

Opinion: League's mission should involve using facts

By Patrick Enright

The city of South Lake Tahoe understands the League to Save Lake Tahoe has filed suit against the city for adopting a General Plan update as required by state law. The League's actions once again demonstrate their willingness to mislead the public and now the courts in a way that redirects the public's very limited resources defending legal complaints rather than spending resources on improving the infrastructure that is in fact contributing to lake clarity degradation.

The League is well aware and fully informed that the City's General Plan does not contain provisions to build six-story buildings over 100 acres, yet they have knowingly released several statements to the contrary and those misleading statements remain on their website. The League is fully informed that the Tahoe Regional Planning Agency has never required a municipality to submit their General Plan for formal approval, yet argues in their complaint to the contrary. In their lawsuit, the League included unsubstantiated statements that the city's General Plan update will harm lake clarity without evidence to support such claims.



Patrick
Enright

The League is fully aware and has heard directly from the South Lake Tahoe City Council of the city's intent to modify its General Plan in the event there is a conflict with the TRPA's updated Regional Plan, which is expected to be completed in December 2012. In the meantime, where the General Plan is inconsistent with the TRPA's Regional Plan, the Regional Plan will prevail. The city could have simply removed sections where there was inconsistency, but that would have resulted in incomplete General Plan, which is not consistent with state law.

More important, the city's General Plan is the public's plan. It was developed over several years with input from many community members who spent countless hours pouring over neighborhood maps, visioning their future and deciding what their community should look like and how it could best meet environmental goals.

We need solutions. We need collaboration. We need to improve the built environment because it is destroying the natural environment. We need to improve Highway 50, local streets and infrastructure because that is where the majority of the solution lies. The city's General Plan update provides the road map to implementing solutions, but it is just a plan, it is not an actual project even if one argues it meets the definition of a TRPA project. The General Plan update by itself does not approve a single project. Every project will still be required to follow the ordinary course for approval and obtain the required permits. Not a single project can be built without appropriate regional and local approvals.

While the League's modus operandi is to file lawsuits, which gains them publicity and donations, their lawsuits do not help improve water quality or lake clarity. They would be more effective at preserving Lake Tahoe if they dedicated funds to do just that, improve, redevelop, remodel and restore the lake and there are plenty of opportunities for the League to do so. The League could put its resources to improving the roads,

which have been estimated at a cost of several million dollars per mile to achieve the premium environmental thresholds. The total cost to restore the City's roadways is estimated at \$300 million (the city is accepting donations). The League could fund and dedicate several miles of roadway "on behalf of the League." The League could contribute to erosion control projects to control and runoff, most projects cost many millions. One or two dedicated by the League would make a difference in lake clarity far more than one or two more lawsuits do. The city offered to meet with the League and its entire board of directors to resolve issues and discuss ideas to work together on these and other solutions, but the League declined. The mayor and mayor pro tem offered repeatedly to meet with the League's representatives, but the League declined multiple offers to meet.

The TRPA Compact was written to provide local communities the opportunity to decide for themselves under their form of government what their community should look like. The Compact provides that, "Whenever possible without diminishing the effectiveness of the Regional Plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective States, counties and cities the enactment of specific and local ordinances, and rules, regulations and policies which conform to the regional plan." (Article VI). In its lawsuit before the federal courts, the League will need to prove how the city's General Plan diminishes the effectiveness of the Regional Plan. The League will need to prove how the General Plan by itself harms the lake. The League will need to prove how TRPA's Compact and regional approach is undermined by the city's local approach to land use regulations.

We, who live here at the lake work very hard to protect water quality and lake clarity. We need to improve the built environment, fix Highway 50 and restore the natural

environment now. We need partners, not combatants. We need a cohesive and clear vision, not murky accusations. We need solutions, not roadblocks. We ask the League to Save Lake Tahoe to help the community save the lake and save our community by working with us and other agencies rather than against us.

Patrick Enright is city attorney for South Lake Tahoe.