directed the Secretary of the Interior to dispose of specified public land under the jurisdiction of the Bureau of Land Management (BLM) in Clark County, Nevada. A portion of funds generated through implementation of the act was allocated for annual payments to local governments for water pollution control, soil erosion mitigation, and acquisition of environmentally sensitive land within the Tahoe Basin.

The Santini-Burton Act supports the purchase of environmentally sensitive parcels and parcels subject to unsuitable development by the Secretary of Agriculture. As appropriate, the purchased land either becomes part of the national forest system, or is transferred to an appropriate state or local government.

2.7 Washoe Tribe Trust Land Act – 1982 (P.L. 97-288)

This legislative act directs (1) the United States to hold certain land in Nevada in trust for the Washoe Tribe of Nevada and California as part of the Washoe Indian Reservation and to be used primarily for agricultural purposes, and (2) the Bureau of Indian Affairs to transfer the administration of certain other land in Nevada to the U.S. Forest Service (USFS).

2.8 Lake Tahoe Presidential Forum (Forum) – 1997

In July of 1997, the Forum was held in Lake Tahoe. The event focused Federal attention and funds on the environmental conditions of the Tahoe Basin and was well-attended by high-ranking officials including President William Jefferson Clinton, Vice President Al Gore, the California and Nevada U.S. Senate Delegation, several members of Congress, Cabinet-level Secretaries and Administrators, and many other regional dignitaries. The Forum involved a series of Tahoe Basin-focused events and activities and included environmentally related workshops on topic areas such as water quality, forest restoration, ecology, tourism, and transportation. In addition to providing an opportunity for education and information dissemination on issues facing the Tahoe Basin, the Forum also culminated in the signing of an E.O. that created the Tahoe Federal Interagency Partnership (Partnership) and generated interest in the eventual release of the EIP in 1998. Two memorandums of understanding also resulted from the Forum. These are summarized below. Additional Federal funding was also obligated over the next two years.

2.8.1 Executive Order 13057 - Tahoe Federal Interagency Partnership (Partnership) - 1997

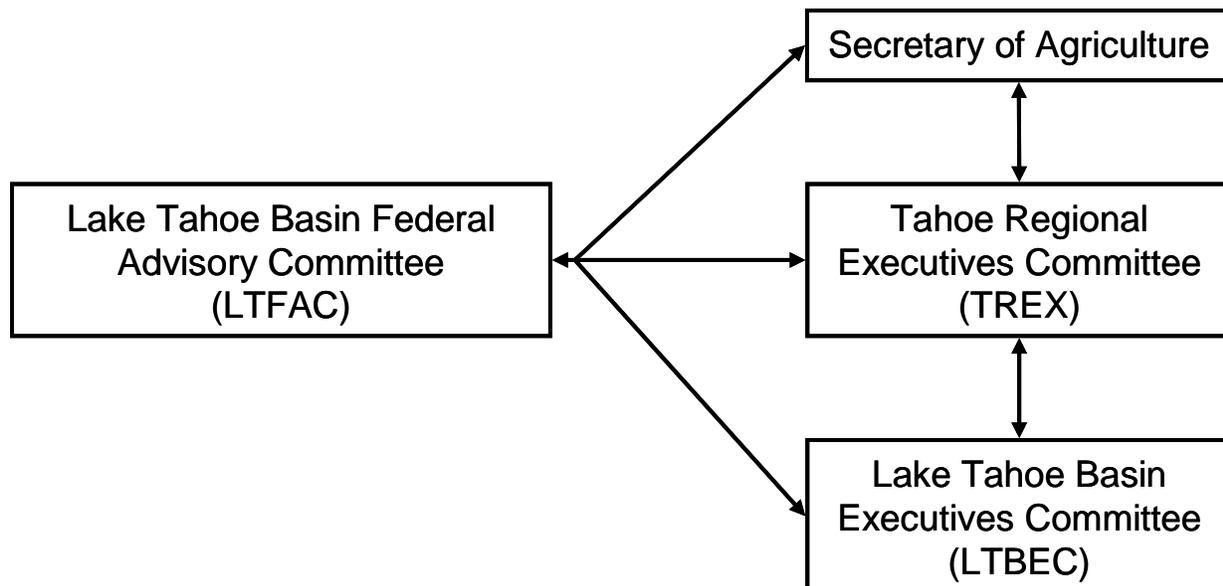
Federal E.O. 13057 directed the creation of the Partnership. The intent of the Partnership is to ensure that Federal agency actions protect the extraordinary natural, recreational, and ecological resources of the Tahoe Basin.

The Partnership includes the Secretaries of Agriculture, Interior, Transportation, and Army; the Administrator of the USEPA; and any other Federal agencies active in the Tahoe Basin that choose to participate. Partnership responsibilities generally include facilitating coordination of Federal programs/projects, promoting consistent policies and strategies, and promoting information sharing. In an effort to establish a regional and local presence, the Partnership

representatives formed two committees: the Tahoe Regional Executives Committee (TRES) and the Lake Tahoe Basin Executives Committee (LTBEC). The TRES provides regional representation of the participating Federal agencies generally meeting on a bi-annual basis. The LTBEC provides staff-level Federal representation and meets on a monthly basis. The LTBEC provides briefings on an as needed basis to the TRES.

In 1998, the Secretary of Agriculture, in compliance with the Federal Advisory Act (P.L. 92-463), established the Lake Tahoe Federal Advisory Committee (LTFAC). The LTFAC includes citizens concerned with the future viability of the Tahoe Basin environment and economy. The LTFAC provides advice to the Secretary of Agriculture and to the Partnership on how to best fulfill the duties outlined in E.O. 13507 and to fully integrate and coordinate Federal programs and funds to best achieve the EIP. Figure 1 depicts the interrelationship among LTBEC, TRES, LTFAC, and the Secretary of Agriculture with regard to the Partnership.

FIGURE 1. LTFAC's Interrelationship Among TRES, LTBEC and the Secretary of Agriculture



Source: LTBEC 1999

2.8.2 Memorandum of Understanding

A summary of the memorandums of understanding signed as part of the Forum in July 1997.

A Memorandum of Understanding between the State of California and the State of Nevada:

- California and Nevada are committed to the sound management and protection of the Tahoe Basin's natural resources and the support of a healthy sustainable economy through their respective state programs and policies.
- California and Nevada are committed to working with the public-private partnerships that exist in the Tahoe Basin.

- California and Nevada are committed to the attainment of the environmental thresholds for Lake Tahoe and to the development and implementation of an appropriate EIP, and urge other public-private partnerships to do the same.
- California and Nevada are actively involved with Federal partners, who will share with the states and local partnerships the implementation and funding of this effort.
- California and Nevada request TRPA to be the lead agency in bringing together those parties needed to pursue the implementation of the EIP programs.
- California and Nevada agree that this memorandum is to expeditiously transmit to all appropriate parties including the President of the United States, Congress, the California and Nevada Legislatures, the local governments of the Tahoe Basin, TRPA, and the Coalition.

The Memorandum of Understanding between the Partnership, the States of California and Nevada, the Washoe Tribe of California and Nevada, the TRPA, the City of South Lake Tahoe, California, the City and County of Carson, Nevada, and the Counties of Placer and El Dorado, California and the Counties of Washoe and Douglas, Nevada states the following:

- The signatories are committed to the 1980 Compact and to the sound management and protection of the Tahoe Basin's natural resources and the support of a healthy, sustainable economy through their respective programs and policies.
- The signatories are committed to the achievement and maintenance of environmental thresholds, cultural and historic values, and economic health for Lake Tahoe and to the adoption and implementation of an EIP.
- The signatories agree to cooperate with each other to pursue implementation, including funding, of an appropriate EIP.
- The signatories are committed to continuing and expanding the participation of public-private partnerships and consensus-building groups in planning and implementing environmental protection measures for Lake Tahoe.

2.9 Environmental Improvement Program (EIP) - 1998

As environmental efforts proceeded, and two threshold attainment studies were conducted for the Tahoe Basin, the need for a coordinated program approach became more evident. The EIP, adopted by the TRPA in 1998, is intended to provide a coordinated program approach for the Tahoe Basin and represents an implementation strategy for TRPA's regional plan and a capital improvement plan for the Tahoe Basin. The EIP has been embraced by Federal, state, and local agencies as well as community stakeholders. It is designed to build upon existing regulatory and capital improvement approaches in existence for more than 10 years in an effort to achieve the ETCC's. The updated 2001 EIP identifies almost \$1.478 billion (in 2000 dollars) worth of needs within the 20-year timeframe of 1997-2016. (TRPA 2001)

The EIP has several components that make up a comprehensive strategy for restoration and improvements. The components include (1) capital projects, (2) research/science activities, (3)

program support and technical assistance, and (4) operations and maintenance activities. The overall objectives of the EIP program include

- Providing a tool to focus implementation efforts region-wide,
- Integrating and organizing threshold needs in one place and format,
- Coordinating multiple agency work programs related to threshold objectives,
- Facilitating public/private partnerships and agreement on priorities,
- Leveraging human, organizational and capital improvement resources, and
- Fostering and creating long-term program investment commitments from all community sectors—Federal, state, local, and private sectors.

The basis of the EIP was to accomplish or exceed multiple environmental goals and to develop a more integrated, proactive environmental management approach.

2.10 Southern Nevada Public Land Management Act – 1998 **(P.L. 105-263) (SNPLMA)**

2.10.1 Background

The SNPLMA directed the Secretary of Interior to dispose of public land, via sale or transfer, in a specific area near Las Vegas, Nevada. The Act directed that revenues from these sales/transfers be divided among the State of Nevada General Education Fund (5 percent), the Southern Nevada Water Authority (10 percent), and a Special Account available to the Secretary of the Interior (85 percent).

The Secretary was authorized to expend funds from the Special Account to

- Acquire environmentally sensitive land in the State of Nevada;
- Conduct capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area and other areas administered by the BLM in Clark County, Nevada and the Spring Mountains National Recreation Area;
- Develop a multi-species habitat conservation plan in Clark County;
- Fund the development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and
- Implement conservation initiatives on Federal land in Clark County, Nevada, administered by the Department of the Interior or the Department of Agriculture.

Other provisions in the SNPLMA direct certain land sale and acquisition procedures, direct the BLM to convey title to land in the McCarran Airport noise zone to Clark County, and provide for the sale of land for affordable housing.

The SNPLMA was amended by P.L. 107-282 in November 2003. The amendment clarified that the Secretary of Agriculture had jurisdiction for land sales/transfers/purchases of national forest system land and the Secretary of the Interior for other land.

2.10.2 SNPLMA Implementation Agreement - 1998

The 1998 Implementation Agreement requires that projects be reviewed by three committees (two in the case of land acquisitions) prior to a recommendation to the Secretary of the Interior for funding. The committees and their members are not included in the statute, but rather, are based solely on the Implementation Agreement. The three layers of committee review and recommendations include subgroups, partners working group, and the Executive Committee. Subgroups are established for various eligible activities and geographic areas, including: capital improvements, parks, trails, and natural areas; multi-species habitat conservation plans; and conservation initiatives for designated geographic areas.

The existing funding process is a 10-month program that advances through the following steps

- Nomination period. Anyone can nominate a land acquisition, but only the four signatories can nominate capital improvement projects.
- Public comment for acquisitions.
- Subgroups rank nominated funding requests except for land acquisitions, which are handled directly by the Partners Working Group. The rankings are based on established criteria for each of the subgroups (and Partners Working Group, in the case of acquisitions).
- Partners Working Group assembles the preliminary recommendation package for Executive Committee and public review.
- The Executive Committee develops the final recommendations that are sent to the Secretary of the Interior for review and approval.
- The Implementation Agreement also includes detailed reimbursement processes for acquisitions and capital improvements. All funding is disbursed and controlled by the BLM under the terms of the existing Implementation Agreement.

2.11 Lake Tahoe Restoration Act – 1999 (P.L. 106-506)

This legislative act (P.L. 106-506) directs the Secretary of Agriculture to develop, in consultation with TRPA and local stakeholders, an environmental restoration priority list for projects associated with (1) erosion and sediment control, (2) acquisition of environmentally sensitive land, (3) fire risk reduction, (4) cleaning up methyl tertiary butyl ether (MTBE) contamination, and (5) parking and traffic management. The act authorizes appropriations for these projects, and provides additional capabilities (including appropriations) to provide grants to local governments for implementation of projects included in the EIP.

Additionally, the act (1) directs the Secretary to coordinate fire risk reduction activities with state and local agencies, including local fire departments and volunteer groups; and minimize

related ground disturbances; (2) states that funding under the act is in addition to USFS base funding allocations; (3) sets forth matching requirements for the States of Nevada and California; and (4) allows land acquisitions only from willing (private) sellers.

2.12 Washoe Indian Tribe Trust Land Conveyance Act – 2003 (P.L. 108-67)

This legislative act directs the Secretary of Agriculture to convey 24 acres of land within the Lake Tahoe Basin Management Unit (LTBMU) and in proximity to Lake Tahoe, to the Secretary of the Interior, in trust for the Washoe Tribe of Nevada and California.

The Washoe Tribe is to (1) limit the use of the conveyed land to traditional and customary uses and stewardship conservation; (2) not permit any permanent or recreational development on, or commercial use of, such land (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and (3) comply with environmental requirements that are no less protective than those that apply under TRPA's regional plan.

2.13 SNPLMA Amendment – 2003 (P.L.108-108)

The recent SNPLMA Amendment, included in the Department of Interior Appropriations Act of 2003 (P.L. 108-108), allows up to \$37.5 million per year to be used for restoration projects at Lake Tahoe. The Amendment provides that a portion of these funds be used for capital costs authorized under the Lake Tahoe Restoration Act, Federal projects in the EIP, and erosion control grants to local governments. The nomination and selection of projects, the disbursement of funds, and other matters related to the funds under the Act are controlled by an implementation agreement.

The amendment requires that these funds be spent in accordance with an amendment to the SNPLMA 1998 Implementation Agreement. The one requirement specified in the amendment is that the modified Implementation Agreement ensures that appropriate stakeholders from Nevada and California are able to participate in the process to recommend projects for funding.

The Corps assisted the Lake Tahoe Transportation and Water Quality Coalition (Coalition) and its partners with definition of a nomination and selection processes for the new SNPLMA Amendment. This process will be critical to the successful implementation of EIP projects.

The locally developed process is supported by the Coalition and its partners and amends the existing SNPLMA Implementation Agreement, which outlines the current nomination and selection process. The locally developed process reflects the special needs of the Tahoe Basin and the EIP, but continues to be compatible with SNPLMA and its current Implementation Agreement. The locally developed process can be grouped into three primary elements: (1) Project Selection Process, (2) Macro Funding Guidelines, and (3) Program Administration and Support. A complete description of the SNPLMA Nomination and Selection Process, as prepared by the Coalition and its partners, is provided in appendix D of the Framework Study – Framework Report.

3.0 REPORTS PREPARED FOR THE TAHOE BASIN

Numerous reports have been compiled and studies performed since the early 1900s that detail the physical and political conditions of the Tahoe Basin. Physical conditions and concerns were recognized as early as the late 1950s when the University of California (UC) Davis Tahoe Research Group (TRG) recognized the importance of lake clarity as a telltale sign of water quality of the lake.

In 1974, the USEPA completed the Lake Tahoe Study which considered the need for additional Federal oversight in the Tahoe Basin. This report was the first of many to follow that considered agency interactions and the political landscape of the Basin. Many feel that this report laid the groundwork for the future inter-governmental and public coordination in the Basin.

Because the Framework Implementation Study was directed to consider Federal agency implementation of environmental improvement projects/programs to improve the environmental quality of the Basin, the recommendations of the 1974 report are summarized below.

3.1 USEPA Report – The Lake Tahoe Study - 1974

The Lake Tahoe Study was completed as directed in Section 114 of the 1972 Federal Water Pollution Control Act. The study considered the Federal, state, and local institutional relationships required to manage the complex and dynamic Lake Tahoe ecosystem. The report focused on issues identified during the course of the study; that is, 1973 to 1974. Ultimately, policy changes were recommended to address the problems identified for that time period. Some of the same institutional problems identified in 1974 exist today.

The study reports that, “Under the general direction of the Presidential Appointee to the TRPA Governing Body, the Federal agencies have acted to coordinate their actions. However, Federal coordination has been hampered by the lack of a definitive Federal policy towards Lake Tahoe.” (USEPA 1974).

Regarding Federal oversight, the study concludes:

- “Federal oversight and control in the management of public lands is adequate to preserve the fragile ecology of Lake Tahoe.
- Federal oversight and control of activities on the private lands is inadequate to preserve the fragile ecology of Lake Tahoe.” (USEPA 1974)

3.1.1 Tools Available to Resolve Issues

The study included “Tools Available to Resolve Issues.” These tools were assumed to build upon each other and should not be considered as mutually exclusive. The tools are summarized below.

