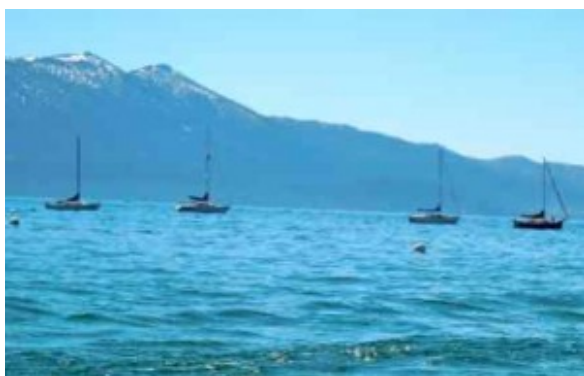


Opinion: Lawsuit against TRPA absolutely necessary

By Roger Patching, Dave McClure, Ellie Waller and Ann Nichols

That a lawsuit has been filed by the Sierra Club and Friends of the West Shore against the Tahoe Regional Planning Agency's Regional Plan update should come as no surprise to conservationists, politicians and governmental officials involved with it, as well as citizens who have been following the process and ignored the propaganda that duped many. Quite simply, serving as a blueprint for both urban sprawl and densification in the decades to come, while a dream come true to developers, the RPU is an environmental and economic disaster for the Tahoe basin.

Efforts to politically mitigate the damage having failed, the only remedy remaining to save the lake and the bulk of its inhabitants and nonresident property owners is the court system. It is as simple as that. No entity is ever eager to file a lawsuit; it is done when there is no other recourse.



Politics at Lake Tahoe can be a rough ride. Photo/LTN

While the specific reasons regarding why the RPU is a disaster are addressed in the legal complaint, the general reasons are neither complicated nor difficult to understand.

First, the RPU is badly flawed. Supposedly founded on principles of “smart growth” that foster “sustainable communities,” the RPU is premised on conditions that don’t and won’t ever exist in the basin. Still, the environmental language of such development is so pleasing that it allows public relations image makers to “greenwash” such planning with lofty rhetoric about science and prosperity. The unvarnished facts specified in the lawsuit explain that the RPU will actually retard the attainment of the environmental thresholds that the TRPA is chartered to achieve. The new type and magnitude of corporate resort development that the RPU will allow, in addition to the monumental increase in the authority of counties to permit bigger, higher, and denser growth, represent not a minor tweaking of existing regulations but a return to the 1950s. In addition to environmental deterioration, small businesses will suffer from the invasion of corporate giants in both states.

Secondly, the RPU was drafted in an environment of political duress prompted by a threat from Nevada known as SB271. Passed in 2011, this statute threatens Nevada’s withdrawal from the bistate Compact that established the TRPA in the late ’60s if it doesn’t 1) draft a RPU favorable to massive development, and 2) change the voting procedures of its governing board which it views as restrictive of Nevada’s economic freedom. Its withdrawal would dissolve the Compact and therefore the TRPA. And, while many astute political analysts see it as a bluff due to the current political landscape in Nevada coupled with the problems of both governance and wrath that would accompany TRPA’s demise, others have shuddered at the threat, including a heretofore leading environmental organization, and acquiesced to the deterioration of the lake and Basin in exchange for keeping the Compact. In reality, Nevada already dominates the TRPA’s Governing Board and has more to lose than gain by withdrawing.

Thirdly, having succeeded with the SB271 bluff in terms of

obtaining a RPU that will increase harm to the lake in exchange for high profits for Wall Street financed corporations with grand development ambitions throughout the basin, the bluff was extended to include withdrawal due to any litigation. Well, we shall see. Currently, regardless of the threat regarding litigation, all or portions of SB271 will need to be rescinded because its mandate about a change in TRPA voting procedures locked Nevada on a collision course with California when it became law. And, since the change requires the approval of both states and Congress, which won't happen, Nevada must withdraw or change the law. Many in Nevada are embarrassed by both the threat and the hubris that created it.

Lastly, it is clear to those who have not been duped by the pro-development propaganda spun by the TRPA, which has become, according to California Senate Pro Tempore Darrell Steinberg, a captive of the special interests that it is supposed to regulate, the demise of the TRPA might not really be a bad thing. That is to say, we know that the RPU is guaranteed to damage both the environment and locally owned economy of the lake, so it must be opposed. In addition, California's stake in the lake financially, demographically, and environmentally is much greater than that of Nevada and having its own California TRPA, which can negotiate problems directly with Nevada, could actually be an improvement over the status quo.

Consequently, with or without the TRPA, the lake is best protected by the abolition of the current RPU. And, remember: the TRPA caused the lawsuit when they approved the pro-development RPU, not the Sierra Club and its supporters. It is neither the governing agencies nor their corporate benefactors that are protecting the lake and private and public property from harm; that responsibility has been taken over by our colleagues who filed the lawsuit.

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