

REVIEW OF THE ACTIVITIES OF THE
TAHOE REGIONAL PLANNING
AGENCY



Bulletin No. 87-16

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

August 1986

REVIEW OF THE ACTIVITIES
OF THE
TAHOE REGIONAL PLANNING AGENCY



BULLETIN NO. 87-16

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

AUGUST 1986

TABLE OF CONTENTS

	<u>Page</u>
Senate Concurrent Resolution No. 27 (File No. 60, <u>Statutes of Nevada, 1985</u>).....	v
Report Of The Legislative Commission To The Members Of The 64th Session Of The Nevada Legislature.....	vii
Summary Of Recommendations.....	ix
Report To The 64th Session Of The Nevada Legislature By The Legislative Commission's Subcommittee To Review The Activities Of The Tahoe Regional Planning Agency (TRPA).....	1
I. Introduction.....	1
II. History Of Nevada Legislation Associated With The Lake Tahoe Basin.....	1
A. History Of Legislation Through 1980.....	1
B. History Of Legislation After 1980.....	4
III. Major Planning-Related Activities And Litigation After The Bistate Compact Was Amended In 1980....	6
A. Water Quality Management Plan ("208").....	6
B. Environmental Threshold Carrying Capacities..	7
C. Amendment Of The Regional Plan.....	7
D. Legal Actions Associated With The Regional Plan.....	8
E. Status Of Litigation.....	9
IV. Project Review.....	9
A. Single-Family Residences (Case-By-Case Review).....	10
B. Single-Family Residences (Individual Parcel Evaluation System).....	11
C. Mitigation Fees.....	11

	<u>Page</u>
V. Purchase Of Environmentally Sensitive Property.....	12
A. Santini/Burton Program.....	12
B. California Bond Issue.....	13
C. Nevada Bond Proposal.....	13
VI. Tahoe Regional Planning Agency Administration And Budget.....	14
A. Administration Of The TRPA.....	14
B. Overall Agency Budget And Expenditures.....	15
C. Special Budget Items.....	16
1. Individual Parcel Evaluation System.....	16
2. Legal Expenses.....	16
3. Scenic Evaluation and Public Information.....	17
4. Tahoe Regional Transportation District..	17
5. Interest on Mitigation Fees.....	18
VII. Issues And Recommendations.....	18
A. Issues Associated With Transfer Of Private Property Into Public Ownership.....	18
1. Nevada Bond Issue (\$31 Million).....	18
2. Federal Santini/Burton Act.....	19
3. Land Bank Concept.....	19
4. Tax-Related Considerations.....	20
5. Definition of "Taking" and Procedures for Appraisals.....	21

B.	Planning And Erosion Control.....	22
1.	Funding for Monitoring of Streams.....	22
2.	Grants for Local Planning.....	22
C.	Review Of TRPA Activities And General Legislation.....	23
1.	Legislative Subcommittee.....	23
2.	Creation of Working Group.....	23
D.	Amendments To The Bistate Compact.....	23
	California Bills Proposing Amendments to the Bistate Compact.....	23
VIII.	Future Subcommittee Activities.....	25
IX.	Appendices.....	27
	Appendix A Senate Bill No. 191 (chapter 567, <u>Statutes of Nevada, 1985</u>).....	29
	Appendix B Assembly Bill No. 650 (chapter 585, <u>Statutes of Nevada, 1985</u>).....	33
	Appendix C Suggested Legislation.....	37

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to review the activities of the Tahoe Regional Planning Agency.

