

Non-locals deciding what is best for Tahoe

By Kathryn Reed

Politics vs. policy. Silver State vs. Golden State. Environment vs. economics. Control vs. compromise. Locals vs. outsiders.

Pick a battle. Pick a side. That's what lawmakers in Sacramento and Carson City are doing. The prize – control of Lake Tahoe. The winners – hard to say. The losers – likely the people who call Lake Tahoe home.

Bills floating in the California and Nevada legislatures could dictate the future of Lake Tahoe, with the locals having less of a say in what goes on.

“I hope leadership and statesmanship will prevail over brinkmanship. Withdrawal is not in anyone's interest,” Steve Teshara told *Lake Tahoe News*. He heads Sustainable Community Advocates and represents a number of clients in the basin.



The state line is evident at Van Sickle Bi-state Park, but the environment doesn't come with a line. Photo/LTN

Teshara does not want either state to withdraw from the bi-

state Compact that created the Tahoe Regional Planning Agency. But both states are threatening to do just that.

Nevada threw the first volley with Senate Bill 271. As originally written, it would have meant pulling out of the Compact by 2015 and returning matters at the lake to the Nevada Tahoe Regional Planning Agency, which still exists. It came with some other threats/mandates to California, too, like changing the voting structure of the Governing Board.

What SB271 ultimately did was get both states to start to talk about the region. It inspired both governors to be at the August 2012 annual environmental summit. It spurred the TRPA's updated Regional Plan to be finalized and then adopted in December 2012.

Many thought SB271 would be repealed.

Senate Bill 229 has been introduced to do just that. But Gov. Brian Sandoval has vowed to veto it, saying he wants to see how the Sierra Club's lawsuit against the Regional Plan shakes out and if California will compromise on some other issues. (The Senate on April 22 approved SB229 on an 11-10 vote. It now goes to the Assembly.)

Winding its ways through the halls of Sacramento is Senate Bill 630 that is authored by Sens. Fran Pavley, D-Agoura Hills, and Sen. President Pro Tem Darrel Steinberg, D-Sacramento.

(It moved to a state of suspension on April 22, which happens when a bill costs more than \$100,000 to implement. Appropriations will study the fiscal implications.)

Pavley, in a statement provided to *Lake Tahoe News*, said, "I am pleased by the Nevada Senate's vote to remain a part of the Tahoe Regional Planning Agency, but it's important that we continue with a backup plan to protect Lake Tahoe until a bi-state agreement is reached."

The question to her was: "What do you hope to accomplish with SB630?"

Without being allowed to speak with the senator directly it's not known why she thinks a bi-state agreement doesn't exist, when in fact it does. Nor could she be asked to actually answer the question.

Components of SB630

The bill when first introduced earlier this year was intended to provide California with a contingency plan if Nevada were to withdraw from the Compact. It would re-establish the California Tahoe Regional Planning Agency, which was dissolved in favor of the bi-state TRPA.

But then came amendments that have local representatives coming unglued.

The CTRPA board would be made up of nine people – all appointed by the governor of California, with approval by the Senate. One person would come from South Lake Tahoe, one from either El Dorado or Placer counties.

"We oppose that because the city should be able to maintain the right to self-governance," South Lake Tahoe City Manager Nancy Kerry said.

As it stands now, all three local jurisdictions have a representative on the TRPA board. While that person does not have to be an elected official, such as Placer County has done with Larry Sevinson, it is the elected body that appoints the person.

Kerry was in Sacramento earlier this month with three councilmembers, Teshara and Carl Hasty of Tahoe Transportation District to speak out against SB630.

"First of all, it disenfranchises local governments and the people they represent," Teshara said of the bill. "I lived

here in the days with CTRPA in place. They didn't solve any environmental problems. They irritated people and that is putting it mildly. This version of CTRPA would be more Draconian because it basically goes back to the old adage that local government and local people cannot be stewards of Lake Tahoe."

Teshara went on to say, "I have said SB630 creates Lake Tahoe on the California side as a ward of the state. Look at what the state has done. State Parks is a ward of the state and look how well they've done with that. It's a very dark future for Lake Tahoe."

LTN posed this question to Pavley: "Why would you want to create a government body where the locals don't have a voice?"

Her response: "Local residents should have a say, which is why my bill includes a county supervisor and a member of the South Lake Tahoe City Council the governing body. I would [be] willing to include more local voices in the process, but it is also important to include input from other stakeholders."

Again, there was no opportunity for follow-up questions.

But the Governing Board today has outside reps who are appointed by leaders in the two state Capitols. The latest appointment is by Steinberg, co-author of SB630, who named attorney Bill Yeates. (Yeates won't be at today's TRPA Governing Board meeting and has not said when he will actually be able to attend his first meeting.) Yeates has done extensive work for the Sierra Club, the same group suing the TRPA over the Regional Plan.

Steinberg's office was asked why this appointment was made and why the senator likes SB630. No answers were provided.

State Sen. Ted Gaines, R-Rocklin, represents Lake Tahoe in California. He didn't mince words when talking to *Lake Tahoe News* about his opposition to SB630. And he for years has been

a staunch critic of TRPA.

