

Opinion: Tahoe can't afford fireworks lawsuit

By Nancy Kerry

As we all know, the economy and our environment are fundamentally intertwined. If we ever doubted the connection, those doubts should have been erased through the impacts of the great recession on our local economy. We need revenue from tourism to sustain our economy, which in turn helps to fund environmental projects that protect the natural beauty, which draws millions of visitors every year. We cannot have a thriving economy without protecting the environment and we cannot have a beautiful natural environment without money to protect and properly sustain it.

Mr. and Mrs. [Joe and Joan] Truxler recently sued the Lake Tahoe Visitors Authority for “failing to obtain a National Pollutant Discharge Elimination System (NPDES) permit” for the fireworks shows that occur each July and Labor Day. An NPDES permit, if required, would be issued by Lahontan Regional Water Quality Control Board on the California side or the Nevada Department of Environmental Protection if the show were on the Nevada side of the lake.



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Ten years ago, Lahontan determined an NPDES permit was not required after monitoring fireworks shows because any impacts dissipated within 24 hours and posed no environmental threat

to the clarity of our beautiful Lake Tahoe. The Nevada Department of Environmental Protection issued a letter to LTVA in December 2013 indicating neither an NPDES permit nor oversight of the fireworks show was necessary. Therefore, both agencies in California and Nevada with a duty to oversee environmental protections in Lake Tahoe have determined an NPDES permit is not required or necessary.

Lake clarity has not been negatively impacted by fireworks debris. The evidence of that statement is lake clarity has improved during the 35 years the fireworks shows have been produced. The issue of debris can be resolved through better clean up, community involvement and enforcement against illegal fireworks, but not through a protracted lawsuit. The fireworks show already has both surface and subsurface clean-up procedures in place with a great track record, with the exception of last year. If the show is cancelled, illegal firework use will likely increase, a scary scenario on the heels of the driest winter of record.

We can't control when Mother Nature doesn't cooperate, but a manmade impact of this magnitude is simply inconsiderate of the consequences. If the fireworks show were canceled because of this lawsuit, the economic impact to our community would be staggering. Hardest hit would be the underemployed who rely on tips and service jobs to survive. Our city's General Fund relies primarily on bed tax to fund police, fire and other essential services, and cancellation of the largest summer event will adversely impact the city's budget.

The city of South Lake Tahoe, while not a party to the lawsuit, has been actively working to facilitate both short- and long-term solutions to this issue. I have spoken to the Truxlers and believe they are seeking reasonable solutions to the issue of debris. However, I have also spoken to their lawyer and believe his efforts to extract excessive fees are unreasonable and could preclude a resolution to the case. At the LTVA's emergency meeting Thursday, there was unwavering

and unanimous support calling on the Truxlers to work with the community and not against it by agreeing to solutions for the debris and withdrawing the lawsuit so the show can go on. We need to immediately commence another spectacular show in time for July 4, 2014.

Nancy Kerry is the city manager of South Lake Tahoe.