

**Best Management Practices (BMP) Compliance Options - Working Group Meeting #1**

Wednesday, March 12th 2014

1:00-4:00pm

TRPA – 128 Market Street Stateline NV

Washoe/Fremont Rooms

**MEETING NOTES**

**1. Call to Order**

- *Shelly Aldean, Co-Chair from the TRPA Governing Board called the meeting to order.*

**2. Public Interest Comments**

- *Steve Teshara asked to strike the word compliance from the process and replace instead with stewardship.*
- *John Falk stated BMPs at point of sale rejected through the Regional Plan Update Process. Does not support advancing implementation of BMPs at point of sale or recording a notice of noncompliance to a property deed as viable options.*
- *Jennifer Quashnick requested that the working group address BMP maintenance and effectiveness.*

**3. Approval of the Agenda**

- *Agenda approved.*

**4. Introduction & Background**

Working Group member introductions.

TRPA staff presentation on the process to date, meeting format, expected outcomes, the schedule moving forward as well as background information.

**Requested Action:** No action requested.

<b>BMP Compliance Options Priority Project Schedule</b>	
January 29, 2014	RPIC endorsed process, schedule and working group members
March 12, 2014	Working Group meeting #1 – conceptual approach
April 24, 2014 or May 29, 2014	RPIC review of conceptual approach
May-August 2014	Working Group meetings #2 and #3 – Develop recommendations, draft policy and code that incorporate RPIC direction; Coordinate with the <i>EIP Parcel Specific BMP Water Quality Working Group</i> ; Complete environmental review
September-December, 2014	TRPA review process: RPIC, APC and Governing Board review and approval

- *Melissa Thaw requested that the working group address adaptive management.*
- *Sara Ellis asked a number of clarifying questions related to property enforcement.*

## 5. Conceptual Approach – Objectives

TRPA staff presentation on the conceptual approach objectives.

**Requested Action:** TRPA staff requests that the Working Group discuss the conceptual approach objectives and provide concerns, specific criteria or standards for each objective, as well as identify additional objectives to include or existing objectives to delete. TRPA staff requests that the Working Group endorse the conceptual approach objectives or provide direction on necessary revisions.

- *Proposed Conceptual Approach advanced with modification: “Develop feasible and effective policies and/or other recommendations to improve BMP implementation consistent with the Regional Plan.”*
  - *Steve Teshara concerned with using the term “compliance”.*
  - *John Falk requests working group to frame statement in a positive fashion in line with the TMDL.*
- *Proposed Feasibility Criteria advanced with modification and considerations:*
  - *Cost includes cost to local jurisdictions, conservation districts and property owners.*
  - *Effectiveness over time.*
- *Objectives advanced with modification:*
  - ii. *Support local government Area Plans and Load reduction Plans, where applicable.*
  - iv. *Focus on options related to BMP compliance, which includes in lieu fees etc.*

## 6. Conceptual Approach – Discussion Items

TRPA staff presentation on the conceptual approach discussion items.

**Requested Action:** TRPA staff requests that the Working Group discuss the topics, state any general concerns or support for each one and identify additional topics to advance or existing topics to delete. TRPA staff requests the Working Group to endorse the recommended discussion items or provide direction on necessary revisions. TRPA staff will provide more detail on the discussion items advanced by the Working Group and endorsed by RPIC at the future meetings.

*Proposed Discussion Topics advanced with modification:*

- *Combine #1 and #3 to encompass the real estate disclosure process, form and follow up that reads: “Maintain, modify or enhance the TRPA Real Estate Disclosure process or alternative to improve BMP implementation and maintenance following real estate transactions.”*
- *Revise #2 to include other alternatives: “Consider requiring BMP installation on properties at the point-of-sale or post a financial guarantee at the point-of-sale equal to the cost of implementing BMPs or alternatives.”*
- *Advance #4 as is written: Revise BMP Compliance procedures for permitted projects to provide flexibility in the use of forfeited securities and/or in imposing penalties.*
- *Revise #5 to read: “Consider enforcement options, such as recording a notice of noncompliance to a property deed under certain circumstances.”*
- *Revise #6 to read: “Target and prioritize accelerated BMP implementation in coordination with local jurisdiction Load Reduction Plans.”*
- *Advance #7 as is written: “Facilitate and promote area-wide BMPs and in-lieu fees.”*
- *Revise #8 to read: “Seek funding for additional incentives to encourage BMP compliance such as a robust subsidy program done on a reimbursement basis.”*

- *Revise #9 to read: “Consider requesting future Governing Board prioritization of other topics outside the scope or requesting the EIP Parcel Specific BMP Water Quality Working Group to review and provide recommendation on other topics.”*
  - *Add topic on “BMP Maintenance and Adaptive Management”*
  - *Add an item on additional topics of interest that includes marina BMPs, connectivity, and BMPs on vacant lots.*
- *John Falk commented that #2 and #5 are inefficient and ineffective and should not be considered. Vacant lots may be of interest because it is not clear whether they are included or not in BMP Certificate counts.*
  - *Jennifer Quashnick Commented that BMPs should remain effective forever.*

### **Data Needs**

Data needs identified by the Technical Working Group:

- More information on priorities in load reduction plans
- List of targeted enforcement areas
- Effect of federal funding on EIP Cost Share
- Info on other point of sale requirements
- Effectiveness of different enforcement approaches/strategies
- Marina BMP requirements and Compliance

### **7. Future Meeting Dates**

TRPA staff to go over available meeting dates with the Working Group.

**Requested Action:** TRPA staff requests that the Working Group select possible dates for meetings #2 and #3.

*Next meeting dates from 9am to noon on Tuesday July 8, 2014 and Wednesday August 20, 2014.*

### **8. Final Public Comment Period**

*None*

### **9. Adjournment**

*Meeting adjourned by Shelly Aldean.*