Federal Policy/Congressional Oversight

- Federal agencies in the Tahoe Basin are each implementing individual sets of policies. Dissimilar policies need to be reconsidered to provide a cohesive statement of Federal policy for Lake Tahoe.
- The study provides proposed Federal policy language that includes
 - Designation as an area of national significance.
 - TRPA is the appropriate agency to regulate and plan the use of private lands.
 - The Federal government will provide technical and financial assistance to TRPA to achieve the 1969 Compact mandate.
 - Federal agencies will plan program activities to support state efforts and achieve positive resource values.
 - Public funds used to assist local utility/service agencies will require that public land be adequately served.
 - Maximum public participation in the Federal decision process.

Environmental Thresholds

- In an effort to understand long-term consequences to development, the study recommends that projections for future conditions be completed as a tool for assessing the potential effects of further urbanization.
- Development of environmental thresholds will guide development decisions, help meet Federal and state environmental requirements, and meet the 1969 Compact mandate of “resource conservation and orderly development.”
- The thresholds provide the linkage between development decisions on a large scale and the Federal and state environmental regulations that cannot be exceeded.

TRPA Compact Modifications

- The risk of opening the 1969 Compact must be weighed against the desires of competing groups. These groups could attempt drastic changes.
- Compact modifications to consider
 - Remove dual-decision rule and replace with a majority vote of a quorum for Governing Board action.
 - Grant Federal representative on governing board full voting rights.
 - Provide flexible funding for TRPA via either the states’ or county governments.
 - Remove provision Article VI(a) of the 1969 Compact that allows any property licensed, zoned, or designated in a master plan prior to February 5, 1968 to be exempt from permit requirements.
 - Require annual reporting of TRPA environmental effects to the State legislatures and Congress.
 - Add one additional non-local member from each state (that is, Nevada and California) to the governing board.

Mechanisms for Federal/Regional/State Coordination

- Coordination of both Federal programs and non-Federal programs is a problem.

- Federal activity in the Tahoe Basin does not transfer responsibility away from the non-Federal entities.
- Since TRPA is clearly mandated in the 1969 Compact to ensure coordination, TRPA should remain in that role as a strong advocate.
- The coordination between TRPA and Federal agencies appears to be the problem area.
- Possible structural fixes include
 - Federal Coordinators Committee: Staff-level representation.
 - Tahoe Executive Committee: Created as a subcommittee of the Western Federal Regional Council with membership of regional administrators and Secretary's field representatives of agencies acting in the Tahoe Basin.
 - Federal Administrator: Presidential-appointment with no direct line to any agency with the central authority to speak and act on behalf of the entire Federal government to implement Federal policy in the Tahoe Basin.

Air Quality Program

- Implement Tahoe Basin-specific program in two phases using TRPA as the regulating agency. The two phases are:
 - Continue with state agency representation and control while creating an interstate air pollution planning function in the Tahoe Basin.
 - Once planning is complete, implement an interstate control function.

Water Quality Program

- Create a program, including memorandum of understanding among Federal, regional, and local entities, that considers both land use and waste discharge controls using the following strategy:
 - Focus on source controls to limit erosion or potential of erosion.
 - Apply effluent limitation on point and area discharges.
 - Maintain water quality standards in receiving waters as inviolate.

Source Controls

- TRPA and the Lahontan Regional Water Quality Control Board (RWQCB) jointly specify source control measures.
- Ensure inspection and enforcement are fully funded.
- Provide research and demonstration grants to develop and demonstrate source control mechanisms.
- Provide training programs.
- Provide state licensing or bonding for work in the Tahoe Basin.
- Fully fund Natural Resources Conservation Service (NRCS) and resource conservation districts to provide technical assistance to private landowners.

Effluent Limitations

- Conform water quality standards across the California-Nevada Stateline.
- Use capabilities under 1972 Federal Water Pollution Control Act Amendments to enforce discharge limitations.

Water Quality Standards

- Hold water quality standards inviolate and implement a non-degradation policy within the Tahoe Basin.
- Inventory and report water quality conditions in the lake using Section 305(b) of the 1972 Federal Water Pollution Control Act.

Land Acquisition Program

- Land Acquisition considerations
 - Implement land acquisition tools to achieve the mandate to preserve the scenic integrity and recreational opportunities of the Basin.
 - Prioritize land acquisition.
 - Implement fee simple purchase; land exchange; and/or purchase of development rights, access rights, and scenic easements.
 - Determine appropriate entity or combination of entities to acquire, manage, and hold public lands in the Tahoe Basin.
- Funding Sources
 - Determine appropriate funding sources to be considered. These vary from authorized and funded, authorized but not funded, to not authorized and not funded.
- Special considerations
 - Condemnation
 - Legislative taking
 - Public's first right of purchase
 - Purchase with options for additional lands (USEPA 1974)

4.0 KEY PLANNING ENTITIES ACTING IN THE TAHOE BASIN

Numerous Federal, state regional, and local agencies have been involved in efforts to improve and sustain the Tahoe Basin since the 1969 Compact. Presently, several planning agencies and entities are key to ongoing activities in the Tahoe Basin. These key entities include the USFS, TRPA, Lahontan RWQCB, and the Tahoe Metropolitan Planning Organization (TMPO). The following discussion focuses on the broad missions and mandates of the four key active planning entities. In addition, information is provided as to how each entity derives or allocates funding for Tahoe Basin projects/programs. While the efforts of other stakeholders may not be as prominent or visible as those discussed below, they are still important to the overall watershed approach. Other Federal, Tribal, state, public utilities/districts, non-government/non-profit and local stakeholders are discussed below in section 5.0.

Three of the four key planning entities, that is TRPA, USFS, and Lahontan RWQCB, are currently in the process of updating their Regional Plan, Forest Plan, and Water Quality Plan, respectively. The three entities are collaborating on this effort termed “Pathway 2007.” In addition to these three entities, the Nevada Division of Environmental Protection (NDEP) also participates in Pathway 2007. The Pathway 2007 process is intended to (1) increase public input into all three plan updates, (2) create a systematic approach to public and stakeholder input into the process and ultimately the updates, (3) reduce redundancies by coordinating the environmental processing of all three reports, and (4) ensure consistent and complimentary consideration of Tahoe Basin-specific concerns within the updates.

4.1 U.S. Forest Service - Lake Tahoe Basin Management Unit (USFS, LTBMU)

4.1.1 Mission and Mandates

The national mission of the USFS is to sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations. Nationally, the USFS provides leadership in the protection, management, and use of the Nation’s forest, rangeland, and aquatic ecosystems. An ecosystem management approach is used to integrate ecological, economic, and social factors into maintaining and enhancing the quality of the environment to meet current and future needs. Through implementation of land and resource management plans, the agency ensures sustainable ecosystems by restoring and maintaining species diversity and ecological productivity that helps provide recreation, water, timber, minerals, fish, wildlife, wilderness, and aesthetic values for current and future generations.

The USFS established the LTBMU in 1973 because of the unique resource requirements in the Tahoe Basin. The LTBMU is a special unit in Region 5 of the USFS national forest system and encompasses over 150,000 acres of national forest lands. The LTBMU is responsible for management of 77 percent of the land in the Tahoe Basin. The primary purpose of the LTBMU is to protect the Tahoe Basin resources including water quality protection. This is contrary to other national forests that emphasize resource extraction. In an effort to meet the water quality protection purpose, the LTBMU implements the Statewide 208 Plan on its lands and has a forest plan that emphasizes resource protection.

The LTBMU has a number of programs/activities in place intended to address the loss of water clarity in Lake Tahoe; sediment and algae-nourishing phosphorous and nitrogen inflow to the lake; destruction of wetlands, wet meadows and stream zone habitat; and dead or dying trees and increased combustible forest fuels in the Tahoe Basin. These programs/activities are described below.

4.1.2 Tahoe Basin Programs and Funding Sources

Watershed Management/Restoration

The watershed restoration program rehabilitates and restores disturbed areas in the forests. Revegetating or applying other treatments to stream channels, roads, and upland areas curtails soil erosion. This program is funded by a variety of sources, including USFS appropriated funds, Section 319 of the Clean Water Act, the California Tahoe Conservancy (CTC), Nevada bond funds, and some smaller grant opportunities occasionally available through special USFS initiatives. The program funds watershed restoration, assessment, and monitoring projects; recreation best management practices, and erosion control improvements to urban lots.

Hazardous Fuels

Under this program, the LTBMU implements a fuel reduction program by removing selected trees thereby helping reduce the risk of fire. This program also accomplishes prescribed burning on USFS land and the clearing of brush and dead wood on urban lots.

Road Upgrades/Decommissioning

This program is used to close roads, convert roads to trails, and install improvements in roads.

Recreation

The USFS budget for the recreation program includes funding for the Recreation, and Heritage & Wilderness Programs. This program is also involved in solving transportation and traffic problems commensurate with recreation use on public lands.

Land Acquisition

Several land acquisition opportunities exist in the Tahoe Basin. The first is a national program that provides a sum of money for all land acquisition in the country. The second and third opportunities are BLM land exchange programs. The first land exchange program is the Santini-Burton Act of 1980 and the second is the SNPLMA of 1998. These programs provide funds for land acquisition of environmentally sensitive land in the Tahoe Basin.

Erosion Control Grants

The objective of the Erosion Control Grants program is to assist in the regional effort to restore the clarity of Lake Tahoe by providing funds for erosion control work on non-Federal land within the Tahoe Basin.

4.2 The Tahoe Regional Planning Agency (TRPA)

4.2.1 Mission and Mandate

TRPA is a bi-state regional planning and regulatory agency in the Tahoe Basin. Created by the 1969 Compact, it became the first bi-state regional environmental planning agency in the United States. TRPA oversees land use planning and attempts to manage or regulate the associated environmental effects. TRPA covers a broad range of land use issues including density, rate of growth, land coverage, excavation, and scenic impacts. In an effort to meet the mandates of the compact, TRPA maintains environmental standards, issues permits, enforces regulations, and is in charge of attaining Federal water and air quality standards.

TRPA's staff was historically limited to five people but presently ranges from 50 to 60. The agency is generally organized by its main functions of project review, long-range planning, environmental compliance, EIP facilitation, and environmental education. An executive director that is chosen by the governing board directs staff. The governing board consists of 15 appointed officials representing Federal, state, or local governments. The board sets policy, oversees administration, approves Regional Plan amendments, and approves major permits and projects. The board is advised by a 19-member Advisory Planning Commission. The commission consists of professionals with scientific or technical backgrounds and range from planning to natural resource to lay person experience. Additionally, many working groups provide input to the board.

An important component of TRPA's responsibilities is to ensure attainment of the ETCC's. The ETCC's consist of a combination of environmental indicators and policy goals. Each threshold identifies an event or condition that creates an unacceptable change or degradation of a resource. As previously identified, resource areas include water quality, air quality, soil conservation, wildlife habitat, vegetation, noise, recreation, fisheries, and scenic resources.

4.2.2 Tahoe Basin Programs and Funding Sources

Tasked with the sole purpose of protecting the Tahoe Basin's natural resources, TRPA has many funding sources including Federal funds in the form of grants. Discussed below are some of TRPA's programs and independent funding avenues for the agency.

Coverage Mitigation Fee

Two types of coverage mitigation fees are collected by TPRA—excess and offsite coverage. The excess coverage fee is collected when property owners utilize additional coverage on their property than what is typically allowed. The offsite coverage mitigation fee is collected from property owners that “cover” land not on their property (e.g., connecting a private driveway to a public road may require paving a portion of land that is not the property of the individual property owner).

Air Quality Mitigation Program

This TRPA program requires the payment of a fee to offset impacts from indirect sources of air pollution. The fee is levied based on the number of vehicle trips associated with residential, commercial, recreational, and other land use development. Fees are paid to TRPA who, in turn,

disburse the funds to local jurisdictions for expenditures consistent with the agency's Regional Transportation Plan or its Air Quality Plan.

Water Quality Mitigation Program

TRPA requires that land use development that results in the creation of impervious coverage shall offset the potential water quality impacts of the project. One offset method is through payment of a water quality mitigation fee. Fees are paid to TRPA who, in turn, disburse the funds to local jurisdictions for expenditures consistent with TRPA's Water Quality Management Plan.

Stream Environment Zone (SEZ) Restoration Funds

This program allows up to 25 percent of funds collected under the Water Quality Mitigation Program (see above) to be used to implement TRPA's SEZ restoration projects that are included in TRPA's Water Quality Management Plan.

Shore Zone Mitigation Funds

This program includes the collection of mitigation fees for projects that directly effect the lake. Projects such as construction of boat piers, docks and buoys are included.

Coordinated Transit System Mitigation Fund (Public/Private Transit Fleet Operations)

TRPA has collected mitigation fees from a variety of sources (Heavenly Ski Resort, Ski Run, South Tahoe Public Utilities District (STPUD), Travel Systems, and Park Avenue) for the development of a Coordinated Transit System to serve the South Shore of Lake Tahoe.

Rental Car Mitigation

This program, implemented in 1993, required the payment of a daily use fee for rental cars rented in the Basin. The fee is collected by local rental car businesses and used to fund air quality and transportation projects.

4.3 Lahontan Regional Water Quality Control Board (RWQCB)

Lahontan RWQCB is a regional board of the State Water Resources Control Board (SWRCB). The State of California is divided into nine hydrologic regions. The Tahoe Basin, in Region 6, is the Lahontan RWQCB jurisdiction.

4.3.1 Mission and Mandate

The SWRCB mission is to preserve, enhance, and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations. Using the authority of Federal and state laws, the SWRCB implements its mission. The mission and regulatory enforcement capability is transferred to the RWQCB. The RWQCB develops specific regulations and policies for its specific area of concern, also called a Basin Plan.

The Lahontan RWQCB works closely with TRPA and has similar responsibilities although; the Lahontan RWQCB has broader enforcement authority than TRPA as it has the ability to impose administrative civil liability fines to polluters while TRPA can only use the judicial system.

4.3.2 Tahoe Basin Programs and Funding Sources

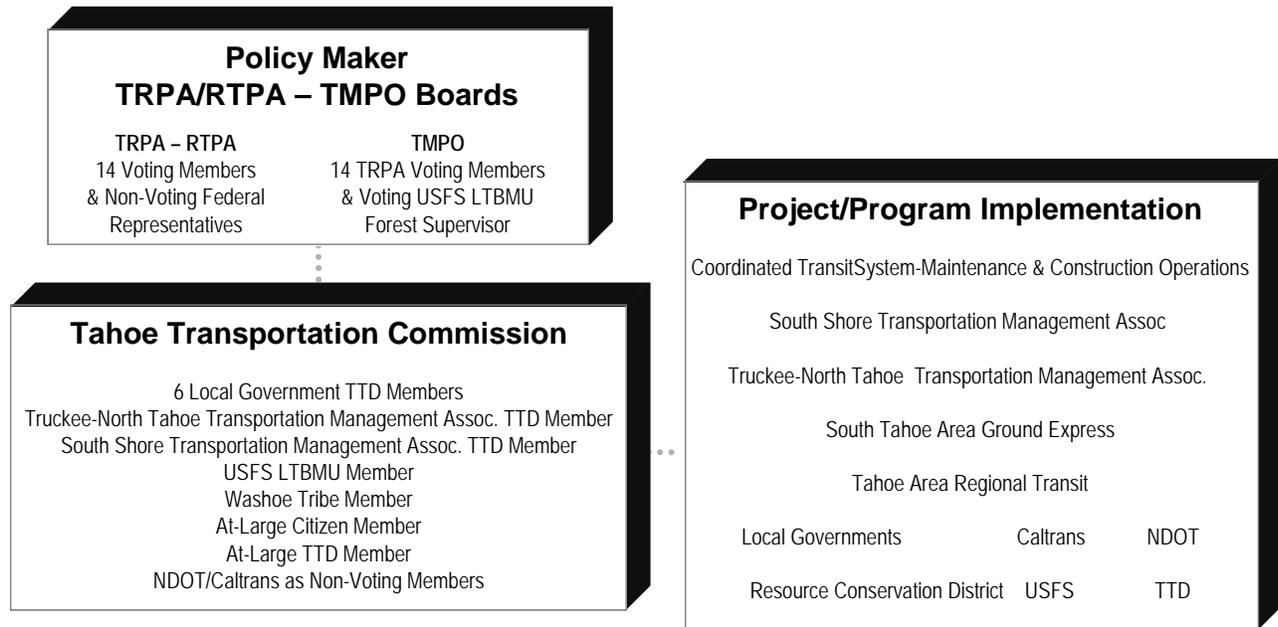
Under the provisions of the Federal Clean Water Act, the California Water Code, and many other laws related to control of solid, toxic, and hazardous waste in the Tahoe Basin, the Lahontan RWQCB regulates water quality in the Tahoe Basin. The RWQCB can also set and revise water quality standards and discharge prohibitions; issue Federal National Pollution Discharge Elimination System permits, 401 water quality certifications, and state waste discharge requirements and waivers. It also complies with California Environmental Quality Act requirements; and implements a Clean Water Act Section 208 Plan for the Tahoe Basin.

