

TRPA wins court challenge over Regional Plan

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By Kathryn Reed

A court decision today upheld the validity of Tahoe Regional Planning Agency's 2012 Regional Plan update.

The Sierra Club and Friends of the West Shore, represented by Earthjustice, filed a lawsuit saying 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.

The environmental groups lost the initial case in April 2014 and then appealed the U.S. District Court's ruling.

"We find it hard to believe, and extremely paradoxical, that problems caused by the overurbanization of Lake Tahoe can be solved with more urbanization," Laurel Ames, conservation chair of the Tahoe Area Sierra Club, said in a statement. "The Regional Plan Update means more buildings, more asphalt, and more traffic – the very things that have caused Tahoe's degradation. The public will have to be even more vigilant about conserving our beautiful natural areas. We are disappointed but we continue to believe that Tahoe can be protected."

The Ninth Circuit Court of Appeals in San Francisco's Nov. 2 ruling said, "The panel held that TRPA's environmental impact statement and Regional Plan update adequately addressed the localized effects of the runoff created by the amount of development permitted under the update."

The 29-page decision was unanimous.

“Today’s ruling by the Ninth Circuit Court of Appeals is yet another strong affirmation of the widely supported 2012 Regional Plan,” Joanne Marchetta, executive director of TRPA, said in a statement. “The plan is based on sound science, planning, and analysis and represents the best path forward for TRPA and its many partners to restore Lake Tahoe’s treasured environment and revitalize our communities.”

The Regional Plan had not been updated since 1997. There was much consternation to get the 2012 document passed, with threats from both states to pull out of the bi-state Compact. Ultimately consensus was found and the document was approved.

A change to the 2012 plan compared to the previous one is that there are constant updates – known as adaptive planning – so it reflects evolving times, new science and other issues.

Today’s decision further states, “The draft EIS drew criticisms that necessitated substantial revisions, but the final EIS for the RPU adequately addressed localized impacts on soil conservation and water quality. Notably, while California had strenuously objected to certain aspects of the draft EIS, particularly with respect to the localized impacts of runoff, both California and Nevada now urge approval of the plan, as evaluated in the final EIS. We also hold that TRPA reasonably concluded that, in light of anticipated improvements in BMP maintenance, the development permitted in the RPU would have less than a significant effect on water quality.”