

Opinion: TRPA, Kubby and the U.S. Constitution

To the publisher,

As the new owners of the Coyote Grill located in Round Hill Square in Zephyr Cove, we received earlier in the year, a citation from the Tahoe Regional Planning Agency for the display of two 24X24 inch signs that serve to attract citizens to the nature of my business which is not permitted under Chapter 26 of the TRPA Code of Ordinances.

Additionally, other tenants were also cited for signage violations even as “selective signage enforcement” is well known. Even more egregiously and specifically, a tenant was cited for creating a “soil disturbance.”

To quote Thomas Paine, “Putting aside everything that might excite laughter by its absurdity, or detestation by its profaneness,” let us confine ourselves merely to an examination of the current usefulness of the Tahoe Regional Planning Agency.

Since its inception in 1969, considered necessary from the “impact of tourism, ranching, and logging on the Lake Tahoe environment,” according to the TRPA Compact, the bias of the Tahoe Regional Planning Agency has been to subordinate commerce and private property in much the same way as that of a national park.

And to paraphrase the classical liberal economist, Ludwig Von Mises, when bureaucracy goes beyond the task of maintaining an environment in which the social cooperation of the marketplace can proceed in peace, it becomes inimical to human welfare. It obtains its revenues and finances through taxation – fiscal force.

Since that is so, Mises writes, bureaucrats cannot be given discretion in the manner of profit-oriented managers. Rather, they must be "bound to comply with detailed rules and regulations," whether a government is accountable to a despot or to the people.

In the aftermath of the Armageddon of Angora, an *Associated Press* article wrapped the disaster with a bow for those whose property went up in flames: "The fire, some say, was a disastrous side-effect of Tahoe Regional Planning Agency's sometimes single-minded approach to preserving the lake's legendary clarity. Its strict policies include fining homeowners thousands of dollars for cutting down trees from their own properties."

Perhaps taking management of trees out of their purview is a reasonable approach to more comprehensive reform. TRPA was, after all, chartered to preserve and improve the clarity of the lake and its indifference and contempt of nature itself is irrefutable here. As is the authoritarianism of an agency of state that forbids me from communicating with fellow citizens of my service-based business.

And so the Tahoe Regional Planning Agency, the creature of Republicans Ronald Reagan and Paul Laxalt again and again rears its repulsively ugly, authoritarian head upon where and when private capital and initiative can attract commerce and protect private property.

As Libertarians, I did not meet Steve Kubby when I sought California's 60th Assembly seat in 1998 as he campaigned for governor from Lake Tahoe's North Shore. But as co-author of Proposition 215, he had successfully navigated through an entrenched enemy's fortified prohibition bureaucracy and the evisceration of a tyranny had begun.

The time is nigh to assert the Founding Father's original intent of the Supremacy Clause of the Constitution, affording

the states and their citizen's, prerogatives now denied by the Federal Leviathan.

Man up, Congressmen Dean Heller and Tom McClintock and help Steve Kubby and those of us in the Tahoe basin triumph over the tyranny of the Tahoe Regional Planning Agency.

Ut instituimus pergamus. (Let us continue as we have begun.)

Leland Faegre, president Milky Way Incorporated dba Coyote Grill