WHEREAS, The waters of Lake Tahoe and other resources of the region are threatened with deterioration, which endangers the natural beauty and economic productivity of the region; and

WHEREAS, The region exhibits unique environmental and ecological values which are irreplaceable; and

WHEREAS, There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region; and

WHEREAS, The Tahoe Regional Planning Agency, with the powers conferred by the Tahoe Regional Planning Compact, was established to enhance the efficiency and governmental effectiveness of protecting the region; and

WHEREAS, It is imperative to the preservation of the region to ensure that the agency is carrying out its duties as efficiently and as effectively as possible; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the legislative commission is hereby directed to appoint a subcommittee composed of two members of the senate and three members of the assembly to review the activities of the Tahoe Regional Planning Agency including, without limitation, a review of:

1. Its adherence to the provisions of the Tahoe Regional Planning Compact;
2. The extent to which the agency is carrying out the requirements of the compact;
3. The effectiveness of any actions taken by the agency; and
4. Any problems the agency may have and the reasons therefor; and be it further

RESOLVED, That the members of the subcommittee, in carrying out their review, shall consult with:

1. The members from Nevada of the governing body of the agency;
2. The members of the boards of county commissioners of Douglas and Washoe counties and of the board of supervisors of Carson City;
3. The members of the agency's staff;
4. The owners of real property who are affected by the decisions of the agency; and
5. Any other interested organizations located within the region; and be it further

RESOLVED, That the legislative commission report the results of its review to the 64th session of the Nevada legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 64TH SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Senate Concurrent Resolution No. 27 of the 63rd session of the Nevada legislature. Senate Concurrent Resolution No. 27 directed the legislative commission, under the auspices of the joint committee on natural resources, to appoint a subcommittee to review the activities of the Tahoe Regional Planning Agency (TRPA).

The following membership was appointed to the subcommittee to conduct the study:

Assemblyman David D. Nicholas, Chairman
Senator Raymond C. Shaffer, Vice Chairman
Senator John M. Vergiels
Assemblyman Joan A. Lambert
Assemblyman Danny L. Thompson

In addition to its duties prescribed by S.C.R. 27, the subcommittee was directed through Senate Bill 191 (chapter 567, Statutes of Nevada, 1985) to make quarterly reports to the interim finance committee. To accommodate both schedules, the subcommittee met five times between September of 1985 and its approval of this report in July of 1986. Additional meetings were projected for October 1986 and January 1987. All of the meetings have been held at locations within the Lake Tahoe Basin.

This report presents the subcommittee's recommendations as they were approved by the legislative commission. A brief history of the TRPA, a description of major programs and issues associated with the Lake Tahoe Basin, and a review of the agency's current activities are also included. All supporting documents, minutes of meetings, and reports to the interim finance committee are on file in the research library of the legislative counsel bureau.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
August 1986

* * * * *

LEGISLATIVE COMMISSION

Assemblyman Louis W. Bergevin, Chairman
Assemblyman Bob L. Kerns, Vice Chairman

Senator James H. Bilbray	Assemblyman Robert M. Sader
Senator Helen A. Foley	Assemblyman James W. Schofield
Senator Lawrence E. Jacobsen	Assemblyman Danny L. Thompson
Senator Kenneth K. Redelsperger	Assemblyman Barbara A. Zimmer
Senator Sue Wagner	

SUMMARY OF RECOMMENDATIONS

Following is a summary of the recommendations of the legislative commission's subcommittee to review the activities of the Tahoe Regional Planning Agency (TRPA):

Issues Associated With Transfer Of Private Property Into Public Ownership

1. Include in the final report a statement expressing the subcommittee's support for passage of the \$31 million bond issue at the 1986 General Election in November.
2. Request, by resolution, that Congress continue to appropriate money to finance activities undertaken through the authority of the Santini-Burton Act. (BDR 349)
3. Request, by resolution, that the United States Forest Service within the United States Department of Agriculture include provisions in its regulations whereby appraisals of "fair market value" will include the increased development potential of property within the Lake Tahoe Basin under the most recent regulatory programs of the TRPA. (BDR 350)
4. Include in the final report a statement expressing the subcommittee's support for the concept of establishing a land bank for the Nevada portion of the Lake Tahoe Basin.
5. Include in the final report a statement expressing the subcommittee's support for Assembly Joint Resolution No. 27 (File No. 84, Statutes of Nevada, 1985) which proposes a constitutional amendment to allow exemption from taxation for real property upon which development is prohibited by governmental action.
6. Include in the final report a finding that units of local government anticipate experiencing problems with their allowed budgetary expenditures and tax revenues because development within their jurisdictions is being limited by regulation or public purchase of private property.

