

# Talks begin to reform TRPA, keep both states involved

Updated June 18, 2011, 9:05am: Gov. Brian Sandoval signed SB271 and vetoed AB578 on June 17.

By Anne Knowles

CARSON CITY – It took until the final, frenetic minutes of the 2011 Nevada legislative session for lawmakers to pass the controversial bill threatening to pull out of the Tahoe Regional Planning Compact, but it may take years to see if the legislation makes a difference.

Senate Bill 271, passed in the Nevada Assembly 15 minutes before the 76th legislative session ended at 1am June 7, seeks first to amend the 41-year-old bi-state Compact before Nevada would make good on its threat to withdraw.



Politics and  
state lines  
divide Lake  
Tahoe in ways  
Mother Nature  
never  
intended.

The legislation calls for an updated Regional Plan that takes into account economic as well as environmental conditions at Lake Tahoe; makes several changes to the voting structure of

the Governing Board of the Tahoe Regional Planning Agency to stop what some Nevada lawmakers say is a tyranny of the minority; and requires anyone challenging a project at the lake to prove it violates the Compact, flipping the burden of proof from the TRPA to the petitioner.

It also mandates the creation of a delegation of Nevada lawmakers to negotiate with a similar group of California legislators to amend the Compact.

Nevada could withdraw from the Compact in 2015 if it deems no progress has been made, or will withdraw by 2017, if changes are incomplete. An interim oversight committee could also file a bill draft request next session to kill the possible withdrawal from TRPA if reform efforts are moving ahead or its deemed going it alone is too costly for the state.

The bill is sitting on the desk of Gov. Brian Sandoval, who is expected to sign it. Sandoval has until June 17 to sign or veto all remaining bills or to allow them to become law by doing nothing.

### **If SB271 becomes law, what's next?**

The committee that would be responsible for putting together the negotiating team is in flux. The bill calls for the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, the interim committee that already oversees the TRPA, to pick the delegation. But another late-passing bill, Assembly Bill 578, would restructure the Legislature's interim committees so the Joint Interim Committee of Government Affairs, consisting of eight members from the existing government affairs committees of both houses, would have oversight.

AB578, however, received only two Republican votes in the Assembly and none in the Senate, giving an indication Sandoval may veto it. The governor's office declined to comment on when

or whether the governor would sign or veto any bill.

In any event, Sen. John Lee, R-Las Vegas, a sponsor of SB271, is the chair of the Senate Government Affairs and the existing interim committee that has been looking into the TRPA issue. And whatever interim committee emerges in the next few months, the committee will pick one senator and two members of the Assembly, representing both parties, to begin negotiating with California legislators.

“The committee is up in the air,” Lee said, several days after the session ended, saying he would be discussing it in the next few weeks with Sen. Steven Horsford, D-North Las Vegas, the Senate majority floor leader.

Lee told *Lake Tahoe News* he wrote a letter to the governor proposing Leo Drozdoff, director of the Department of Conservation and Natural Resources, be the ongoing point man for the legislation. Drozdoff’s office said he would not comment on SB271 or its implications until the bill becomes law.

Lee said he hopes a conversation between the two states, and representatives from the federal government, starts at the 14th annual Lake Tahoe Environmental Summit, being hosted this year by Sen. Dianne Feinstein, D-Calif., at Homewood Mountain Resort on Aug. 16. While that is the actual day of the summit, lawmakers and stakeholders in the basin have several behind the scenes meeting before and after the summit.

Neither Feinstein nor Sen. Harry Reid, D-Nev., responded to a request for comment about SB271.

### **Informal talks have begun**

“My office has had discussions with some (legislators’) offices in Nevada,” said state Sen. Ted Gaines, R-Roseville, a California legislator who in April issued a statement supporting SB271 and what Nevada lawmakers were trying to

accomplish.

"I support the simple majority vote" mandated in the bill, said Gaines, which he said is similar to the way city councils and county commissions conduct business.

"I am contemplating my own legislation that would mirror the legislation," he said.

If Gaines were to introduce a bill, it wouldn't be until February 2012 during the next California legislative session. Gaines represents the California side of Lake Tahoe.

"Communications have already been opened," said Joanne Marchetta, executive director of the TRPA. "There are informal discussions happening almost everywhere. I'm very optimistic. This is a very healthy discussion right now and I'm looking forward to participating in it."

But the most important thing the TRPA staff can do, said Marchetta, "is bring forward a reasonably clear and concise update to our Regional Plan."

The update to the Regional Plan, already four years overdue, is on track to be delivered by the end of 2012, Marchetta said.

"You hear talk that there is no Regional Plan," Marchetta said. "We do have a Regional Plan."

She said much of the current plan would remain intact, and the issue now is to narrow the focus for current needs and economic constraints.

The main sticking point is the \$1.5 billion needed for the next 20 years for treatment systems and environmental programs.

"Will it come from Congress, the states or from the private sector?" Marchetta asked. "We've always thought it should be

some combination of those sources.”

### **What others have to say**

While the Nevada bill calls on the TRPA to produce the Regional Plan, and for state legislators to work together, others involved in the lake hope to have some influence, too.

“Last month the South Lake Tahoe City Council passed its own plan and we hope the TRPA will adopt some of our plan,” Councilman Bruce Grego said of the city’s General Plan. “I intend to write a letter this week to the oversight committee to see if South Lake Tahoe as well as Douglas County and Carson City can be part the team sent to negotiate with California legislators.”

In addition, said Grego, the council is upping the billable hours of its lobbyist and intends to lobby the California Legislature to take up a measure similar to Nevada’s SB271.

“Now it’s back in California’s court,” Nancy McDermid, vice chair of the Douglas County Commissioners and TRPA Governing Board member, said. “I don’t know if there’s anything we can do here. It’s state legislator to state legislator now. Key thing now is to get California to recognize it.”

The Douglas County Commission as well as the South Lake Tahoe City Council and the Carson City Board of Supervisors voiced support for SB271.

“As someone active in the TRPA sphere of influence, I hope I can contribute to the solutions at the lake,” said Lew Feldman, attorney with Feldman McLaughlin Thiel in Zephyr Cove. He has represented many building projects at the lake, including the recently approved Boulder Bay redevelopment project at the Tahoe Biltmore site in Crystal Bay.

“I would certainly continue to interact with the decision-makers and assist in gathering of information and data. For

California to partner in this, it is going take statewide effort," Feldman said.

And, like Marchetta, Feldman is hopeful.

"The original bill was a shot across the bow that was not in the best interest of the basin. As amended, it's an invitation for everyone to roll up their sleeves and get to work on this," Feldman said. "California has a lot more to gain by working with Nevada on this than by blowing them off and going it alone. I can't imagine a responsible California elected official not opening the door and welcoming the Nevada delegation."