Funding for Lahontan RWQCB comes from the State General Fund and propositions such as Proposition 13. Additionally, funds are generated from fees and regulatory fines.

4.4 Tahoe Metropolitan Planning Organization (TMPO)

Regional transportation issues are directly linked to the air quality issues and indirectly linked to water quality issues in the Tahoe Basin. Transportation planning in the Basin includes multiple entities. The organizational framework is shown in Figure 2.

FIGURE 2. Institutional Framework for Transportation Planning/Programming in the Tahoe Basin



Source: unknown

4.4.1 Mission and Mandate

TRPA is designated as the TMPO and is responsible for short- and long-term transportation in the Tahoe Basin. The TMPO designation makes TRPA eligible for broader transportation planning funding sources. As shown in Figure 2, TMPO is a primary participant in policy setting for transportation issues in the Tahoe Basin. TRPA has also been designated as the Regional

Transportation Planning Agency (RTPA) for the State of California for those portions of El Dorado and Placer County that are within the Tahoe Basin boundary. The RTPA is an equal partner with the TMPO in setting policy for the Tahoe Basin. TRPA also receives some Nevada Department of Transportation (NDOT) funds and provides grants to local entities.

When addressing TMPO-related transportation issues, TRPA is charged with (1) implementing a “continuing, comprehensive and cooperative transportation planning process among states and local communities”, and (2) developing a regional transportation plan with an aim to attain and maintain pertinent 1982 thresholds. (TRPA 2002b)

Other pertinent transportation interests in the Tahoe Basin include the following:

- **Tahoe Transportation District (TTD)** – TTD was established under the 1980 Compact and has the authority to operate public transit services in the Tahoe Basin. Funds for transportation activities can be generated through bond issuance.
- **Truckee – North Tahoe Transportation Management Association** – The Truckee-North Tahoe Transportation Management Association is a public-private partnership initiated in 1990. The Truckee-North Tahoe Transportation Management Association is a non-profit, community-based group dedicated to solving traffic congestion and air quality issues in the Truckee-North Tahoe-Incline Village area.
- **South Shore Transportation Management Association** – The South Shore Transportation Management Association is a non-profit, community-based partnership that promotes an action-oriented forum where public and private resources are combined to address air quality and mobility issues of the South Shore community as they relate to both visitors and residents.
- **Coordinated Transit System** – Coordinated Transit System is a public-private partnership in the South Lake Tahoe area providing funding for coordinated transportation in core areas. Coordinated Transit System efforts and funding allow major developments to proceed; for example, the Heavenly Ski Resort Master Plan.
- **Nevada Department of Transportation (NDOT)** – NDOT works closely with the regional agencies and local agencies in the Tahoe Basin. NDOT initiated partnering sessions with 20 different agencies to foster a collaborative process. Collaboration has led to improvement in project implementation success. To ensure overall project success, NDOT considers three areas of concern including water quality, transportation, and maintenance. The primary goals are to reduce the amount of sediment and pollutants reaching the lake, improve the current transportation system within the Tahoe Basin, and provide access to the Tahoe Basin during winter storms while reducing sediment flow to the lake. NDOT has been recognized for its partnership approach in developing best management practices for the Tahoe Basin. (See NDOT discussion in Section 7.4.)
- **California Department of Transportation (Caltrans)** – In an effort to fulfill its responsibility for implementing EIP projects, Caltrans has planned improvement projects on State highways surrounding the lake and completed water quality and erosion control master plans. Projects include storm water management and water quality improvements to reduce sediment and pollutants that reach the Lake. (See Caltrans Discussion in Section 7.4.)

4.4.2 Tahoe Basin Program and Funding Sources

Federal Land Highway Program

This program is an important component of funding for the Tahoe Basin. The program provides funding for a coordinated program of public roads and transit facilities serving Federal and Indian Land under the Transportation Equity Act for the 21st Century. The program provides transportation-engineering services. This program includes a number of funding categories including: Park Roads and Parkways, Indian Reservation roads, Public Land Highways, Forest Highways, and Refuge Roads. To receive funds under the Forest Highways program, a highway must be designated as a Forest Highway. Currently in the Tahoe Basin, Highway 28, Mount Rose Highway (Highway 431), Highway 89 from Highway 50 at the South “Y” to Truckee, and the Fallen Leaf Lake Road have this designation.

State of Nevada – 1996 Tahoe Bond

The 1996 Tahoe Bond was a voter-approved statewide bond to provide funds for erosion control projects and the restoration of natural waterways in the Tahoe Basin. Funds from this program are distributed on a discretionary basis.

State of California and Nevada Statewide Transportation Improvement Program

This program lists all capital and non-capital transportation projects proposed for funding under Title 23 of the Federal-Aid Highway Act or the Federal Transit Act. Projects include improving highway capacity such as increasing the number of lanes, new roads, road extensions, and intersection improvements and covers improvements to public and Federal land, highways, transit, trails, pedestrian walkways, and bicycle facilities.

State of California State Highway Operation and Protection Program

This program provides funds for the operation and rehabilitation of the State highway system. This program will fund a majority of water quality improvements around the lake.

5.0 OTHER FEDERAL ENTITIES ACTING IN THE TAHOE BASIN

Numerous other Federal agencies are actively engaged, with varying levels of participation, in the Tahoe Basin. Federal Partnership members not discussed above include the Corps, U.S. Department of Interior, U.S. Geological Survey (USGS), U.S. Department of Agriculture, U.S. Department of Transportation (USDOT), USEPA, the NRCS, U.S. Fish and Wildlife Service (USFWS); Federal Highway Administration (FHWA); Federal Transit Administration (FTA); and U.S. Bureau of Reclamation (Reclamation). The U.S. Postal Service and Department of Housing and Urban Development are also signatories to the Partnership, but do not actively participate. The mission, mandate, and Tahoe Basin related programs and funding sources of these Federal agencies are discussed in below.

Information on funding sources was taken from the 2001 EIP Report, Volume III, EIP Financing Plan. In addition to information on funding sources, information is also provided in Table 2 as to how Federal entities derive or allocate funding for Tahoe Basin area projects/programs.

TABLE 2. Primary Federal Agencies Congressional Committees

Agency	Federal Appropriations Committee/Subcommittee Jurisdiction	Federal Authorization Committee/Subcommittee Jurisdiction
Corps	<u>Senate:</u> Energy and Water Development <u>House:</u> Energy and Water Development	<u>Senate:</u> Environment and Public Works Committee – Transportation, Infrastructure, and Nuclear Safety Subcommittee <u>House:</u> Transportation and Infrastructure Committee - Water Resources and Environment Subcommittee
NRCS	<u>Senate:</u> Agriculture <u>House:</u> Agriculture, Rural Development, Food and Drug Administration and related agencies	<u>Senate:</u> Agriculture, Nutrition, and Forestry Committee – Forestry, Conservation, and Rural Revitalization Subcommittee <u>House:</u> Transportation and Infrastructure Committee - Water Resources and Environment Subcommittee
Reclamation	<u>Senate:</u> Energy and Water Development <u>House:</u> Energy and Water Development	<u>Senate:</u> Energy and Natural Resources – Water and Power Subcommittee <u>House:</u> Resources Committee – Water and Power Subcommittee
USDOT	<u>Senate:</u> Transportation <u>House:</u> Transportation	<u>Senate:</u> Committee on Commerce, Science, and Transportation – Surface Transportation and Merchant Marine <u>House:</u> Transportation and Infrastructure Committee – Highways and Transit Subcommittee
USEPA	<u>Senate:</u> Veteran’s Affairs-Housing and Urban Development <u>House:</u> Veteran’s Affairs-Housing and Urban Development, and Independent Agencies	<u>Senate:</u> Committee on Environment and Public Works <u>House:</u> Transportation and Infrastructure Committee - Water Resources and Environment Subcommittee

Agency	Federal Appropriations Committee/Subcommittee Jurisdiction	Federal Authorization Committee/Subcommittee Jurisdiction
USFS	<u>Senate:</u> Interior <u>House:</u> Interior	<u>Senate:</u> Agriculture, Nutrition, and Forestry Committee – Forestry, Conservation, and Rural Revitalization Subcommittee <u>House:</u> Resources Committee – National Parks, Forests, and Lands
USFWS	<u>Senate:</u> Interior <u>House:</u> Interior	<u>Senate:</u> Committee on Environment and Public Works – Drinking Water, Fisheries, and Wildlife Subcommittee <u>House:</u> Resources Committee – Fisheries, Conservation, Wildlife, and Oceans Subcommittee
USGS	<u>Senate:</u> Interior <u>House:</u> Interior	<u>Senate:</u> Commerce, Science, and Transportation Committee <u>House:</u> Resources Committee

5.1 Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

The FHWA and the FTA are two of nine organizations under the leadership of the USDOT. Each is headquartered in Washington, D.C. with field offices throughout the country.

5.1.1 National Mission and Mandates

The mission or vision of the FHWA is to “create the best transportation system in the world for the American people through proactive leadership, innovation, and excellence in service.” FHWA also provides “expertise, resources, and information to continually improve the quality of our nation’s highway system and its intermodal connections.”

The mission of the FTA is, “to ensure personal mobility and America’s economic and community vitality by supporting high quality public transportation through leadership, technical assistance, and financial resources.”

5.1.2 Tahoe Basin Programs and Funding Sources

Clean Fuels Formula Grant Program (FTA program)

This program assists transit operators in the purchase of low-emissions buses and related equipment, construction of alternative-fuel fueling facilities, modification of garage facilities to accommodate clean-fuel vehicles, and in the utilization of bio-diesel fuel. The program requires a 20 percent local match.

Congestion Mitigation & Air Quality Program (jointly administered by FHWA and FTA)

Established under the Intermodal Surface Transportation Efficiency Act and expanded under the Transportation Equity Act for the 21st Century, the Congestion Mitigation & Air Quality Program provides funds for transportation projects that reduce criteria air pollutants regulated

from transportation-related sources. The program is one source of funds available for the purposes of reducing congestion and improving air quality. An 11.8 percent local/state match is required to receive Federal funds.

Federal Transit Administration Section 5309 Funds (FTA program)

This discretionary program provides capital assistance for bus and bus related facilities. The federal share of projects under this program generally cannot exceed 80 percent. Projects that are eligible for funding under this program are purchases of buses and other required equipment, ancillary equipment, and construction of associated buildings. The program also includes funding for bus rehabilitation and leasing, park and ride facilities, parking lots for transit facilities, and bus passenger shelters.

National Recreational Trails Act (FHWA program)

Under this FHWA program, funds are transferred to the states and used to provide and maintain recreational trails for motorized and non-motorized recreational trail uses. Historically, Congress appropriates funds on an annual basis. The local cost-share portion is 30 percent.

National Scenic Byways (USDOT program)

Under this program, the Secretary of Transportation is able to designate National Scenic Byways that have scenic, historical, cultural, natural, recreational, and archeological qualities. On average, about \$24.4 million is authorized annually for projects nationwide. Projects are generally funded on an 80 percent Federal/20 percent local match. In order for a project to compete for these funds, a road must have both state and national designation as a scenic byway. Currently, there are no roads in the California Tahoe Basin that have this National designation. However, the Lake Tahoe Eastshore Drive (Highway 50/28) in Nevada is designated as a National Scenic Byway. If California were to gain National designation for Highway 89, it could connect with the Lake Tahoe Eastshore Drive in Nevada.

Surface Transportation Program (USDOT program)

Established under the Intermodal Surface Transportation Efficiency Act and expanded under the Transportation Equity Act for the 21st Century, Surface Transportation Program funds are “flexible,” meaning they can be spent on mass transit, pedestrian and bicycle facilities as well as on roads and highways. An 11.8 percent local/state match is required to receive these federal funds.

Transportation Enhancements Program (FHWA program)

This program is a Transportation Equity Act for the 21st Century funding category that provides funds for projects that enhance the compatibility of transportation facilities with their surroundings. Examples of transportation enhancement projects include bicycle and pedestrian paths, restoration of rail depots or other historic transportation facilities, and acquisition of scenic or open space lands next to travel corridors. Within the Basin, Transportation Enhancement Program funds have been used for El Dorado Beach Landscaping, Emerald Bay Historic Wall Reconstruction, Cave Rock Cultural Resources Protection Management Plan, the South Stateline Erosion Control Project, Tahoe Boulevard, Tahoe City, and for sidewalks along Kingsbury Grade. An 11.8 percent local/state match is required to receive these Federal funds.

5.2 Natural Resources Conservation Service (NRCS)

5.2.1 National Mission and Mandates

The NRCS provides leadership and administers programs to help people conserve, improve, and sustain natural resources and the environment. Working with landowners and operators in local conservation districts, the NRCS addresses natural resource issues as they affect private land in agriculture and other uses. The NRCS is the lead agency in the United States Department of Agriculture for conservation and administers several programs including the Environmental Quality Incentives Program, Wetlands Reserve Program, Wildlife Habitat Incentives Program, and Watershed Protection and Flood Prevention Program; leads the National Cooperative Soil Survey and National Resource Inventory; and provides leadership in assisting landowners and local groups in resource conservation and development projects.

5.2.2 Tahoe Basin Programs and Funding Sources

Because the NRCS does not have specific regulatory authority in the Tahoe Basin and its goals are natural resource conservation based, this agency's participation and funding efforts focus on technical studies and conservation program implementation.

Backyard Conservation Initiative

As part of the deliverables from the 1997 Forum, the NRCS is providing assistance to Tahoe homeowners for conservation practices. No local or state fund match is required for this initiative.

Environmental Quality Incentives Program

Administered by the NRCS, the Environmental Quality Incentives Program provides funds for the protection of soil, water, and related natural resources. The Environmental Quality Incentives Program requires a 25 percent local/state match.

Soil Survey

This NRCS program provides staff time to update the Tahoe Basin Soil Survey on private land in partnership with the USGS. In fiscal year (FY) 1997 and FY 1998, EIP funding was contributed to this program. At this time, no additional funding for EIP projects is anticipated from this program.

5.3 U.S. Army Corps of Engineers (Corps)

5.3.1 National Mission and Mandates

The Corps mission includes providing quality, responsive engineering services to the nation including planning, designing, building and operating water resources and other civil works projects. These projects also include navigation, flood control, environmental protection, and disaster response. Military construction responsibilities include designing and managing the construction of military facilities for the U.S. Army and U.S. Air Force. Providing design and construction management support for other defense and Federal agencies is also a significant mission. The Corps also supports military contingencies and states and territories in civil disasters (for example, hurricanes, tornadoes, floods, etc.). The Corps can provide cost-shared

assistance to non-Federal agencies, and in some cases, non-profit organizations, for water resource issues.

In the Tahoe Basin, these water resource issues primarily involve aquatic ecosystem restoration, watershed planning, infrastructure rehabilitation in support of watershed health, and programmatic support of the EIP. The majority of Corps work is specifically authorized by an action of Congress and requires annual appropriation. The Corps does not provide grant funding as of the date of this update. Project assistance requires entering into a cost-sharing agreement with the Corps. Project funding opportunities are listed below by authorization.

5.3.2 Tahoe Basin Programs and Funding Sources

As a Partnership member assisting with EIP implementation, the Corps participates directly with improvement projects, has regulatory authority over resources in the Tahoe Basin and provides funding support for other Tahoe related program efforts.

Continuing Authorities Program; Section 206 Water Resources Development Act of 1996 (WRDA 96)

Provide assistance for study, design and construction to restore degraded aquatic ecosystems to a less degraded more natural condition. *Cost Match*: 65 percent Federal, 35 percent Non-Federal. Maximum Federal cost of \$5,000,000 per project. This authorization has received appropriations in Lake Tahoe.

Truckee River and Tributaries; California and Nevada, Resolution by the Committee on Environment and Public Works of the United States Senate

Provide assistance for study, design, and upon further authorization, construction for aquatic ecosystem restoration and watershed management planning. *Cost Match*: 50 percent Federal, 50 percent Non-Federal for studies and 65 percent Federal, 35 percent Non-Federal for design and construction. This authorization has received appropriations in Lake Tahoe.

Watershed Management, Restoration, and Development; Section 211, WRDA 99, (amends Section 503, WRDA 96)

Provide technical assistance (no construction) in Tahoe Basin for management and restoration of water quality, streams, wetlands, and watersheds. Work is performed by the Corps or a Corps contractor. *Cost Match*: 50 percent Federal, 50 percent Non-Federal. This authorization has not received appropriations in Lake Tahoe.

Environmental Infrastructure; Section 502, WRDA 99 (amends Section 219, WRDA 92)

Provide design and construction assistance for resource protection and wastewater and water infrastructure. Work is performed by a Corps contractor. *Cost Match*: 75 percent Federal, 25 percent Non-Federal. This authorization has not received appropriations in Lake Tahoe.