"I'm in opposition because it's a power grab by state government," Gaines said. "It takes away local power and puts it in the hands of bureaucracies. I would argue we are in a much better situation in terms of the status quo than in terms of what SB630 would offer."

He doesn't like that the bill would give more power to the California Tahoe Conservancy.

(Pavley chairs the Senate Committee on Natural Resources. Bill Craven, consultant to that committee, did not return *Lake Tahoe News'* call. Todd Ferrara, deputy secretary for external affairs for California Natural Resources, sits on the CTC board as Secretary John Laird's representative. Ferrara did not return a phone call, either.)

Gaines said he has been speaking with his counterparts in Nevada and that he sees compromise as being possible. He said not to compromise is "unacceptable."

"We ought to be looking at what is the best for the community at large, not what is best for a narrow special interest," Gaines said. "We need to change the matrix of how TRPA functions. You've got to get cooler minds who will prevail on both sides of the border and political spectrum."

Another amendment to SB630 is that it has California withdrawing from the Compact on Jan. 1, 2014.

Pavley's office was asked why this was going to happen when Nevada has a trigger date of 2015. No answer was provided.

South Shore attorney Lew Feldman wrote a letter to Pavley opposing her bill as amended. He wrote, "While it is evident California has taken offense at Nevada's adoption of SB271, SB630 punishes Californians by diminishing democratic representation without local voice, reducing incentives to

redevelop the plethora of blight, jeopardizing TRPA's attainment of thresholds, and eroding the region's ability to compete for much needed dollars for regional transportation solutions and water quality projects necessary to meet the recently adopted (by both states) total maximum daily load requirements."

SB630 as amended would prevent any redevelopment or development from occurring, would require a whole new Regional Plan or the like to be created. It would potentially mean the loss of federal money and would cost California possibly millions of dollars to start things from scratch.

Darcy Goodman Collins, executive director of the League to Save Lake Tahoe, was at the April 9 hearing in support of the bill. She deferred comment to the No. 2 in charge of the conservation group.

"Our team has spent dozens of hours at the Nevada Legislature this year advocating to overturn SB271 because we believe a unified bi-state agency is the best thing for Lake Tahoe. At the same time, we are supporting SB630 because California must have a backup plan in case the Compact dissolves," Jesse Patterson, the League's deputy director, said.

Dan Siegel has long been a supporter of the League and Sierra Club, often sitting with their reps at TRPA meetings, as well as eating lunch with them during breaks at those meeting.

Siegel is a supervising deputy attorney general for California.

At the April 26, 2012, TRPA meeting that dealt with the Regional Plan update, Siegel said, "I believe the draft has serious legal defects." In particular he took issue with delegating authority to local jurisdictions, coverage rules, and the allowance of new development.

While today he is toeing the company line, so to speak, since

he is not actually the attorney general, he is not showing his true colors. Those were more on display earlier this month at the Senate hearing where he was cozy with the League and the lobbyist from the Sierra Club who was in attendance.

This week he told *LTN*, "We support (SB630) in concept. We have no position on the details at this point. We only support it as a backup plan. We strongly support the bi-state Compact between California and Nevada. We feel that is the best approach to protect Lake Tahoe."

Siegel added that he hopes SB630 never takes effect, that instead Nevada takes SB271 off the table.

But people who spoke to *LTN* off the record said Siegel's comments after this month's hearing were disturbing. In the halls of the Capitol he was not parroting his department's stance, but instead that of conservation groups.

Siegel has been a party to lawsuits against TRPA.

TRPA reps opted to watch this month's hearing from their offices.

"The agency is officially neutral on the two states' legislation. We remain committed to the partners of both states," Julie Regan, who handles external affairs for the bi-state regulatory agency, told *Lake Tahoe News*. "We believe the health of the lake is best with a functioning bi-state Compact."

The future

Some say what is going on is all political gamesmanship with the people of Lake Tahoe as the muted pawns.

Others call it a power grab.

Today Sandoval will be in Sacramento to discuss a variety of matters with Gov. Jerry Brown. Those in the know have told

Lake Tahoe News that Lake Tahoe and the bills swirling around the two legislatures are now on the agenda for the states' leaders.

Another issue Nevada has is all the litigation that goes on at the lake. Legislators would like some sort of criteria in place that if all sides are at the bargaining table when a resolution is agreed to, then a lawsuit is not an option.

"If you have the Sierra Club at the table and they are negotiating and all parties are working together to achieve a solution, that decision should stand and you don't get a second bite at the apple with litigation," Gaines said. "That is working in bad faith."

While regional government such as TRPA has often been criticized, the general consensus is that today it is the correct structure of governance.

Teshara equated the situation to an old married couple – that it's time the two states renew their vows.

It's too soon to know if the August environmental summit will delve into today's issues. By then Nevada legislators should have adjourned for two years and the California delegates should be on their long summer recess.

Sen. Harry Reid, D-Nev., is the host of this year's summit and he gets to set the agenda. It's possible a compromise to today's issues could be showcased at the event. And if there is no resolution in four months, it could be swept under the table.

Those who were asked to look into their crystal balls did not see clarity – at least when it comes to Lake Tahoe politics.