

# Nevada budget deal reached, TRPA dissolution still on table

By Anne Knowles

CARSON CITY – An amendment to the bill to withdraw Nevada from the Tahoe Regional Planning Agency unless the bi-state regulatory body is reformed was introduced Wednesday by TRPA board member and Nevada Secretary of State Ross Miller.

Miller said the amendment would alleviate problems within the TRPA by changing the agency's voting procedures which now hamstringing the group and keep it from doing meaningful work, including producing a Regional plan for the Lake Tahoe Basin. The last Regional Plan, developed in 1997, was supposed to expire in 2007.

"We're four years overdue for getting a Regional Plan in place," Miller said. "That is unacceptable, and it's due to the strict voting requirements. Something has to give."



Gov. Brian Sandoval, second from right, is joined by legislative leaders

Assemblyman  
Pete  
Goicoechea, R-  
Eureka, left,  
Assembly  
Speaker John  
Oceguera, D-  
Las Vegas, and  
state Sen.  
Mike  
McGinness, R-  
Fallon, to  
announce a  
budget  
agreement June  
1 at the  
Nevada  
Legislative  
Building in  
Carson City.  
Photo/Lisa J.  
Tolda

Miller's amendment would require nine votes to adopt, amend or repeal environmental standards, or threshold carrying capacities, or a Regional Plan, policies or procedures. To get a project approved under Miller's amendment, four votes from board members of the state where the project is located and a total of nine votes would be needed. Currently, projects need five votes from members of the state's project and a total of eight votes. The board is comprised of 14 voting members, seven each from California and Nevada, and a non-voting member representing the federal government.

"There have been instances in the past where getting five votes from one state (to approve a project) was problematic," Miller told *Lake Tahoe News* after his testimony, citing

Boulder Bay, the mixed-use project at the site of the Tahoe Biltmore Casino in Crystal Bay. The hotel-casino project was approved by the TRPA in late April after a four-year process.

Roger Wittenberg, president and CEO of Boulder Bay, also testified before the Assembly committee. Wittenberg said if he had to do it all over again, he would not have gone forward with his project because of what he called the uncertainty of the TRPA approval process.

During questions from the committee, Assemblywoman Teresa Benitez-Thompson, D-Reno, suggested that a multi-year approval process for such a large development was not onerous.

Wittenberg said he had no complaints about what he called an arduous process or the TRPA staff, which he said was exemplary.

“It comes down to a vote with people from out of town who then leave. If the vote is fact-based and based in science, I’m fine with it,” he said. “But if it’s politically based, I have a problem with that.”

Wittenberg said he was neutral on the bill, but urged lawmakers to do something to accelerate redevelopment of the lake so projects like Boulder Bay don’t take 10 or more years to complete.

“The problem is not what we’re doing at the lake, but what we’re not doing,” he said.

But several opponents to the bill said changing the voting structure wouldn’t solve any problems.

“Even if the bill passes, it won’t solve what its proponents allege,” said Kyle Davis, political and policy director for the Nevada Conservation League & Education Fund in Reno. “You can change the voting structure, but if a project violates the Compact, then the court will strike it down.”

Davis also said that the purpose of the existing voting structure was not to require a super majority, as critics of it say, but a bi-state concurrence in which Nevada and California have an equal say in decisions affecting the lake.

Scientists opposing the bill drove home that point.

“The two states have to work together and the TRPA provides a framework for that,” said Alan Gertler, senior director for Clean Technologies & Renewable Energy Center at the Desert Research Institute in Reno. “You can’t have two players marching to the beat of a different drummer.”

The controversial bill drew an overflow crowd of homeowners, environmentalists, developers and gaming lobbyists June 1.

“This isn’t my first road show on a contentious item and it won’t be my last,” said Chairwoman Marilyn Kirkpatrick, D-North Las Vegas, who urged all those testifying to be respectful.

The committee meeting was overshadowed during an afternoon break when Gov. Brian Sandoval and leadership from both houses had a press conference to announce they had reached agreement on a \$6.25 billion budget.

That deal raises about \$620 million by extending several taxes that were about to expire for two more years. Among those is the modified business tax, but the deal calls for the exemption of about 115,000 small businesses.

Government Affairs adjourned for the Assembly floor session at 3pm without finishing. The committee will continue to hear more testimony on SB271 Thursday at 9am.

The bill attempts to reform the TRPA to avoid the state’s withdrawal from the agency. But the reforms, including changes to the voting structure, would have to be approved by the Nevada and California Legislatures as well as Congress.