7. Recommend that the appropriate legislative committees solicit testimony and analyze the tax-related problems which units of local government will be facing due to regulation and public purchase of private property within the local jurisdictions.

Erosion Control

8. Include in the final report a statement expressing the subcommittee's support for the concept of monitoring the streams in the Lake Tahoe Basin.

Review Of TRPA Activities And General Legislation

9. Continue, by resolution, the existence of the legislative subcommittee to review the activities of the TRPA as an interim subcommittee of the legislative commission. (BDR 352)

Amendments To The Bistate Compact

10. In order to foster final approval of the proposed changes to the structure of the Nevada delegation, the subcommittee determined that it would be prudent to accept the additional amendments to the bistate TRPA compact as proposed in California legislation. Thus, the subcommittee recommended that Nevada enact legislation which accepts the additional amendments to the bistate compact as proposed in California's Assembly Bill 1600 (chapter 167, Statutes of California, 1986). (BDR 22-353)

REPORT TO THE 64TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO REVIEW THE ACTIVITIES OF THE
TAHOE REGIONAL PLANNING AGENCY

I. INTRODUCTION

The 1985 legislature adopted Senate Concurrent Resolution No. 27 (File No. 60, Statutes of Nevada, 1985) which directed the legislative commission to appoint a subcommittee to review the activities of the Tahoe Regional Planning Agency (TRPA). In addition, Senate Bill 191 (chapter 567, Statutes of Nevada, 1985) directed the subcommittee to make quarterly reports to the interim finance committee relative to several TRPA budget items. A copy of S.B. 191 is included as Appendix A of this report.

The subcommittee which conducted the study held five meetings within the Lake Tahoe Basin between September of 1985 and its approval of this report in July of 1986. Additional meetings were projected for October 1986 and January 1987, immediately before the legislative session. The members of the subcommittee also individually attended several meetings of the TRPA governing board.

II. HISTORY OF NEVADA LEGISLATION ASSOCIATED
WITH THE LAKE TAHOE BASIN

A. HISTORY OF LEGISLATION THROUGH 1980

The Tahoe Regional Planning Agency was created by the States of California and Nevada through a bistate compact in 1969. The general responsibility of the agency was to plan and manage development in the Basin while preserving the environmental quality.

The history of the agency has been turbulent. Planning and legislative activities have usually been complicated and controversial. Legislation concerning the Tahoe Basin has been enacted during every regular session of the Nevada legislature since the compact was originally adopted. Following is a summary of the legislative activities through 1980.

SUMMARY OF NEVADA LEGISLATION FROM 1968 THROUGH 1980 CONCERNING THE LAKE TAHOE BASIN

<u>Year</u>	<u>Bill Number</u>	<u>Bill Summary</u>
1968	S.B. 9 (Enacted)	Enacts the Tahoe Regional Planning Compact.
1969	S.J.R. 4 (Adopted)	Memorializes Congress to ratify the Tahoe Regional Planning Compact.
1971	S.B. 47 (Enacted)	Provides for early judicial hearings of matters concerning the Tahoe Regional Planning Agency.
	S.B. 413 (Enacted)	Makes an appropriation from the general fund to the state department of conservation and natural resources fund for the purpose of preparing a regional plan as required by the Tahoe Regional Planning Compact.
1975	S.B. 254* (Enacted, but did not become effective.)	Provides substantive and technical changes to the Tahoe Regional Planning Compact.
Proposals introduced but not enacted in 1975:		
	S.B. 326	A.B. 781
	S.B. 327	A.C.R. 75
	S.J.R. 13	A.C.R. 86
1977	S.B. 266* (Enacted, but did not become effective.)	Provides substantive changes to the Tahoe Regional Planning Compact.
Proposals introduced but not enacted in 1977:		
	S.B. 108	A.B. 664
	S.B. 265	A.B. 740
	S.B. 267	