Rural Nevada; Section 595, WRDA 99

Provide design and construction assistance to rural Nevada communities for wastewater infrastructure, water supply infrastructure, environmental restoration, and surface water resource protection. Assistance can be in the form of reimbursement for work performed by non-Federal

partner. *Cost Match*: 75 percent Federal, 25 percent Non-Federal. This authorization has received appropriations in Lake Tahoe.

Tribal Partnership Program; Section 203, WRDA 00

Provide assistance to Indian tribes to study feasibility of carrying out water resources development projects to benefit Indian tribes and located within Indian country. As a new program, relatively little guidance has been developed by the Corps. However, the Partnership, States of Nevada and California, the Washoe Tribe, and TRPA have committed to the achievement and maintenance of 'cultural values'. It is possible that this program could be used to identify and implement cultural restoration projects as part of the Environmental Improvement Program greater watershed strategy. *Cost Match*: Study cost share varies based on ability to pay. Work-in-kind of cash is authorized. This authorization has not received appropriations in Lake Tahoe.

5.4 U.S. Bureau of Reclamation (Reclamation)

5.4.1 National Mission and Mandates

The mission of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the public. Most recently, Reclamation has been engaged in the Basin via the Wetlands Development Program, a congressionally directed program.

5.4.2 Tahoe Basin Programs and Funding Sources

The Newlands Project - Lake Tahoe Dam

In the Tahoe Basin, Reclamation is responsible for operation of the Lake Tahoe Dam, which regulates flows into the Truckee River. The Lake Tahoe Dam, completed in 1913, is one portion of the Newlands Project. The top six feet of Lake Tahoe is a reservoir and is managed by Reclamation through a Federal water master.

Wetlands Development Program (Grant program)

In recent years, Reclamation has provided grant funds to TRPA for use in implementing EIP projects. TRPA requests proposals are submitted by local and regional entities for grant funding consideration. The Trout Creek Restoration Project, in cooperation with the City of South Lake Tahoe, was one of the early projects to be funded. This funding is tied to the annual appropriations cycle and is a congressional earmark.

5.5 U.S. Environmental Protection Agency (USEPA)

5.5.1 National Mission and Mandates

The mission of the USEPA is to protect human health and to safeguard the natural environment--air, water, and land--upon which life depends.

The USEPA's purpose is to ensure that

- All Americans are protected from significant risks to human health and the environment where they live, learn and work.
- National efforts to reduce environmental risk are based on the best available scientific information.
- Federal laws protecting human health and the environment are enforced fairly and effectively.
- Environmental protection is an integral consideration in United States policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy.
- All parts of society--communities, individuals, business, state and local governments, tribal governments--have access to accurate information sufficient to effectively participate in managing human health and environmental risks.
- Environmental protection contributes to making communities and ecosystems diverse, sustainable and economically productive.
- The United States plays a leadership role in working with other nations to protect the global environment.

5.5.2 Tahoe Basin Programs and Funding Sources

The USEPA is part of the Partnership, has regulatory oversight in the region, participates with a wide variety of program and project implementation and funding, and has a “place-based position” at Lake Tahoe. Various USEPA programs include the following:

Clean Water State Revolving Fund

Under this program, loans are available for water quality improvement projects. The USEPA provides funding to each state to establish an ongoing loan program. Loans under this program require a 20 percent local/state match. In Nevada, projects receive loans based on a prioritized list.

Nonpoint Source Water Pollution Control

Under section 319 of the Clean Water Act, this program provides funds for implementation of nonpoint source pollution control programs, with each state passing through a portion of these funds to other entities. Each project must provide a 40 percent local/state match. Program priorities include solving and protecting high quality water, local watershed management, enhancing aquatic and riparian ecosystems, public education and outreach, and collaboration among multiple interests.

Water Quality Assessment and Planning

Under section 205/604 of the Clean Water Act, funds are available for water quality assessment and planning. Priority is given to projects that support local watershed management efforts. In Nevada, the pass-through portion of these funds is available to government agencies through a competitive process. A 25 percent local/state match is required.

USEPA Environmental Research Grants

This potential funding source is available to principal investigators in universities and not-for-profit research institutions. The grants are intended to facilitate cooperation between the USEPA and the scientific community to help forge solutions to environmental problems.

5.6 U.S. Fish and Wildlife Service (USFWS)

5.6.1 National Mission and Mandates

The mission of the USFWS is to work with others to conserve, protect and enhance fish, wildlife, and plants and their habitats.

5.6.2 Tahoe Basin Programs and Funding Sources

The USFWS's mandate is purposely focused on species and habitat preservation and the same applies for its Tahoe related participation.

North America Wetlands Conservation Act

Under this USFWS program, 10 joint ventures were organized to support partnerships and funding opportunities to promote long-term conservation of wetland ecosystems and waterfowl and other migratory birds, fish, and wildlife that depend on such habitat. A competitive process is held biannually with a project cost cap of \$1 million. This program could provide \$1 million annually for the EIP.

Sport Fish Restoration Act

This USFWS program is aimed at increasing sport fishing and boating opportunities including fishery research, management, and development as well as fishing and boating access improvements and aquatic education. A project sponsor must provide a 25 percent match and the remaining 75 percent can be reimbursed with Federal funds. Project sponsors can apply for these funds on an annual basis, but the limited amount of funds guarantees strong competition. A 25 percent local/state match is required under this Federal program.

Wildlife and Sport Fish Restoration Acts

This federal program provides funding for capital improvements for fish and wildlife projects as well as research projects. As with the Sport Fish Restoration Act above, projects can include fishing and boating access improvements as well as aquatic education. It is the discretion of each state receiving the funds as to how the funding will be distributed. Limited funds guarantee strong competition.

5.7 U.S. Geological Survey (USGS)

5.7.1 National Mission and Mandates

The USGS serves the Nation by providing reliable scientific information to

- Describe and understand the Earth.
- Minimize loss of life and property from natural disasters.
- Manage water, biological, energy, and mineral resources.

- Enhance and protect quality of life.

The mission is accomplished through data collection, research, comprehensive studies, and information services in the broad disciplines of hydrology, geology, biology, geography, and cartography. The National Mapping Program of the USGS provides geographic and cartographic data, information, and related research to meet the broad requirements of resource managers and earth scientists in solving national challenges such as disaster response and mitigation, land and resource development, pollution abatement, transportation planning, urban development, and recreational use.

5.7.2 Tahoe Basin Programs and Funding Sources

As a Partnership member, the USGS's contribution to EIP advancement centers on funding programs and studies related to environmental quality in the Tahoe Basin. Executive Order 13057, among other things, called for the development of a linked natural-resources database and geographic information system capability. To assist with these efforts, the Lake Tahoe Data Clearinghouse was formed and is a success because of the support and contributions of data and information from many different organizations.

Federal/State Cooperative Water Resources Program

Under this program, the USGS provides services and funding through the Federal/State Cooperative Water Resources Program. The agency can fund up to one-half of the cost of a project and requires a local partner to provide the remaining funding. The Lake Tahoe Interagency Monitoring Program is a project under this program, and TRPA and USGS are sharing the costs for this project. Funding levels are determined by annual congressional appropriations that are distributed for competitive allocation (based on the level of science and transfer value of research and data) to the USGS Water Resources Division Districts in each state. This program will serve as a source of USGS funding for data collection and research in the Tahoe Basin. The program requires a 50 percent local/state match.

Scientific Programs

This program funds scientific studies based on the research priorities and scientific programs of various participating divisions and offices. The Tahoe Basin has benefited from funding provided from this program during recent years. The levels of matching funding vary for each project.

USGS Research Grants

The USGS conducts its own research, often in partnership with other entities. The research covers a variety of areas related to earth science and hydrology, ranging from environmental monitoring and descriptive surveys (water, biology, geology, mapping, and remote sensing) to process-oriented research. The USGS's research activities are primarily funded by congressional appropriations, through partnerships with state and local agencies, and from funding provided by other Federal agencies (for example, USEPA, Corps etc.).

6.0 TRIBAL NATIONS

The Washoe Tribe of Nevada and California is a unique tribe whose heritage is strongly tied to the natural resources of the Tahoe Basin. The Tribe has inhabited the Tahoe Basin for 9,000 years. At its peak, the Tribe had 5,000 members. Today it has approximately 1,500 members. The Tribe is intently focused on the preservation of the Tahoe region and works to secure access to native property and sites around the Tahoe lakeshore. (Washoe Tribe 1995)

7.0 STATE ENTITIES ACTING IN THE TAHOE BASIN

Both the State of California and the State of Nevada have several agencies working in the Tahoe Basin. In California, these agencies include the California State Parks, the Department of Parks and Recreation, the CTC, and Caltrans. State of Nevada agencies working in the Tahoe Basin include the Nevada Division of State Lands, NDOT, and the Nevada Division of State Parks. All of these agencies share aspects of a common mission to preserve and protect the States' extraordinary environmental and cultural resources through conservation and education. These agencies also contribute to the EIP funds and facilitate project implementation in the Tahoe Basin. These state agencies and their participation in the Tahoe Basin are more fully discussed below.

7.1 California Department of Transportation (Caltrans)

7.1.1 Mission and Mandates

Caltrans owns operates and maintains a number of state roadways within the Tahoe Basin. To fulfill its commitment to the EIP, Caltrans has planned improvement projects that will affect every mile of State highway in the Tahoe Basin. These projects will help Caltrans manage storm water and improve water quality along the State highway system, for example, the Brockway Summit Erosion Control Project.

7.1.2 Tahoe Basin Programs and Funding Sources

State Highway Operations and Protection Program

This program is one source of funding used to maintain state roads in the Tahoe Basin. It is a four-year program of projects designed to maintain the safety and integrity of the State highway system. The program is prepared biennially by Caltrans and approved by the California Transportation Commission.

Regional Transportation Improvement Program

Funds from the Regional Transportation Improvement Program can be used for a variety of transportation projects. They include state highways, grade separations, transportation system management projects, transportation demand projects, rail transit projects, local street and road projects, intermodal facilities, and for pedestrian and bicycle projects.

7.2 California State Parks

7.2.1 Mission and Mandates

California State Parks operates and maintains nine park units within the Tahoe Basin. All of these parks offer recreational opportunities with the exception of Ward Creek which is designated to preserve and protect an area of undeveloped upland forest and meadowland. State Parks was created to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.

7.2.2 Tahoe Basin Programs and Funding Sources

Land and Water Conservation Fund

This program provides funds to federal agencies, and to the 50 states and 6 territories and requires a dollar for dollar match. The money allocated to the states may be used for statewide planning, and for acquiring and developing outdoor recreation areas and facilities. The program is administered by the National Park Service.

Habitat Conservation Fund

Under the California Wildlife Protection Act of 1990, this program provides funds to local governments from the Habitat Conservation Fund Grant Program. Two million dollars is available under the program and it requires a dollar for dollar match from a non-state source. Cities, counties and districts are eligible to apply.

Recreational Trails Program

This program provides funds for recreational trails and trails-related projects. Cities, counties, districts, state agencies, and nonprofit organizations with management responsibilities over public lands are eligible to apply. Allocation of grant cycles varies and is expected to be approximately \$3.2 million for the current cycle. Of the \$3.2 million, \$2.2 million is available for non-motorized trails projects and \$1.0 million for motorized trails projects. This is a matching program that provides up to 80 percent of the project costs.

7.3 California Tahoe Conservancy (CTC)

7.3.1 Mission and Mandates

The CTC is an independent State agency within the Resources Agency of the State of California. It was established in its present form by State law in 1984 (Chapter 1239, Statutes of 1984). Its jurisdiction extends only to the Tahoe Basin within the California borders. The CTC was established to develop and implement programs through acquisitions and site improvements to improve Lake Tahoe water quality; preserve the scenic beauty and recreational opportunities of the region; provide public access, preserve wildlife habitat areas, and manage and restore lands to protect the natural environment.

The CTC has no regulatory responsibility or police powers; however, it has a substantial budget for land acquisition, project implementation and management. Moreover, the CTC has played an important role historically as an effective facilitation and implementation agency working in the region.

7.3.2 Tahoe Basin Programs and Funding Sources

General Fund

The General Fund is the predominant fund for financing state government programs. The General Fund accounts for revenues that are not specifically designated to any other fund. The primary sources of revenue for the General Fund are personal income, sales, and bank and corporation taxes. The General Fund is also the primary funding source for the CTC.

Environmental License Plate Fund

The Environmental License Plate Fund derives its funding from the sale of personalized motor vehicle license plates for the California Department of Motor Vehicles. Funds can be used, for example, for acquisition, preservation and restoration of natural areas and ecological reserves; protection of non-game species and threatened and endangered plants and animals; restoration of fish and wildlife habitat; and reduction of the effect of soil erosion and discharge of sediments into the water of the Lake Tahoe region. While most of the funding is used to support the California State Department of Fish and Game, the CTC uses about 20 percent of the annual funding for local assistance and capital outlay projects. These funds are included as part of General Fund contributions made by the State.

Habitat Conservation Fund

Proposition 117, the California Wildlife Protection Act of 1990, created the Habitat Conservation Fund. Funding can be used for specific habitat conservation-related capital improvement projects in the Tahoe Basin. The CTC is mandated to receive funds annually through 2020.

Lake Tahoe Acquisition Fund

This fund was established in 1982 and provided close to \$82 million in the Tahoe Basin for the acquisition of environmentally sensitive land and other significant resources. At this time, no additional funding is anticipated in future years.

Lake Tahoe License Plate Program

Established under Vehicle Code Section 5075, the CTC makes available for purchase a special environmental design license plate depicting a significant feature of Lake Tahoe. Funds are used by the CTC to establish and improve trails, pathways, and public access for non-motorized traffic within the California portion of the Tahoe Basin that is within the California boarder.

Proposition 12

In March of 2000, California voters approved Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (referred to as the Villaraigosa-Keeley Act). Under this measure, the state is authorized to sell \$2.1 billion in state general obligation bonds for the acquisition, development, and protection of recreational, cultural, and natural areas. The bond measure authorizes \$50 million for projects in the Tahoe Basin. It is assumed that additional Proposition 12 discretionary funding will become available through the bond measure. This money is reflected in the CTC budget.

Proposition 13

In March of 2000, California voters also approved Proposition 13, which is being administered by the SWRCB. It provides competitive grant funding for non-point source pollution control and watershed restoration funding.

Proposition 204

In 1996, California voters approved Proposition 204 to provide funds for safer drinking water, cleaning up pollution in California's water bodies, and protecting fish and wildlife. The CTC utilized these funds in FY 1997. At this time no additional funding is anticipated

7.4 Nevada Department of Transportation (NDOT)

7.4.1 Mission and Mandates

The NDOT's mission is to efficiently plan, design, construct and maintain a safe and effective transportation system for Nevada's economic, environmental, social and intermodal needs.

7.4.2 Tahoe Basin Programs and Funding Sources

State Route 28 and Highway 50 Erosion Control & Water Quality Master Plans

The State Route 28 and Highway 50 Erosion Control & Water Quality Master Plans are multi-agency partnering efforts to plan treatment needs and approaches for source control, water quality treatment, and other environmental threshold values for State Route 28 between Memorial Point and Spooner Junction (approximately 5.7 miles of two-lane highway), and Highway 50 between Kahle Drive and Spooner Summit (approximately 13 miles of four-lane highway). The first of several projects is complete, and included source control (rock slope protection and revegetation) and runoff treatment (sediment catch and infiltration) for the first two miles of State Route 28 from Spooner Junction. The first phase of the Highway 50 projects started during the 2000 construction season with large cut slope treatments below Spooner Junction. Funding for this project was provided by FHWA through NDOT.

NDOT Master Plan Partnering Process

The objectives of the NDOT Master Plan Partnering Process are to work as a team in a spirit of partnering to produce a quality master plan that meets all user, schedule and phasing requirements, is cost effective, properly administered and produces the data upon which to effectively design, build and maintain the necessary erosion control and storm water management facilities. The team includes three subcommittees: design, environmental, and public involvement.

1996 Tahoe Bond Act

The Tahoe Bond Act provided \$20 million for erosion control projects and restoration of watercourses. The available funds are split between NDOT (33 percent), and local grant recipients (66 percent).

7.5 Nevada Division of State Lands

7.5.1 Mission and Mandates

The Nevada Division of State Lands leads the State's programs to protect Lake Tahoe. The Nevada Tahoe Resource Team is an interagency team coordinated by the Division of State Lands and dedicated to preserving and enhancing the natural environment in the Tahoe Basin. The team currently consists of eight members; five from the Division of State Lands, one from the Division of Forestry, one from the Division of Wildlife, and one from the Division of State Parks.

The Nevada Tahoe Resource Team is responsible for implementing Nevada's share of the EIP, and is coordinating and implementing a wide range of projects designed to improve water

quality, control erosion, restore natural watercourses, improve forest health and wildlife habitat, and provide recreational opportunities. EIP grant funds are available to local governments and some nonprofit groups. The cost of implementing the EIP has been apportioned between the Federal Government, the States of Nevada and California, local governments, and private property owners.

