

Letter: TRPA board members Lobby for SB630

Publisher's note: This letter was sent Aug. 22 to the California Senate president pro tem and speaker of the California Assembly.

Dear Senator Steinberg and Speaker Perez:

The undersigned are California appointees to the Governing Board of the Tahoe Regional Planning Agency (TRPA). We have been appointed by either the governor or the Legislature or are local government representatives. We write to express our support for SB630 and, in doing so, we speak for ourselves and not TRPA which has remained neutral on all legislation in either state involving the bi-state Tahoe Regional Planning Compact.

There are two principal reasons why we support SB630. First, the bill maintains the bi-state Compact and specifies that the two states will cooperate in implementing the new Regional Plan update adopted by TRPA on Dec. 12, 2012. The second reason is that passage of this bill will facilitate renewed joint efforts by the two states to help TRPA achieve the environmental thresholds as required by the Compact. Below we elaborate on the importance of these two components of SB630.

Prior to the adoption of the RPU there had been years of controversy and turmoil about what an updated regional plan should do. After direction from state and congressional leaders at the 2011 Lake Tahoe Summit, TRPA began an in depth review of possible provisions which would be included in the regional plan. A special committee of the Governing Board was assigned the responsibility for developing these provisions and bringing its recommendations to the full board. After at least 15 hearings, the committee completed its work but there

were dissents on numerous key environmental planning issues. The two states stepped in and convened a bi-state consultation process, which was co-led by former Assemblyman and current Natural Resources Secretary John Laird. This stakeholder-driven process resulted in compromises which garnered the support of the vast majority of business, environmental, educational, scientific, and local governmental interests. For example, these compromises limited the levels of development; and, encouraged removal of development from sensitive environmental areas. These changes to the proposed RPU caused major environmental interests to change from opposition to support for the plan. We believe that the RPU is a balanced plan which will facilitate environmental improvement and threshold attainment at Lake Tahoe.

Despite all the efforts made to find common ground, the Sierra Club has been outspoken in its opposition to the RPU, pursuing litigation to have the plan overturned in Federal court and, now, opposing SB630. Unfortunately, the Sierra Club's statements about the RPU are inaccurate. We will detail some of them here: The club has stated in effect that the new Regional Plan will urbanize Lake Tahoe to the detriment of the lake's clarity and air quality. This is not the case. In fact, under the RPU there will be no new tourist accommodation units allocated. New hotels or motels will have to acquire matching existing units from sensitive lands, restore the site where they are located and transfer the units to the new location. The two new Resort Recreation Districts, the subject of much controversy and which are either located in already developed urban areas or adjacent to such areas, can have no development except by transfer and retirement of existing development. There are 600 bonus units available over a 20-year period for residential use, but these bonus units are largely intended for affordable housing so workers can live closer to the job, thereby reducing traffic and air pollution. The club has stated that there are 3,200 new residential units allowed under the plan. Six hundred of these are the bonus units just

mentioned and 2,600 are units allowed on lots that were subdivided before the 1987 plan and where the owners have property rights. These are not new units created by the RPU. The club is correct in pointing to a new allocation for commercial use but most observers, including business interests, believe this will never be used. There is a significant surplus of existing allowable commercial use in the old plan that was not used.

The Sierra Club also alleges that high densities within existing urbanized town centers are going to lead to excessive development. Those provisions of the RPU, driven by environmentally significant California law (e.g., AB32 and SB375), call for concentrated development to reduce greenhouse gas emissions. Any additional densities within town centers will be tempered by the transfer of development provisions, discussed above. The RPU is a balanced approach to environmental improvement through proper location of new development and redevelopment of outdated development. In fact, old existing development is causing most of the lake's clarity problems.

Our second reason for supporting SB630 is to bring a stop to the prospect of ending the bi-state Compact. Earlier this year, Nevada enacted legislation reaffirming the bi-state Compact. It is now California's turn to live up to our side of the bargain. The two states reached an agreement in May which renews the two states' commitment to work together to do what's best for the environment and economy of Lake Tahoe. Included

in this agreement and reflected in SB630 are two modest proposed amendments to the Compact that Congress will have to enact. The Sierra Club has argued that these changes will lead to severe environmental degradation in the basin. This is incorrect. One of the amendments would require weighing economic factors in decisions made by TRPA. The bi-state Compact already requires TRPA to maintain the social and

economic health of the Tahoe Basin. There is no way this recitation of existing policy leads to environmental degradation. The other amendment puts the burden of proof on the party who challenges a decision of TRPA. This, like the other amendment, is nothing more than a re-statement of existing law. Petitioners in lawsuits challenging government agency decisions have the burden of proving that the government agency made a mistake. It has always been that way and this amendment simply expresses that legal requirement in the bi-state Compact.

In summary, we believe that SB630 is key to preserving the bi-state Compact and the national focus on the protection of Lake Tahoe. We urge you and your colleagues to adopt SB630 so this bill, which reflects the agreement between the two states, can be presented to the governor for his signature.

Sincerely,

Casey Beyer, E. Clement Shute Jr., Elizabeth Carmel, Larry Sevison, Hal Cole, William Yeates and Norma Santiago