

# Opinion: SB271 an opportunity to open dialogue between states

By Joanne Marchetta

In the final hours of the 2011 Nevada state legislative session, the bill known as SB271 passed, bringing with it opportunities for the two states that bound Lake Tahoe to reinvigorate the spirit of compromise that created the Tahoe Regional Planning Compact more than 40 years ago. The bi-state consensus that brought about that original agreement was no doubt hard-fought, and when Lake Tahoe's future is in the balance, the spirit of compromise has succeeded in bringing the two states together in a significant way.

SB271 is the latest signal sounding that Lake Tahoe's future is currently in the balance. Discussing bi-state consensus is again in order, but the pressing issues are different. Forty years ago, the problems were rampant growth and a lack of environmental controls on new development. Change was needed. Today, Lake Tahoe faces an outmoded economic base, aging infrastructure, and the need for a stormwater control program to restore lake clarity that could cost up to \$1.5 billion over the next 20 years.



Joanne  
Marchetta

Throughout the proceedings on SB271, the Nevada legislators and stakeholders who worked on this bill showed clearly that they want to protect Lake Tahoe. But they also want TRPA to again be the solution, not the roadblock, to needed changes at Lake Tahoe. And rather than look at this legislation as a negative for the lake, the better view is for the community to see the encouraging possibilities for reasonable reforms it opens up for us.

The hearings gave us an opportunity to show many that TRPA had already set a new course within the agency with its strategic plan. Since last year, we have been changing and improving our operations to meet more regional challenges and to reposition the agency as an environmental innovator and partnership builder. We were able to educate them on how we are honing the focus of the Regional Plan Update on water quality gains and the need for environmental redevelopment of Lake Tahoe's commercial centers. The feedback we received on the agency's new direction was positive and our commitment to changing the way we do business received broad support from legislators, state agency representatives and members of the public. Regardless, concerns lingered about provisions in our bi-state Compact.

SB271 brought these frustrations to the fore in Nevada and they can be seen clearly in the final text of the bill. The law calls for amendments to the Compact regarding our board's voting rules, consideration of changing economic conditions in our regional planning, and placing the legal burden of proof that an action violates the Compact on the challenger.

When one considers the hurdles it takes to amend the Lake Tahoe Regional Planning Compact, the significance of Lake Tahoe as a natural resource is evident. Amending the Compact to reflect the provisions in Nevada's SB271 would require a vote of both houses of the California Legislature, as well as ratification by the U.S. Congress and signatures from the governor of California and the president of the United States.

But keep in mind that the Compact was successfully amended once before. The Compact under which TRPA operates today was amended in this way in 1980 to require the adoption of Environmental Threshold Carrying Capacities and to add broader state representation to the TRPA Governing Board. What ushered those amendments through the process was the possibility for more radical outcomes. Ultimately, statesmanship and a spirit of compromise that focused on what the two states had in common rather than their differences prevailed. What they had in common was the continued health of a natural resource that is invaluable to both states and the nation. The same holds true today.

It's important to note the final Nevada bill does not pull the state out of the Tahoe Compact and sets 2015 as a date for changes to be implemented with a possible extension to 2017 if the state proclaims that progress is being made. While nothing immediately changes on the ground as a result of this bill, TRPA remains committed to its mission to protect the spectacular environment of the Tahoe region and to implement the policy direction of the two states.

We've made considerable strides in our 40-plus-year history – we didn't allow Lake Tahoe to become a city the size of San Francisco. We worked with agency partners to conserve thousands of sensitive parcels in the Lake Tahoe Basin. And, we've arrested the slide in the lake's extraordinary clarity. These accomplishments would have been impossible working in a vacuum and continued partnerships are crucial to attacking the Basin's challenges. If Gov. (Brian) Sandoval signs SB271, we're hopeful the Nevada legislation will kick start a revitalized dialogue between California and Nevada about the direction of Lake Tahoe so TRPA can continue making the positive difference needed for the lake and our communities in the 21st century.

*Joanne Marchetta is executive director of the Tahoe Regional Planning Agency.*