7.5.2 Tahoe Basin Programs and Funding Sources

The Division of State Lands administers a variety of other Tahoe programs, including two Tahoe bond acts, and the Lake Tahoe license plate program.

1986 Tahoe Bond Act

The Tahoe Bond Act of 1986 approved by voters authorized the sale of more than \$50 million in bonds for the acquisition of sensitive land in the Basin.

1996 Tahoe Bond Act

In 1996, Nevada voters approved the Tahoe Bond Act, which provides \$20 million for erosion control projects and the restoration of natural watercourses in the Tahoe Basin. As mentioned above, NDOT receives one-third of the funds while the remaining amount is available for local governments through a competitive grant application process. Only EIP projects are eligible for funding and a local match of 25 percent is required.

Lake Tahoe License Plate Program

Residents of Nevada are able to purchase and renew a license plate with a depiction of Lake Tahoe for a premium fee. Funds are available to support programs for the preservation and restoration of the natural environment of the Tahoe Basin. Currently, the funds generated through this program are awarded as grants for environmental projects.

7.6 Nevada Division of State Parks

7.6.1 Mission and Mandates

The Nevada Division of State Parks was established in 1963. The 1963 Legislature passed the bill to form a new state park agency within the Department of Conservation and Natural Resources on April 19th. The reorganization of the agency as a Division within the Department of Conservation and Natural Resources became effective July 1, 1963. Today the Division of State Parks manages and maintains 24 parks in the Nevada State Parks system.

7.6.2 Tahoe Basin Programs and Funding Sources

Assembly Bill 285

Assembly Bill 285 established a program for the protection of the Tahoe Basin. The Division of State Lands was directed to establish and administer the program. The bill authorized the issuance of general obligation bonds and provided for legislative appropriations to carry out the program, created a State general fund to protect the Tahoe Basin; and authorized the Administrator of the Division of State Lands to issue grants to carry out the program. These funds can be used for many EIP projects including transportation, forest health and water quality improvements, and best management practice retrofits.

7.7 State of Nevada Division of Environmental Protection (NDEP)

7.7.1 Mission and Mandates

The NDEP was developed to preserve and enhance the environment of the state in order to protect public health, sustain healthy ecosystems and contribute to a vibrant economy.

7.7.2 Tahoe Basin Programs and Funding Sources

AB 198

This program provides grants to purveyors of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water system as required or made necessary by the state health board or by the Safe Drinking Water Act. The program seeks to enable communities to comply with health regulations and to assure the costs of the improvements do not overwhelm or cripple the system.

State Revolving Loan Fund

Administered by the staff of the Bureau of Water Pollution Control, this program is financed through the USEPA under the Clean Water Act. The goals and objectives of the program are to protect the public health by providing financial assistance for the construction of publicly owned wastewater treatment plants and non-point source control projects.

8.0 PUBLIC UTILITIES/DISTRICTS

8.1.1 South Tahoe Public Utilities District (STPUD)

The STPUD was formed in 1950 as a public agency with the purpose of serving the South Lake Tahoe community's water needs. One of the STPUD's missions is to "provide reliable collection, treatment, and reuse of wastewater, resulting in the protection of the unique environment of Lake Tahoe . . ." A second mission is to "ensure the community has an adequate supply of high quality water for all its needs." As part of its participation in the Tahoe Basin, the STPUD acts as the lead agency for the STPUD Groundwater Management Plan Stakeholder Advisory Group. This group is involved in the development of a groundwater management plan for South Lake Tahoe (pursuant to the Groundwater Management Act, Water Code subsection 10750) that, among other things, aims to avoid further contamination of drinking water wells by substances such as MTBE. (STPUD 2003)

8.1.2 Incline Village General Improvement District (IVGID)

IVGID is a local government created under Nevada state law and chartered to provide utility and recreation services for the communities of Incline Village and Crystal Bay, Nevada. It is a municipal public service entity governed by a five-member popularly elected board of trustees. The board sets policy and strategies to meet its charter.

IVGID, within the limits of its charter and state law, determines the facilities and services required to enhance or preserve the general health, safety, and welfare of the communities it serves. IVGID has the power to set rates, tolls, and fees and to levy and collect taxes in order to acquire, construct, and provide facilities and sustain its operations.

8.1.3 Tahoe City Public Utility District

Founded in 1938, the Tahoe City Public Utility District initially provided public water service to the community. Sanitary sewer services were eventually added. The district serves approximately 22 square miles from the Dollar Point area along the north shore of Lake Tahoe to D.L. Bliss State Park along the west shore. All wastewater from the utility district is conveyed to a regional treatment facility in the Truckee, California.

8.1.4 Kingsbury General Improvement District

The Kingsbury General Improvement District was founded in 1964 to provide water and sanitary sewer for the community. The Kingsbury General Improvement District is located between South Tahoe Public Utility District and Douglas County Sewer Improvement District and was founded in 1964. The irrigation district provides water and sanitary sewer for the area encompassed by State Route 50 up Kingsbury Grade (State Highway 207) to Stateline.

8.1.5 North Tahoe Public Utility District

The North Tahoe Public Utility District (NTPUD) was founded in 1948 to collect, treat, and dispose of wastewater from Kings Beach, Brockway, Tahoe Vista and the surrounding areas. By 1978, all wastewater from NTPUD was transported to a new regional treatment facility in the

Truckee, California. Today the NTPUD operates the wastewater collection and transportation system. Along with the wastewater operations, NTPUD also operates a water treatment facility, the recreation programs, and the beaches and parks within its district boundaries. (Corps 2003)

8.1.6 Douglas County Sewer Improvement District No. 1

The Douglas County Sewer Improvement District No. 1 (DCSID) was founded in the early 1950's. DCSID is located on the southeastern side of Lake Tahoe north of South Lake Tahoe. The service area for DCSID is approximately 1.7 square miles. DCSID provides sewer treatment for the following five districts: Tahoe-Douglas District, Round Hill General Improvement District, Elk Point Sanitation District, Kingsbury General Improvement District, and DCSID. (Corps 2003)

8.1.7 Tahoe Douglas District

The Tahoe Douglas District was formed in 1969 to provide water and sanitary sewer for the community. In the early 1990's, the water system was given to Douglas County to maintain. The district boundary ranges from Glenbrook, Nevada, to Zephyr Cove, Nevada, where the Round Hill General Improvement District begins. (Corps 2003)

8.1.8 Round Hill General Improvement District

The Round Hill General Improvement District provides water and sanitary sewer services. The district boundary ranges from just south of Zephyr Cove, Nevada, to approximately Elks Point, where the Douglas County Sewer Improvement District begins. (Corps 2003)

9.0 NON-GOVERNMENT/NON-PROFIT PARTNERSHIPS AND COALITIONS

The number of non-governmental organizations and private associations tied to the Tahoe Basin is astounding. Some of the better-known groups include the League to Save Lake Tahoe (League), North Lake Tahoe Resort Association (NLTRA) and the TRG, and the Desert Research Institute. These groups engage in various programs and projects related to the Tahoe Basin including educational outreach and capital improvement programs.

9.1.1 Lake Tahoe Transportation and Water Quality Coalition (Coalition)

The Coalition, initiated in 1989 under the name of the Tahoe Transportation Coalition, has grown to include a coalition of 18 business and environmental groups, including Placer and El Dorado Counties, City of South Lake Tahoe, and Douglas and Washoe Counties in Nevada. The initial focus of the Coalition was to develop a stronger Tahoe Basin transit program. Many have seen the Coalition as the first collaborative movement in the Tahoe Basin.

Today, the Coalition focuses on issues surrounding transportation and water quality. Although sometimes at odds with each other, the primary members have effectively lobbied the Federal government to increase Federal support in the Tahoe Basin. The Coalition was instrumental in leading the effort for the Forum and for increasing Federal funds provided for transportation and water quality issues, including significant Federal funds committed for implementing the programs and projects outlined in the EIP. The Coalition was also instrumental in passage of the Lake Tahoe Restoration Act (P.L. 106-506) and most recently, in the SNPLMA amendment effort.

9.1.2 League to Save Lake Tahoe (League)

The League was formed in 1957 and is a privately funded, non-profit, public benefit membership organization. The League is dedicated to the restoration and preservation of the Tahoe Basin. The League works to protect the public interest in conserving the Tahoe Basin and its resources. The over 5,000 members in the League include a diverse group of individuals from across the nation and the world with varying political perspectives.

Historically, the League was instrumental in creating TRPA and developing the regional plan. More recently, the League has focused on building public support, bringing science and politics together, building consensus between the varied interest groups around protecting and restoring Lake Tahoe, and acting as the advocate for sensible development in the Tahoe Basin.

9.1.3 North Lake Tahoe Resort Association (NLTRA)

The NLTRA was created in 1996 as a result of the merger of the Tahoe North Visitors and Convention Bureau and the North Lake Tahoe Chamber of Commerce. The intent of the merger was to create an organization that would promote, enhance, reinvigorate, coordinate, and direct tourism for the economic betterment of the North Lake Tahoe Region. The association is an independent nonprofit organization funded largely through local transient-occupancy taxes—taxes paid by occupants of hotels, motels, and other short-term lodging.

A nine-member board of directors governs the NLTRA. Members are from the North Lake Tahoe and Truckee areas. The association retains an executive director who is responsible to the board for the implementation of the policies and goals set by the board.

The Placer County Board of Supervisors contracts with NLTRA to promote tourism and make recommendations on needed infrastructure projects in the north Tahoe area.

9.1.4 University of California, Davis - Tahoe Research Group (TRG)

Researchers from UC Davis became aware of the decline in the lake's water quality in 1959 and established the TRG to conduct research in limnology: the study of fresh water lakes and waterways. The TRG continues to conduct pioneering research on the physics, chemistry, and biology of Lake Tahoe and evaluates the success of efforts to preserve the lake's clarity.

In concert with public and private partners within the Tahoe Basin and at UC Davis, the TRG has presented a comprehensive outline for future research in the Tahoe Basin that has broad applicability to the entire Sierra Nevada. Major topics included are air quality, forestry, soil microbiology/biogeochemistry, surface hydrology, groundwater, sediment and nutrient transport, stream ecology, wetlands, limnology, fisheries, paleolimnology, ecosystem restoration, watershed management, geographic information systems, monitoring and data management, social and economic factors, regulatory organization, public participation and education, and policy and development planning.

9.1.5 Desert Research Institute

Created in 1959 by an act of the Nevada Legislature, the Desert Research Institute was initially established as part of the University of Nevada. When the University of Nevada system was formed in 1968, the Desert Research Institute became an autonomous, nonprofit division of the University and Community College system. In coordination with the UC Davis TRG, Desert Research Institute has provided and continues to provide scientific data and support for improving the environmental quality in the Tahoe Basin.

10.0 LOCAL

Local governments in the Tahoe Basin include five counties (Placer, Douglas, Washoe, El Dorado, and Alpine, though Alpine County does not have services in the Tahoe Basin); and two cities, the City of South Lake Tahoe, which is incorporated and the unincorporated Carson City. Local Tahoe Basin governments vary greatly in the types of communities they serve ranging from urbanized and densely populated cities such as South Lake Tahoe and Stateline, Nevada to smaller and sometimes-exclusive lakeshore communities such as Incline Village. Among the six local jurisdictions, Carson City is unique in that its jurisdiction includes primarily public land.

Local governments are generally responsible for (1) entering into and conforming with memorandums of understanding between the local government and TRPA, (2) implementing remedial water quality projects, and (3) preparing community plans and other related plans necessary for their jurisdiction.

Funding mechanisms for the various local governments include the following:

Measure S

In September 2000, voters in the City of South Lake Tahoe approved Measure S which implements an \$18 per year residential parcel tax to help fund specific recreational improvements. Commercial property owners will also contribute to the program. Specific improvements include a new ice rink, local ball fields, and capital improvements at Tahoe Paradise Park, as well as ongoing park operations and maintenance. The program will also provide funds the next 30 years for construction of new bicycle trails. This investment will provide the necessary local match for obtaining state funds for bike trail construction.

Redevelopment Area Funds

Tax increment financing is a method of financing public improvements with dedicated property tax revenue. To collect this revenue, a redevelopment area is created and a “base-year” assessed property value is determined. Property taxes collected on a base year value are distributed to preexisting taxing jurisdictions as usual; however, taxes collected on any increases in property values above the base year are dedicated to financing public improvements. There are two redevelopment areas in the Tahoe Basin that produce tax increment funds, including a portion of the City of South Lake Tahoe and in Kings Beach along the north shore of the Lake. Redevelopment funds will contribute a portion of the local funds needed for future EIP improvements.

Transient Occupancy Tax

The transient occupancy tax is a tax on visitor accommodations. Within the Tahoe Basin, five jurisdictions levy a transient occupancy tax at a rate of 10 percent. These include the City of South Lake Tahoe, and Placer, El Dorado, Washoe, and Douglas Counties. These jurisdictions approve projects that are funded by the tax, which is typically used to promote tourism and for development and construction of infrastructure projects. Of the 10 percent tax levied in Placer County, two percent of the revenue collected from the Tahoe community is to be used to fund infrastructure improvements.

In addition to local governments, resource conservation districts also participate in EIP project implementation in partnership with other local entities. Grant funds are most often provided through the Federal government.

11.0 BASIN WORKING GROUPS

There are approximately 30 interagency working groups that exist to address a range of environmental resource issues in the Tahoe Basin. The membership of these groups is primarily made up of Federal, regional, state and local agency staff; however, a number of dedicated landowners, members of the business community, students, and citizens also participate in working group meetings. The groups provide an arena for integration and information sharing. Some groups are more interdisciplinary, focusing on a wide range of environmental issues, while others focus more specifically on protection and maintenance of one or more of the nine ETCC's. Many of the working groups initially formed to aid TRPA staff with the completion of the threshold evaluation reports, as required every five years. However, as these groups met to provide a comprehensive look at the state of the Tahoe Basin environment, they became aware of the utility of gathering natural resource staff from different agencies to complete a task. The groups began to tackle more and more issues, and new groups formed with interests independent of the threshold evaluations.

Table 3 describes the mission, vision and purpose and goals of the working groups. In some cases, a group's mission and purpose may be intertwined and therefore, no particularly specific distinctions exist between the mission and purpose.

TABLE 3. Tahoe Basin Working Groups' – Mission and Purpose

Name	Mission/Vision	Purpose/Goals/Tasks
<i>Interdisciplinary Groups</i>		
Science Advisory Group	Ensure seamless and continuous flow of information between the scientific community and management/regulatory agencies to promote effective adaptive management in the Basin	Provide TRPA and community with timely, sound, scientific information on land use planning and management issues including restoration and mitigation Serve as Steering Group for research Provide forum for organizing scientific activities, developing strategies and networking collaboration among scientific institutions
Integration Team	To integrate multi-agency efforts to implement the EIP	Improve and integrate the process of implementing EIP projects Act as a liaison between the executive officers of the member agencies and the staff

Name	Mission/Vision	Purpose/Goals/Tasks
<i>Groups Concerned with the Biota</i>		
Biological Advisory Group	Advise the region's biological resources management policy and research needs Coordinate and ensure information sharing among region's biologists Define and develop management strategies Prioritize research and restoration needs	Provide new avenues for coordination and improve existing coordination efforts Better exchange of information/data amongst the different Lake Tahoe agencies Define and prioritize biological research, management and information needs Establish professional relationships Unify and organize a stance on different political issues that may impact biological resources Exchange information/knowledge of agency's policies, background, and positions on issues Provide peer review of research, monitoring, and management policy Provide a unified voice for wildlife issues that are scientifically based, not politically motivated Provide an annual forum for reporting out of biological information to a wide audience
Forest Health Consensus Group	Recommend to TRPA changes to the Regional Plan regarding forest ecosystem by identifying and defining objectives and strategies that educate and assist the decision-making bodies and the general public on current and long-term dynamics of the forest ecosystem by looking at the Tahoe Basin forest ecosystem as a whole	Define the desired future conditions of the ecosystem Develop an ecosystem management strategy that provides guidance for attaining future condition Recommend an ongoing system for monitoring and evaluation the condition of the Forest ecosystem and the long-term effectiveness of the management strategies and adapting them to new information and changing conditions
Nevada Ecosystem Advisory Team	Provide coordinated ecosystem-based leadership among Federal, state, and local organizations to enhance and sustain Nevada's natural and economic resources	Improve communication and coordination among agencies to develop ecosystem-based perspective for all activities Develop a strategy to empower local communities to enhance their ecosystems Streamline paperwork, reduce red tape and regulation, and share resources
Tahoe Yellow Cress Technical Advisory Group		Create a conservation strategy for the yellow cress Was to provide final conservation strategy to governing board in August 2001

