

TRPA Regional Plan court decision appealed

By Kathryn Reed

Earthjustice, which represents the Sierra Club and Friends of the West Shore, waited until May 7 – the last day possible – to file an appeal regarding the U.S. District Court’s decision upholding the Tahoe Regional Planning Agency’s Regional Plan update.

“The agency’s strange strategy to protect Lake Tahoe and its surrounding landscape from the damage caused by excessive urbanization over past decades is to promote even more development,” Earthjustice attorney Wendy Park said in a statement. “We will continue our fight to protect the lake from the misguided actions of the agency charged with protecting and restoring its environment.”



The TRPA’s Regional Plan is headed back to court.
Photo/Kathryn Reed

The Regional Plan was approved by the bi-state regulatory agency in December 2012, five years after the previous one was supposed to be null and void. Countless meetings were conducted, comments given and bickering between the two states over the document that almost resulted in Nevada’s pulling out

of the bi-state Compact.

Two months after the Governing Board approved the plan the lawsuit was filed. U.S. District Court Judge John Mendez on April 7 said the agency could keep the document in place. Last June he had handed TRPA a partial victory by saying the Regional Plan update does not violate California law by allowing local jurisdictions to have more authority. That was one of the items in the lawsuit.

It will now be up to the Ninth Circuit Court of Appeals to make a decision.

“TRPA is confident the Regional Plan will accelerate Lake Tahoe’s restoration and support sustainable communities,” TRPA Executive Director Joanne Marchetta told *Lake Tahoe News*. “While the appeal makes its way through the legal process, we will continue to put the substantial environmental benefits of the plan into place.”

The environmental groups believe the environmental impact statement for the RPU failed to analyze how the document will have negative impacts on soil conservation, water quality and air quality. Their contention is the plan promotes more growth, including in areas not already developed.

“TRPA has abandoned its core mission to restore and protect Lake Tahoe’s environment,” Laurel Ames of the Sierra Club said in a statement. “It’s a fallacy that the environmental damage caused to Lake Tahoe by the over-urbanization approved by TRPA can be solved by further intensifying urbanization, and this demonstrates just how far the agency has strayed.”