Name	Mission/Vision	Purpose/Goals/Tasks
<i>Groups Concerned with Water Quality</i>		
Water Quality Working Group	Address relevant water quality issues, foster coordination, communication, unified direction, and appropriate decision making within and between agencies, use limited resources in a cost-effective manner	<p>Improve communication between water quality program members</p> <p>Share and learn the technical and research aspects of water quality.</p> <p>Coordinate, mobilize, and share technical data and other water quality research information</p> <p>Coordinate agency work programs</p> <p>Insure coordination by organizing the group into subgroups for the most efficient and effective use of time.</p> <p>Define financing needs and identify opportunities to coordinate and combine program/project funding and resources.</p> <p>Define research needs and priorities.</p> <p>Evaluate existing water quality monitoring programs, identify where gaps exist, and establish additional monitoring and feedback tools.</p> <p>Integrate water quality improvement efforts to improve efficiency and results.</p> <p>Develop a consistent set of goals, objectives, and procedures as it relates to public outreach, research, monitoring, and project development.</p> <p>Improve outreach to and inclusion of the general public</p> <p>Provide recommendations to policy makers</p> <p>Improve the attainment of regulatory goals</p> <p>Improve project BMP effectiveness, design, planning, and implementation.</p> <p>Develop project priority criteria</p>
Stream Environment Zone Technical Advisory Group	Provide for a long-term focus on SEZ restoration	<p>Evaluate urban runoff treatment relative to SEZs</p> <p>Review and prioritize watershed approach to evaluation of SEZ restoration needs</p> <p>Coordinate not duplicate SEZ restoration project technical advisory group</p>
Lake Tahoe Source Water Group	Coordinate state Source Water Protection Program and incorporate source water protection measures into TRPA 208 plan.	<p>The Lake Tahoe Source Water Protection Program includes development of a Coordination Plan that will follow the development and implementation of state source water assessment and protection plans in the Lake Tahoe Region. The Coordination Plan will be developed using a watershed approach. USEPA is looking for this Coordination Plan to serve as a model for application to other interstate watersheds in the United States.</p> <p>Status.</p>

Name	Mission/Vision	Purpose/Goals/Tasks
STPUD Groundwater Management Plan Stakeholder Advisory Group	Prepare Draft Groundwater Management Plan	
Lake Tahoe Sewer Agencies	Bring together utility districts and regulators to identify areas where sewer pipeline infrastructure may be an environmental hazard to Lake Tahoe	
<i>Groups Concerned with Recreation</i>		
Recreation Advisory Group	Evaluate and make constructive recommendations regarding the recreation threshold while sustaining the environmental resources and economic viability of the Region	Provide understanding of how thresholds are defined and implemented Identify indicators that lead to effective evaluation Analyze progress toward threshold maintenance and attainment Quantify/qualify/identify current conditions and trends in the region's recreational activities Get recreation identified as an important part of the economy and quality of life in the Basin Update database of public/private provider facilities Create Regional Recreation Master Plan
Tahoe Coalition of Recreation Providers	Provide a forum for the expression of divergent points of view within the recreation industry. Serve as a clearinghouse for recreation providers regarding projects and activities in the Region	
<i>Groups Concerned with Noise Levels</i>		
Noise Working Group	Provide expert technical advise on noise issues within the Region Provide peer review of proposed and existing noise programs Make recommendations to TRPA	
<i>Groups Concerned with Outreach and Education</i>		
Lake Tahoe Environmental Education Coalition (subgroup: Tahoe Citizens Environmental Action Network)	Bring agency and educational organizations together into a coalition and formulate a coordinated, comprehensive strategy that will effectively teach all sub-audiences at Lake Tahoe decision-making skills to help them make informed decision and change their behaviors	
Communications Working Group	To facilitate and coordinate the exchange of information among research institutions and between research institutions and the public.	

Name	Mission/Vision	Purpose/Goals/Tasks
<i>Groups Concerned with Best Management Practices Effectiveness</i>		
Tahoe Basin Interagency Road Maintenance and Operations Committee	Identify and seek alignment of “best” management practices and design standards in an effort to minimize the effects road operation and maintenance have on the environment in the basin, and to reduce review efforts by regulatory agencies.	
Performance Review Committee	Improve maintenance activity effort to keep capital improvements functional. Aimed largely at county public works departments. Also concerned with commercial and tourism allocation issues.	This group is driven by TRPA Ordinance 33.2.B(5)(b)(ii) which requires each county and the CSLT to demonstrate adequate maintenance of water quality facilities prior to receiving 100% of the respective jurisdiction’s residential allocation for development.
Large Project Water Quality BMP Maintenance Group	Improve maintenance activity effort at private properties with uses containing large areas of impervious coverage, and uses with a high potential to degrade water quality to keep capital improvements functional.	
Erosion Control Technical Advisory Committee	To set policy for development and review of erosion control projects, and evaluate their effectiveness. Also, to act as a forum for new approaches and techniques for erosion control and water quality treatment.	
Tahoe Basin Revegetation Group	To encourage information sharing on revegetation, evaluate successful techniques and plant materials for revegetation, and to encourage revegetation as a cost-effective means of erosion control.	
Shore Zone Review Committee	Coordination of shore zone project review and enforcement activities by shore zone agencies. Project level decisions predominate. There is less policy level discussions/decisions with this group.	

Name	Mission/Vision	Purpose/Goals/Tasks
Upper Truckee River Focused Watershed Group	To use the Upper Truckee watershed as a focus and model watershed to coordinate activities aimed largely at the protection and enhancement of water quality in the watershed, and ultimately, Lake Tahoe. To design an action or watershed plan which may be applied to all watersheds in the Region.	<p>Assessment of the current conditions of watershed resources.</p> <p>Obtain commitments of the Federal, state, and local agencies, as well as local groups, and residents.</p> <p>Identify watershed improvement needs, including management and physical needs.</p> <p>Develop coordinated Action Plan to address needs.</p> <p>Identify available and potential resources (\$, labor, etc.)</p> <p>Implement Action Plan</p> <p>Monitor and assess.</p> <p>Adjust actions as needed.</p>
<i>Groups Concerned with Air quality and Transportation</i>		
NDOT Master Plan Partnering Process	To work as a team in a spirit of partnering to produce a quality master plan that meets all user, schedule and phasing requirements, is cost effective, properly administered and produces the data upon which to effectively design, build and maintain the necessary erosion control and storm water management facilities. To define and provide preliminary design for water quality improvements on Nevada Highways 28 and 50.	
Tahoe Transportation Commission and Tahoe Transportation District	This is a formal committee. It is publicly noticed.	Responsible for input into regional plans and regional improvement programs.
Lake Tahoe Transportation and Water Quality Coalition	A consensus-based forum for discussion and action on issues of mutual concern and interest involving Lake Tahoe's leading business, tourism, environmental and property rights organizations.	<p>Regularly meet with representatives of Tahoe's major regulatory and land use agencies, including TRPA and the USFS</p> <p>Organization and development of Lake Tahoe's annual Joint Federal Legislative Agenda</p> <p>Advocate Federal funds for Tahoe projects and programs, with an emphasis on Federal funds in support of the Lake Tahoe EIP.</p> <p>Coordinates a "Transportation Working Group," which facilitates consensus and organizes support for a variety of transportation project and planning programs</p>
Prescribed Burning Technical Advisory Committee	Coordinate prescribed burning activities in relation to air quality thresholds.	To coordinate prescribed burning activities towards reduction of smoke and precipitation to surface waters.

Name	Mission/Vision	Purpose/Goals/Tasks
Nevada Water Resources Association	No information is available at this time	
Clean Cities Coalition		Increasing the use of alternative fuels and decreasing the Nation's dependence on foreign fuel sources.
Nevada Bond Act Technical Advisory Committee	To provide technical input for the awarding of grants, through the 1996 Nevada Tahoe Bond Act, for the purposes of implementing erosion control and stream environment zone restoration projects.	The 1996 Nevada Tahoe Bond Act authorizes the issuance of state general obligation bonds to provide grants to local governments and the department of transportation to carry out projects for the control of erosion and the restoration of natural watercourses on the Nevada side of the Tahoe Basin.

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**LAKE TAHOE BASIN
FRAMEWORK IMPLEMENTATION REPORT
D R A F T**

**APPENDIX D
STAKEHOLDER-DEVELOPED EIP PROJECT
NOMINATION AND SELECTION PROCESS
AND ENHANCEMENTS**

(As submitted to the Study Team by the Lake Tahoe
Transportation and Water Quality Coalition)

Prepared for:
The U.S. Army Corps of Engineers
Sacramento, CA

April 2004

SNPLMA Lake Tahoe Restoration Projects Recommendation Process

The Southern Nevada Public Land Management Act (SNPLMA) amendment legislated under section 342 of Public Law 108-108 (November 2003) authorizes expenditures under the SNPLMA special account for Lake Tahoe Restoration Projects. The recommendation process for these projects is designed as a distinct and parallel process to the procedures used to select projects and land acquisitions already established under the SNPLMA. The objective is to recommend projects for the Environmental Improvement Program (EIP) at Lake Tahoe to the Secretary of Interior for approval as part of the Final Recommendation under the SNPLMA beginning in 2004.

The Renewed Charter for the Lake Tahoe Federal Advisory Committee

The existing Lake Tahoe Federal Advisory Committee (LTFAC) Charter shall be renewed primarily for the purpose of reviewing the Priority List under the Lake Tahoe Restoration Act, and developing the Recommendations for Lake Tahoe by the Tahoe Regional Executives (TREX) under the SNPLMA. The renewed LTFAC shall consist of the following representatives:

- Gaming industry
- Local environmental*
- National environmental
- Ski resorts
- North Shore economic/recreation
- South Shore economic/recreation*
- Resort Associations
- Education
- Property rights advocates
- Science and research*
- California local government*
- Nevada local government*
- Washoe Tribe*
- State of California*
- State of Nevada*
- Tahoe Regional Planning Agency*
- Labor
- Transportation*
- Two at-large members

(* Denotes a member of the Tahoe Working Group)

The Tahoe Working Group

The renewed LTFAC shall establish a subgroup called the Tahoe Working Group (TWG), which includes the members of the Lake Tahoe Basin Executive Committee (LTBEC), which receives nominated projects and develops a Preliminary

Recommendations for Lake Tahoe. The TWG is composed of one representative each from the following:

- US Department of Agriculture (Forest Service)
- US Department of Agriculture (NRCS)
- US Department of Interior (Bureau of Reclamation)
- US Department of Transportation (Federal Highway Administration)
- US Department of Defense (Army Corps of Engineers)
- US Environmental Protection Agency
- US Geological Survey
- US Fish & Wildlife Service
- California Tahoe Conservancy
- Nevada Division of State Lands
- Tahoe Regional Planning Agency
- Science and research
- California local government
- Nevada local government
- Washoe Tribe
- Business representative
- Environmental representative
- Transportation representative

The Tahoe Regional Executive Committee

The existing TREX (established pursuant to Executive Order 13057, dated July 26, 1997) will serve as the advisory body for reviewing and determining the priorities for the Recommendations for Lake Tahoe. The TREX will transmit their Final Recommendations for Lake Tahoe expenditures from the SNPLMA Special Account funds to the SNPLMA Executive Committee (Executive Committee). The Executive Committee will include the Recommendations for Lake Tahoe in its development of the Final Recommendation that the Executive Committee sends to the Secretary of Interior for her/his decision regarding expenditures under the SNPLMA. The TREX is composed of each agency's Regional Director or Manager as listed below:

- USDA Forest Service
- USDA Natural Resources Conservation Service
- Environmental Protection Agency
- U.S. Department of Transportation
- U.S. Geological Survey
- U.S. Army Corps of Engineers
- Bureau of Reclamation
- Department of Interior, Bureau of Land Management
- US Fish & Wildlife Service

Lake Tahoe Science Advisory Group

The Tahoe Science Advisory Group (TSAG) is formed based on a formal Memorandum of Understanding between the Tahoe Regional Planning Agency (TRPA), the University of California at Davis, the Desert Research Institute, University of Nevada at Reno, United States Geological Survey and USDA Forest Service Pacific Southwest Research Station. The primary focus for the TSAG is to prioritize research, monitoring, evaluation and outreach supporting Tahoe Basin management goals.

Nomination of Lake Tahoe Restoration Projects

Parallel with the SNPLMA nomination process, the TWG receives nominated projects, which must have all required documentation as outlined in the Nomination Package Requirements for Lake Tahoe projects provided in Appendix J.

The minimum standards for nominated projects for Lake Tahoe considered by the TWG are that the projects (1) are responsibilities of the federal government in the EIP (which may be part of a larger project that involves non-federal agencies), and (2) have a willing and ready federal sponsor that confirms that a project has been programmed through a federal interagency EIP management unit that follows the objective and basic implementing measures described in Appendix K. The Forest Service submits its agency's projects to this interagency management unit from the Priority List required under the Lake Tahoe Restoration Act.

Selection of Projects for Lake Tahoe

The TWG will consider nominated projects based primarily on the general guidance set forth in the EIP, and further guided, as needed, on the following considerations:

1. Timing
 - a. Urgency for action
 - b. Readiness
2. Fiscal Considerations
 - a. Comparative cost/benefit analysis
 - b. Level of nonfederal contribution and partnership in funding, design, construction, operation, and maintenance (applicable only for partnership type projects that involve leveraging funds between agencies)
 - c. Funding and operational capacity to operate/maintain desired improvement
3. Support
 - a. Breadth and depth of support from federal, state, local stakeholders
 - b. Capacity and authority of implementing agency to perform (including operation and maintenance)
4. Adaptive Management Considerations
 - a. Anticipated impacts of the proposed projects on environmental improvements

- b. Certainty of the impacts of the proposed projects
- c. Risk to the environment from unintended impacts or failure of the proposed projects
- d. Applicability of project monitoring to adaptive management guidelines

The existing Lake Tahoe Science Advisory Group (SAG) will advise the TWG on the adaptive management considerations described under item 4 above. The SAG will identify those nominated projects that provide the best opportunities for improving the effectiveness of environmental restoration activities through field monitoring and research activities. The SAG will develop and forward this information in a report to the TWG. The TWG will use this report in developing the list of projects to be included in the Preliminary Recommendation Package.

Science, Research, and Monitoring. To effectively inform restoration activities within the Lake Tahoe Basin in an Adaptive Management Framework, the research community must be able to report on the effectiveness of previously implemented restoration projects based on available data and in developing a research plan for the Basin. To accomplish this, a Research Consortium will be proposed in the form of a Lake Tahoe project for administering research and monitoring activities within the Basin. It is recommended that this Research Consortium report directly to the TWG.

Assembly of the Preliminary Recommendation for Lake Tahoe

The TWG prepares the Preliminary Recommendation Package, which includes all of the recommended projects, costs estimates and allowable expenses, and funding levels for the Lake Tahoe expenditure categories, taking into account the projected balance of the SNPLMA Special Account.

The Preliminary Recommendation Package includes one list of the primary projects (Primary Category) that total the amount of funding being requested to the Secretary in a given round, and a second category (Secondary Category) of projects that are funded in the event that an approved primary project becomes infeasible or if actual costs are lower than estimated costs. The Final Recommendation to the Secretary shall specify a certain total funding amount for the Lake Tahoe projects included in the Primary Category, and allow for the flexibility necessary to replace projects between the Primary and Secondary Categories for Lake Tahoe Restoration Projects.

The anticipated amount for funding recommendations from the SNPLMA Special Account for the Lake Tahoe projects is expected to be approximately \$37.5 million annually until the amount allocated in accordance with section 342 of P.L. 108-108 is expended. In allocating each round of funding among federal agencies for Lake Tahoe, if available, the Forest Service receives a minimum allocation of \$20 million, which includes any congressional earmarks, but would be in addition to funds allocated for Santini-Burton land acquisition and erosion control purposes to other federal agencies. All projects that are funded by approval shall come first from the Primary Category and then, if funds are still available, to projects in the Secondary Category.

Of the amount recommended for approval for Lake Tahoe, a general guideline of approximately 10% of the overall funding for Lake Tahoe projects in a given round will be directed towards monitoring and analysis of the effectiveness of restoration projects and attainment of environmental threshold standards. The amount of funding necessary for monitoring and analysis may vary from year to year, dependent upon the current state of the science within the Tahoe Basin and the types of proposed projects.

Of the amount recommended for approval for Lake Tahoe, additional funds for each project may be reserved as contingency funding for unexpected project cost overruns.

Review of the Preliminary Recommendation for Lake Tahoe

The TWG or the LTFAC shall conduct a public hearing to review the Preliminary Recommendation Package. In addition, the LTFAC shall provide the Preliminary Recommendation to the congressional delegation for input prior to the preparation of the Final Recommendation for Lake Tahoe

The LTFAC will request that administrative staff with the Forest Service (see below) to prepare the Final Recommendation for Lake Tahoe for its review based on the Preliminary Recommendation, minutes of the public hearing, and input from the congressional delegation. The LTFAC role is to incorporate the input that is received regarding the nominated projects along with its own views, and to reconcile the nominated projects with the available funding. The LTFAC will also be responsible for assuring that the projects included in the Lake Tahoe Restoration Projects Package maximize the use of all available funding prior to recommending SNPLMA funds being used. For example, the acquisition of environmentally sensitive land should come, first, from other sources, such as Section 4 of SNPLMA, Santini-Burton, and the Land and Water Conservation Fund, whenever possible.

Written Comment Period of the Final Recommendation for Lake Tahoe

The Final Recommendation for Lake Tahoe will be subject to a 30-day public written comment period prior to its consideration by the TREX. This comment period may be conducted over the Internet. The administrative staff with the Forest Service will provide a summary of the comments to the TREX along with the Final Recommendation for Lake Tahoe.

Review of the Final Recommendation for Lake Tahoe

The TREX will review their Final Recommendation for Lake Tahoe and the written comments before it is sent to the Executive Committee for its consideration and inclusion into the Final Recommendation that is transmitted to the Secretary for approval.

Program Implementation of the Final Recommendation for Lake Tahoe

Once the Secretary approves the SNPLMA Final Recommendation by decision, each sponsoring federal agency for Lake Tahoe will be responsible for implementing their respective projects.

Reprogramming. The approved funding available for Lake Tahoe projects in each SNPLMA round may be reprogrammed from the Primary Category to the Secondary Category in the event that a project(s) in the Primary Category becomes infeasible or actual costs are less than estimated costs. In such event, the federal interagency EIP management unit shall notify and present the issue to the TREX for final approval.

In cases where costs exceed estimates in the Final Recommendation for Lake Tahoe, the overall approved funds from the current approved funds or future rounds may be made available for contingency purposes. Any funds that continue to be available shall be carried over into the next round of approvals for Lake Tahoe Restoration Projects. If circumstances warrant, funding for cost overruns for Lake Tahoe Restoration Projects may be requested from the Special Account Reserve in accordance to section 342 of Public Law 108-108.

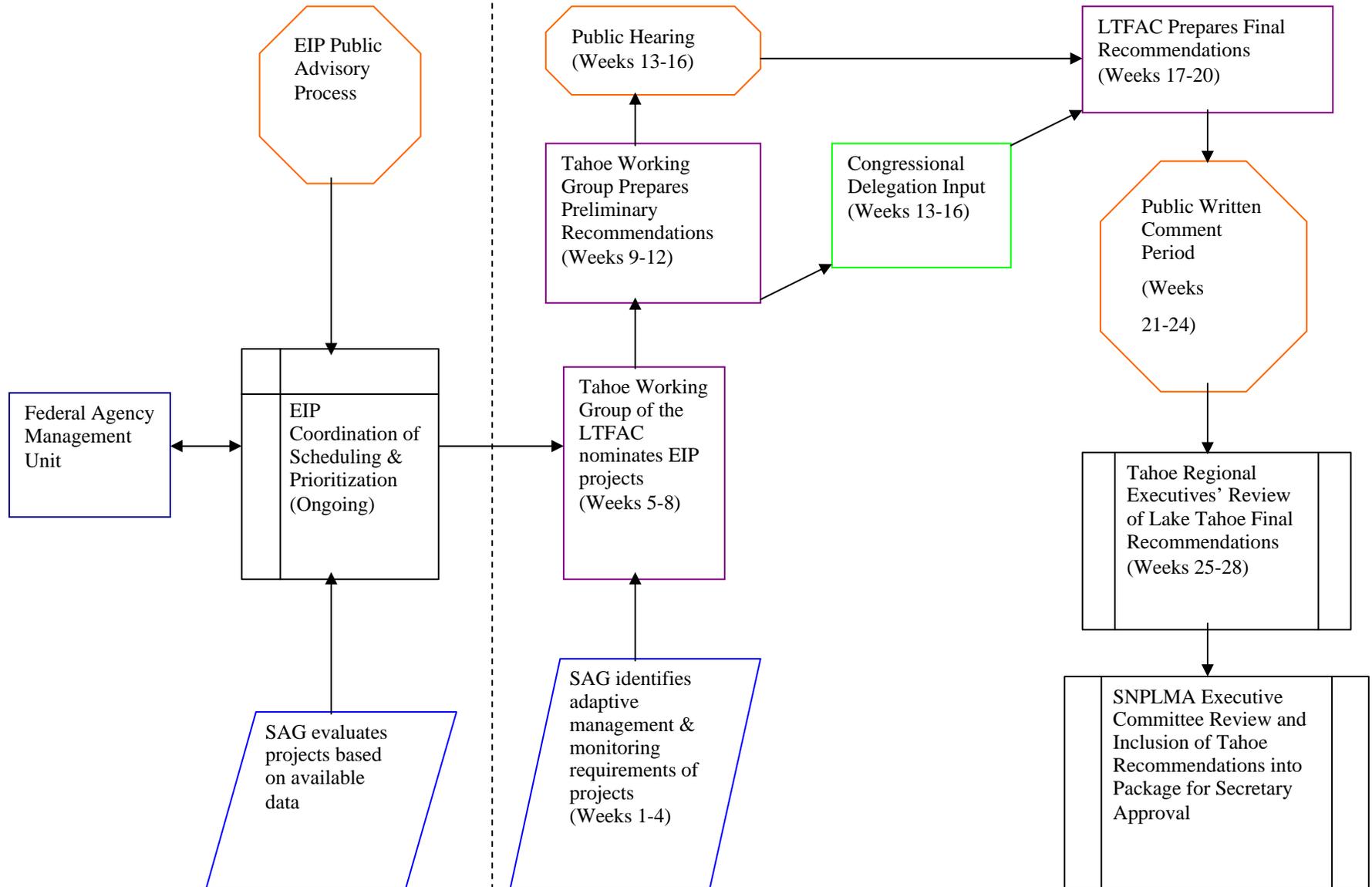
Administration and Support. Program and implementation responsibilities will be under the BLM oversight as authorized in the SNPLMA. The responsibilities for administration and financial management of SNPLMA funds approved for Lake Tahoe will be the BLM in accordance with Section 4(e) of the SNPLMA.

The BLM would consider contracting with the Forest Service or others, if authorized, to provide oversight and administrative functions which may include, but not be limited to:

- Administer and support the TWG and LTFAC by organizing meetings, preparing reports, facilitating the development of the Preliminary Recommendation Package and Lake Tahoe Restoration Projects Package and other administrative needs of the TWG and LTFAC
- Organize the TREX review
- Administer the public comment period, including any notice requirements, for the Lake Tahoe Restoration Projects Package, and ensure its timely delivery to the TREX and subsequent submittal to the Executive Committee for the Final Recommendation
- Coordinate and consult with the LTFAC, Tahoe Regional Planning Agency, Lake Tahoe Transportation and Water Quality Coalition, States of California and Nevada, federal agencies and other parties interested in the use of Tahoe SNPLMA funds

EIP Management System

Tahoe's SNPLMA Project Recommendation Flow Chart



Tahoe Federal EIP Management

The SNPLMA funds, along with the annual federal appropriations, must be part of an accountable, organized, and efficient federal portion of the EIP that is coordinated with the EIP projects that non-federal agencies are implementing. To that end, the Coalition has worked closely with the Forest Service, EPA, and the Corps to design and support a Federal Agencies EIP Management System described at the end of this section.

There are at least three purposes for this system. One is to provide a resource for federal implementing agencies to coordinate their programs most effectively. This will be accomplished by developing and maintaining a master schedule of projects based on input provided by each agency regarding their respective program plans, opportunities, needs, capacities, and constraints. Ideally, this resource will prove to be sufficiently valuable for other, non-federal, agencies to choose to participate. Two, is to provide a one-stop mechanism for determining project status based on a common set of inputs from the implementing agencies. Three, is to facilitate a rational and informed nomination process for SNPLMA. As a result, when the TWG receives nominated projects, they will have already been reviewed and tentatively scheduled through the management system.

A Federal Agencies EIP Management Unit (FAMU) will implement the Federal Agencies EIP Management System. The FAMU will serve as an advisory body to the TWG, in place of the subgroups that are currently used for implementing SNPLMA. FAMU will be an extension of the activities that the SNPLMA field office located in Las Vegas currently provides.

The FAMU would include personnel from TRPA and the federal agencies that elect to participate in the Federal Management System. These liaisons would be joined by a Team Leader and an expert in program management who, together would not be aligned with any single participating agency but would be responsible to them all. The scope of services of the FAMU would be to develop and implement the scheduling, coordinating, and project status activities described in the Federal Agencies EIP Management System. In that respect, the activities of this unit would be different than the administration of SNPLMA by the Forest Service, which will deal primarily with the facilitation of the TWG and the contracting, accounting, and reporting requirements of SNPLMA.

Senior management from the participating agencies will direct the FAMU. This board will be responsible for the hiring of the Team Leader and Program Management expert, as well as overseeing the implementation of the management system.

A number of issues related to the FAMU must be addressed that extend beyond the Framework Study. One, it must be determined whether it would be more effective to locate the unit at TRPA, which has space and is responsible for the EIP document or, perhaps, the Forest Service, which is responsible for the administration of the Tahoe SNPLMA. Two, the form of organization that could most effectively manage such a process requires additional research and consideration. Such an entity may be a modification to the existing federal partnership to include TRPA and funding for staff to

implement the federal program management system. Three, the management system must be implemented so that the state implementing agencies, which currently have successful programs and which are accountable to their respective state governments, are not significantly compromised. In fact, the Coalition would hope that just the opposite happens: the federal EIP management system is so successful that non-federal agencies elect to participate. All three of these issues, and others, require further refinement, which the Coalition hopes can be addressed in the future.

The costs necessary to facilitate the FAMU include the Team Leader and program management expert, as well as technological and basic office support. Operating costs for the FAMU may be approximately 1-2% of the SNPLMA funding. Accounting issues prevent simply including the cost of facilitating the FAMU out of each federal project nominated for SNPLMA funding. For the near term, it may be necessary to use available grant funding for this purpose. However, the ongoing costs will require a more stable source of funding, such as the funding allocated for Tahoe out of SNPLMA.

Leadership for the management of the FAMU is most properly the role of the agencies that elect to participate in the system. Initiation of the FAMU may require execution of an interagency MOU among participating agencies. The MOU would include a description of roles and duties of FAMU members, as well as project team roles and duties, costs, and minimum level of information flow expected from signatory agencies. Such an agreement should also include the objectives and implementing measures described below.

Implementation of actual EIP projects, including science and research, is fundamental to successful basin restoration. Comprehensive management and coordination at a program level will provide benefits for Federal and non-Federal programs. However, it is essential to recognize that classic program management is unlikely to be successful in implementing the EIP for a number of reasons. For example, the classic form normally includes a level of control that is not feasible at Tahoe due to the diversity of implementing agencies, each of whom are accountable to their own hierarchies. Rather, a successful program management of the EIP must be an adaptation of classic program management that focuses on collaboration of willing participants focusing on the scheduling and prioritization of projects.

With that objective in mind, the Coalition along with the Tahoe Regional Planning Agency, Forest Service, EPA, and the Corps agree that the following objectives and implementing measures establishes the foundation for such a system.

Programming and Scheduling

- Combine projects to take advantage of economies of scale in the planning, construction and procurement process within each federal agency, when possible
- Establish a collaborative EIP prioritization process based on available scientific analysis, as well as each agency's program needs and capacities. This collaboration is intended to allow each agency to plan and perform its respective

responsibilities and projects in a manner and sequence that benefits the balance of the program

- Use a GIS-enhanced program master schedule to improve the planning, implementation, and monitoring of projects
- Maintain a continually updated near (2 year) and long term (duration of SNPLMA) plan to ensure orderly sequencing of projects, funding, and identification of respective implementing agencies based on available and projected capacities (see Resource Inventory below). These plans will have different degrees of specificity based on their duration and uncertainties.
- Provide the programming and scheduling, as described above, to the Forest Service's administration of the SNPLMA Tahoe program. The objective is to ensure that the SNPLMA selection process has consistent information regarding EIP projects that may be nominated for each respective round of funding
- The FAMU will assure that the documentation necessary for project nomination is complete for each project.

Fiscal Coordination

- Unify reporting of SNPLMA and appropriated expenditures and results using a common language, format, and methodology, etc.
- Identify and coordinate opportunities to leverage and integrate potential project funding sources

Resource Inventory/Project Support

- Inventory sponsoring agencies' resources in order to (1) develop a capacity matrix (administrative, fiscal, labor, skills, authority, project management software systems, political/community support, etc) and (2) coordinate identified training needs of each agency
- Provide a forum/system for resource sharing by sponsoring agencies. Coordinate projects with agencies by combining the project prioritization process, scopes of work, master schedule, and capacity matrix
- Manage macro information systems that track the planning and current activities of agencies implementing EIP projects
- Establish a reporting procedure that facilitates coordination for capital programming and implementation. The reporting may include items that agencies can feasibly provide dealing with capacities, constraints, opportunities, and project status.
- Organize public outreach, education, and media in support of the agencies' efforts to implement the threshold programs
- Identify and encourage implementation of projects that have no federal sponsor
- Facilitate integration of project delivery process, including permitting

Stakeholder Team-Developed Federal Agency Management Unit

Background: Although the Lake Tahoe Restoration Act deals primarily with the Forest Service, which owns most of the land around Tahoe, other federal agencies must play a significant role if the federal government is to meet its obligations under the EIP. No fewer than eight federal agencies have responsibilities under the EIP. Each of these agencies has their own programs, capabilities, opportunities, and capacities. Each of them receives funding from a wide array of sources which, together, means that federal agencies as a whole receive funding from dozens of sources each year. The Tahoe amendment to SNPLMA is unique in that it makes funding available to multiple federal agencies that enter into a cooperative agreement with the Department of Agriculture.

Problem: The number of federal agencies involved in the EIP, and the variations in their respective language, programs, and capacities, present a major challenge in coordinating all of their projects over the short and long term. Presently, there is no formal organization or mechanism to ensure that all of their projects are synchronized in a manner that provides the most efficiency for the funds that are available. It is essential that a management unit be established that meets the objectives and basic implementing measures that key federal agencies agreed to, which are described in Section D. It may be possible that grant money is available from one source or another to help create this Unit. However, an ongoing management Unit must receive funding on a programmatic basis. Because of the multi-agency approach that is necessary to facilitate a comprehensive federal program management system, it is difficult to identify funding from a single agency that could meet this need.

Because of its unique authority to fund multiple federal agencies, SNPLMA could provide this source of funding. However, BLM has raised the question of whether that Act currently authorizes the use of its funds for program management.

Solution: Authorize the use of Tahoe SNPLMA funds to provide ongoing program management that meets the objectives described in Section D.

Include in the next appropriations bill or other relevant authorizing legislation report language encouraging each federal agency that is implementing the federal projects under the EIP to participate in the Unit. This will require similar language in a number of different bills

U.S. Army Corps of Engineers Clarification of Use of Tahoe SNPLMA Funds

Background: Last year, Congress amended the Southern Nevada Public Lands Management Act (SNPLMA) to provide funds for environmental restoration projects at Lake Tahoe. These projects are part of an ambitious Environmental Improvement Program that depends heavily on key federal agencies to join with state and local agencies and organizations to implement approved projects. Each participating federal agency brings its own qualifications to the effort, including the Corps. Presently, the Corps uses appropriated funds through its existing authorized programs to deliver approved projects as best as it can. The SNPLMA funds are not appropriated. The use of these funds is subject to a project nomination and selection process agreed to by the BLM, which administers all SNPLMA funds, provided under an Implementation Agreement. The BLM has its own stringent requirements for project reporting and accounting that are also spelled out in that same agreement.

Problem: SNPLMA does not reference, nor provide, any specific guidance on how the Corps executes work at Lake Tahoe using SNPLMA funds. Using the Economy Act (31USC1535) as a basic authority, the Corps would then be limited to performing SNPLMA work with Corps staff or by contract, but could not use grants, reimbursements or interagency agreements. These other mechanisms are necessary for the Corps to use if it is to participate in a meaningful and efficient manner that is consistent with the SNPLMA and the Implementation Agreement.

Request/Solution: We are requesting that the following clarifying language be included in the first appropriate legislation that Congress considers in order to assure that the Corps is able to use the Tahoe SNPLMA funds as effectively as possible: The Secretary may provide assistance to execute the Federal share of Lake Tahoe Environmental Improvement Program project costs using funding from the Southern Nevada Public Lands Act. Such assistance may be in the form of grants, reimbursements including reasonable costs of project initiation, or through local cooperation agreements with non-Federal partners.

U.S. Environmental Protection Agency Lake Tahoe Participation in EPA Section 106 Program

Background: For five years now, the Tahoe Regional Planning Agency (TRPA) has repeatedly attempted to use the Section 106 Interstate Grant Program under the Federal Water Pollution Control Act to help implement the Environmental Improvement Program for Lake Tahoe. This grant program was established in 1972 specifically for unique interstate entities such as TRPA. There are six entities currently using this program.

Problem: EPA has resisted our attempts to participate in the Section 106 program based on two concerns. First, EPA contends that since TRPA has historically used funding under Section 208, which is for regional planning commissions, that Section 106 is not available since it is for interstate agencies. Nothing in the law suggests that these two programs are mutually exclusive. Since TRPA is both a regional and bi-state agency it should reason that it should be eligible for both programs.

Second, EPA has interpreted Section 106 to exclude any agency, regardless of how well it meets the criteria and purpose that Congress established for the program, that did not apply within 120 days after October 18, 1972.

Solution/Request: Nothing in the law suggests that eligibility in the Section 106 program is mutually exclusive with eligibility in the Section 208 program. Since TRPA is both a regional and bi-state agency it stands to reason that it should be eligible for both programs. Furthermore, given the extremely small class of interstate commissions that are eligible for this funding regardless of the application deadline, we request that the TRPA be eligible to participate in the Section 106 program, as it would have been able to do on the day that Congress passed the legislation. The following language would provide this authority:

“The Tahoe Regional Planning Agency, an interstate agency as defined by Section 502 of the Federal Water Pollution Control Act and whose bi-state compact was revised by Public Law 96-551 in 1980, is hereafter eligible for Section 106 grants to interstate agencies, notwithstanding paragraphs (d) and (f), under said Act.”

**U.S. Environmental Protection Agency
Clarification of EPA Competition Requirements for
Tahoe SNPLMA Funds**

Background: In order for the Lake Tahoe SNPLMA projects to be considered in the current round of SNPLMA funding (i.e., the Lake Tahoe projects will be included in the final SNPLMA project recommendations package which is forwarded to the Secretary of Interior for approval in June), the basin stakeholders agreed to use the Lake Tahoe Federal Advisory Committee (LTFAC) federal budget recommendations for FY04 as the initial list of projects to be nominated. The LTFAC is chartered under the USDA and was directed to advise the Lake Tahoe Federal Partnership on the implementation of federal environmental programs and projects at Lake Tahoe. The LTFAC develops these recommendations in consultation with the federal agencies and all of the LTFAC meetings are noticed in the federal register and open to the public.

That same agreement establishes the process for all federal agencies that seek funds from SNPLMA for Tahoe projects in future years. For example, all projects will be required to go through a program management process that will produce a master schedule of all federal agencies' projects at Tahoe. This schedule will take into account each agency's respective programs and capacities, as well as those of the other participating agencies. Those projects that are able to meet the requirements of this scheduling process are then eligible for nomination. The nomination process then involves further review by a subcommittee of the LTFAC, the public, the Tahoe Regional Executives, and, finally, the Secretary of the Interior.

This year, BLM intends to pass the Tahoe funds to EPA via an Interagency Agreement (IAG) so that EPA can award the grants under its existing authorities. In future years, BLM and USFS plan on issuing a 'Notice of Availability' for all the projects, some of which EPA would eventually award as grants.

Problem: Some of the nominated grant projects may not lend themselves to competition. For example, one project would fund the Lake Tahoe TMDL, which is being developed by the states of California and Nevada. Another project would fund the Tahoe Integrated Information System, which is being developed by the Tahoe Regional Planning Authority and is similar to the Chesapeake Bay information management system.

Solution/Request: Our request is for Congress to provide EPA with the guidance necessary to determine that projects funded through SNPLMA for Tahoe be exempt from competition, much like the Chesapeake Bay grant program, or that the process agreed to by BLM and all of the federal agencies involved in implementing Tahoe SNPLMA projects satisfies any applicable competition requirements.

**Bureau of Reclamation
Lake Tahoe Regional Wetland Development Program
Request for Clarification**

Background: The U.S. Bureau of Reclamation (BOR) has received congressional appropriations for the 2002 and 2003 fiscal years. These monies have been well spent on improving the Lake Tahoe Basin.

The authority under which the BOR entered into Federal assistance grants in 2002 was the Fish and Wildlife Coordination Act of 1934 (Public Law 85-624, 16 U.S.C., 661 et seq.). This authority allows assistance to private, state and other federal agencies for the benefit of fish and wildlife species and their habitat.

The 2003 Federal assistance grants were authorized in the Consolidated Appropriations Resolution (Public Law 108-7, Consolidated Appropriations Resolution 2003), which provided:

That the Bureau of Reclamation is authorized hereafter to negotiate and enter into financial assistance agreements with public and private agencies, organizations, and institutions for activities under the Lake Tahoe Regional Wetlands Development Program: *Provided further*, That the costs associated with such activities will be nonreimbursable.
(117 STAT. 144 PUBLIC LAW 108-743 USC 2241.—FEB. 20, 2003)

Problem: Currently the “Lake Tahoe Regional Wetlands Development Program” does not have a statutory definition, which leaves the Bureau without clear congressional guidance as to how the funds under this program may be expended.

Solution/Request: The Lake Tahoe Transportation and Water Quality Coalition, along with the Tahoe Regional Planning Agency, are requesting that Congress provide a statutory definition to the “Lake Tahoe Regional Wetland Development Program” that clarifies that funds may be used for program needs in the Lake Tahoe Basin. These needs include design and implementation of projects to benefit fish, water quality, wildlife, riparian areas, vegetation and lake habitats. In addition, a critical need identified in the USACE Lake Tahoe Framework Study is coordination of projects by different federal agencies to assure cost effectiveness and efficiency between projects. The coordination of the projects into a cohesive, cross agency framework would assist in timely implementation of projects funded from both the Southern Nevada Public Lands Management Act and future congressional appropriations.

We are requesting that the following clarifying language be included in the first appropriate legislation that Congress considers in order to assure that this critical coordination begin as soon as possible:

16 USC Sec. 668

TITLE 16 - CONSERVATION

CHAPTER 5A - PROTECTION AND CONSERVATION OF WILDLIFE

SUBCHAPTER I - GAME, FUR-BEARING ANIMALS, AND FISH

Sec. 668. Lake Tahoe Regional Wetlands Development Program

-STATUTE-

That the Bureau of Reclamation is authorized hereafter to negotiate and enter into financial assistance agreements with public and private agencies, organizations, and institutions for activities in the Lake Tahoe Basin to assist rare fish species; rare wildlife species; native vegetation; the habitats that support fish, wildlife and vegetation, including riparian areas and lake habitat; and to support the coordination of the projects within the Lake Tahoe Restoration Act (Public Law 106-506 114 STAT. 2351) into a cohesive program.

Department of Transportation Transportation Enhancements

Background: TEA-21 provided that in addition to the typical MPO funds made available to the TMPO, that “not more than 1 percent of the funds allocated under Section 202 (Federal Lands Highway Program) may be used to carry out the transportation planning process for the Lake Tahoe region.” PL 96-551 authorizes TRPA’s adopted Environmental Threshold Carrying Capacities, and its Environmental Improvement Program that supports the Threshold Standards, which further describes the financial responsibilities of the Federal Governmental, California, and Nevada, as well as local public and private partners.

Problem: The intent of this provision has not been fully realized. The amount of funds provided and the definition of what is considered eligible planning have been limited administratively. The existing administrative interpretation of the TEA-21 language does not provide the TMPO, NDOT or Caltrans the ability to use the Federal Lands Highway Program as was originally envisioned. Rather, the Central Federal Lands Highway Division of the FHWA insists that the 1% PLH funds can be used only for “non-project-specific activities”. This program, if not interpreted so narrowly, could serve as one of the most significant funding vehicles for meeting the Federal commitment to Lake Tahoe directed by the Clinton administration in 1997, and for meeting the mandates and responsibilities set forth in PL 96-551, the Tahoe Regional Planning Compact.

Solution: Provide clear authority for TRPA, TMPO, Caltrans, and NDOT to use Tahoe’s 1% PLH funds to conduct project specific activities, including project planning, site assessment, environmental studies, preliminary design, and construction. In each activity described above, it should be made clear that the authority includes work by the applicable agency staffs, as well as consultants retained by each of them for such purposes, and cooperating partnership organizations, including, but not limited to, Lake Tahoe’s two transportation management associations.

**U.S. Forest Service
Special Area Designation**

Problem: The LTBMU designation does not lend itself to the type of stature and visibility necessary to assure Tahoe of a reliable source of funding.

Solution: Elevate the status of Tahoe by designating it as the Lake Tahoe National Scenic Recreation Area.

U.S. Forest Service SNPLMA Administration

Background: The Tahoe amendment to the SNPLMA designates the Department of Agriculture and, by extension, the Forest Service, as the lead agency to implement the opportunities and responsibilities under the Act. These responsibilities include extensive reporting and accounting activities for selecting the projects and accounting for their expenditures.

Problem: The LTBMU does not have the funding necessary to provide the extensive reporting necessary under SNPLMA. This funding is part of each project, and could theoretically be built into the cost of each project. However, this process lead to its own accounting and administrative problems.

Solution: Establish a discrete line item under SNPLMA for the administration of the Tahoe program as a whole.

U.S. Forest Service Renew LTFAC Charter for SNPLMA

Background: The Implementation Agreement for SNPLMA describes the process for selecting projects for funding under that Act. The process that the Coalition developed along with its partners included a Tahoe Working Group that is similar to the entity that helps recommend projects in Southern Nevada under the same Act. The Tahoe Working Group is made up of representatives from six federal agencies, state and local government, the Washoe tribe, and the private sector. Over the last five years, the Lake Tahoe Federal Advisory Committee (LTFAC) (established by Executive Order 13057), has developed an annual package of federal projects, which it has sent to the Administration for consideration. The process for developing this package has entailed federal agencies in the basin providing information related to projects under consideration by the LTFAC over the course of a number of public meetings. The term of the LTFAC is due to expire in June, 2004.

Problem: The U.S. Forest Service has determined that the Tahoe Working Group would violate the Federal Advisory Act.

Solution: Rather than allow the LTFAC to expire, it should be renewed. The members would consist of those representatives on the Tahoe Working Group. The charter would be amended with a new purpose specifically to carry out the functions of the Tahoe Working Group.

**LAKE TAHOE BASIN
FRAMEWORK IMPLEMENTATION REPORT
D R A F T**

**APPENDIX E
FRAMEWORK STUDY PROCESS TIMELINE**

Prepared for:
The U.S. Army Corps of Engineers
Sacramento, CA

April 2004

Framework Implementation Study Timeline:

November 2001	Authorization of Framework Implementation Study
January 2002	Scoping of Study- baseline environmental threshold reports
November 2002	Begin Framework Implementation Report efforts
December 2002	Formation of the Study Team
January 14, 2003	LTFAC Meeting - Study Introduction
January 28, 2003	TRPA Coordination Meeting
February 14, 2003	Basin Executives Meeting - Study Introduction
March 11, 2003	Study workshop with LTBEAC and LTFAC (rescheduled)
March 20, 2003	LTFAC Meeting – Update
April 2, 2003	LTBEAC Meeting - Study Introduction
April 30, 2003	Corps Division & HQ Telephone Conference
May 7, 2003	Basin Executives - Collaboration Workshop
May 8-9, 2003	2-day Working Retreat with LTBEAC (Basin Specialists)
June 26, 2003	LTFAC Meeting - Update
July 9, 2003	Workshop with LTBEAC
July 30, 2003	Draft Interim Report to LTBEAC
August 10, 2003	TREX Meeting regarding Study Content and Direction
August 11, 2003	Lake Tahoe Event- Introduction of SNPLMA
August 13, 2003	Draft Interim Report without Chapter 8 to LTFAC
August 19, 2003	Workshop with LTBEAC
September 9, 2003	Meeting/Workshop with LTFAC
October 9, 2003	Basin Stakeholder Workshop (LTBEAC, LTFAC, Basin Executives) request for integration of SNPLMA
November 2003	Begin development of Stakeholder enhancements
March 2004	Stakeholder enhancements incorporated into Framework Report
March 2004	Draft Framework Report Completion & Review
April 2004	Final Framework Report
May 2004	Submittal to Corps HQ and ASA

**LAKE TAHOE BASIN
FRAMEWORK IMPLEMENTATION REPORT
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**APPENDIX F
BIBLIOGRAPHY**

Prepared for:
The U.S. Army Corps of Engineers
Sacramento, CA

April 2004

1.0 APPENDIX F: BIBLIOGRAPHY

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U.S. Forest Service, "Role of the United States Forest Service and Other Federal Agencies in the Lake Tahoe Region," U.S. Department of Agriculture, June 1979.

1.4 Lake Tahoe Legislation

Actions to Protect Lake Tahoe, July 26, 1997 (referred to as the Presidential Commitments).

Energy and Water Development Appropriations Act, 2002, Public Law 107-66, 107th Congress, November 12, 2001. (Framework Implementation Study authorization).

Executive Order 13057, Federal Actions in the Lake Tahoe Region, July 26, 1997.

Lake Tahoe Restoration Act, Public Law 106-506, 106th Congress, November 13, 2000.

Tahoe Regional Planning Compact, Public Law 96-551, 96th Congress, December 10, 1980.

1.5 Related Reports, Newsletters, and Updates

Tahoe Regional Planning Agency, “Planning and Permitting Process, Environmental Improvement Program,” January 2003.

U.S. Forest Service, “Restoring Lake Tahoe’s Ecosystem Update: August 2002,” Lake Tahoe Basin Management Unit.

U.S. Forest Service, “Restoring Lake Tahoe’s Ecosystem Update: October 2002,” Lake Tahoe Basin Management Unit.

1.6 Study Correspondence

Senator Reid, Letter to Corps, 27 February 2003.

Colonel Conrad, Letter to LTBECC, May 2003.

1.7 Newspapers

Reno-Gazette Journal, August 11, 2003

1.8 Presentations

“Integration and Facilitation of Interagency Efforts to Implement the EIP,” EIP Integration Team, December 6, 2000

1.9 Corps Guidance

“Guidance for the Development of Watershed Management Plans,” Memorandum, CESPDCM-P, 31 August 2001.

1.10 Websites

1.10.1 Federal

EPA

<http://www.epa.gov/>

NRCS

<http://www.nrcs.usda.gov/>

Corps – Sacramento District

<http://www.spk.usace.army.mil/civ/tahoe/index.html>

USFS – LTBMU

<http://www.fs.fed.us/r5/ltbmu/>

USGS – Lake Tahoe Data Clearinghouse

<http://tahoe.usgs.gov/index.html>

1.10.2 Tribal

Washoe Tribe

<http://itcn.org/tribes/washoe/washo.html>

1.10.3 State

California Tahoe Conservancy

<http://www.tahoicons.ca.gov/>

CalTrans District 3

<http://www.caltrans.ca.gov/dist3/>

State of Nevada

<http://lands.nv.gov/program/tahoe.htm>

1.10.4 Regulatory

Lahontan Regional Water Quality Control Board

<http://www.swrcb.ca.gov/rwqcb6/>

Tahoe Regional Planning Agency

<http://www.trpa.org/>

1.10.5 Other Stakeholders (not inclusive)

League to Save Lake Tahoe

<http://www.keeptahoeblue.com/>

Tahoe Center for a Sustainable Future

<http://ceres.ca.gov/tcsf/>

Tahoe Research Group

<http://trg.ucdavis.edu/>

Tahoe Coalition for Recreation Providers

<http://www.recreationtahoe.org/>

1.10.6 Others for Related Information (not inclusive)

Chesapeake Bay Program

<http://www.chesapeakebay.net/index.cfm>

Presidio Trust

<http://www.presidio.gov/>

Valles Caldera National Preserve
<http://www.vallescaldera.gov/index.php>

Southern Nevada Public Land Management Act of 1998
<http://www.nv.blm.gov/snplma/Law/105263.asp>

1.11 Study Coordination Groups and Interview List

1.11.1 Primary Study Coordination Groups: Interagency Federal Partnership

Lake Tahoe Basin Executive Committee (LTBEC)

Lake Tahoe Federal Advisory Committee (LTFAC)

Lake Tahoe Regional Executives (TREX)

Lake Tahoe Executives Committee

Study Interview List of Federal Agencies

Bureau of Reclamation (Reclamation), Sacramento, CA

U.S. Environmental Protection Agency (USEPA), Stateline, NV

Federal Highway Administration (FHWA), Carson City, NV

Natural Resources Conservation Service (NRCS), South Lake Tahoe, CA

U.S. Army Corps of Engineers (Corps), Sacramento, CA

U.S. Fish and Wildlife Service (USFWS), Sacramento, CA

U.S. Forest Service (USFS), Lake Tahoe Basin Management Unit, South Lake Tahoe, CA

U.S. Geological Service (USGS), Carson City, NV

1.12 Study Interview List of Other Stakeholders

League to Save Lake Tahoe, South Lake Tahoe, CA

State of Nevada, Department of Conservation and Natural Resources,

Lake Tahoe Program, Carson City, NV

Tahoe Regional Planning Agency (TRPA), Stateline, NV

SNPLMA Coordinating Local Sponsor

Lake Tahoe Transportation and Water Quality Coalition

**LAKE TAHOE BASIN
FRAMEWORK IMPLEMENTATION REPORT
D R A F T**

**APPENDIX G
AGENCY POSITION LETTERS**

Prepared for:
The U.S. Army Corps of Engineers
Sacramento, CA

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