SUMMARY OF NEVADA LEGISLATION FROM 1968 THROUGH 1980 CONCERNING THE LAKE TAHOE BASIN
(CONTINUED)

<u>Year</u>	<u>Bill Number</u>	<u>Bill Summary</u>
1979	S.B. 323 (Enacted)	Limits licensed gaming in the Tahoe Basin.
	A.B. 503* (Enacted, but did not become effective.)	Changes structure and substantive requirements of the Tahoe Regional Planning Agency.
	Proposals introduced but not enacted in 1979:	
	S.B. 190	A.B. 706
	S.B. 250	A.J.R. 39
	S.B. 252	
	S.B. 482	
	S.B. 489	
1980	A.B. 1 (Enacted)	Amends the Tahoe Regional Planning Compact. (This act became effective upon adoption of the same amendments in California and approval by Congress. Thus, it became the effective bistrate compact.)

*These Nevada proposals to amend the bistrate compact did not become effective because the required concurrence of the State of California and congressional ratification were not received.

After several years of negotiation, the Tahoe Regional Planning Compact was amended substantially in 1980. Bistate compacts and their amendments must be adopted by all involved states and ratified by Congress. California's S.B. 82, which contained amendments to the Tahoe Regional Planning Compact, was enacted and signed by the governor on September 2, 1980. Nevada enacted the compact amendments by passing A.B. 1 in special legislative session on September 13, 1980. Congress ratified the proposal, and the President signed the measure on December 19, 1980.

B. HISTORY OF LEGISLATION AFTER 1980

Revision of the bistate compact in the 1980 special session, however, did not bring a halt to the Nevada legislature's activities concerning the Tahoe Basin. During the 1981 and 1983 legislative sessions, 10 legislative measures relative to Tahoe were introduced. Eight of these measures were enacted, one was vetoed by the governor, and one failed to receive legislative approval. Of the 10 measures introduced in 1985, eight were approved.

Following is a summary of Nevada's legislative activities concerning the Tahoe Basin since 1980.

SUMMARY OF NEVADA LEGISLATION FROM 1981 THROUGH 1985 CONCERNING THE LAKE TAHOE BASIN		
<u>Year</u>	<u>Bill Number</u>	<u>Bill Summary</u>
1981	S.B. 347* (Enacted, but did not become effective.)	Corrects errors made in the enactment of amendments to the Tahoe Regional Planning Compact.
	S.B. 478 (Enacted)	Provides for issuance of bonds and allocation of bond proceeds totaling \$2,550,000 to assist in purchase of the Kahle property in the Tahoe Basin.
	S.B. 710 (Enacted)	Corrects minor errors made in the methods of transmittal and procedures for determining effectiveness of S.B. 347, enacted earlier in the 1981 session.
	A.R. 25 (Enacted)	Expresses the Nevada assembly's interpretation of the Tahoe Regional Planning Compact. The two points for which interpretations are stated include: 1. Not requiring an environmental impact statement for construction of a single-family residence. 2. Not requiring that environmental standards be uniform throughout the Basin.
	A.C.R. 1 (Enacted)	Urges Douglas County officials to assess property in light of the moratorium in the Tahoe Basin.

SUMMARY OF NEVADA LEGISLATION FROM 1981 THROUGH 1985 CONCERNING THE LAKE TAHOE BASIN
(CONTINUED)

<u>Year</u>	<u>Bill Number</u>	<u>Bill Summary</u>
1983	S.B. 441 (Enacted)	Provides for conferring additional powers on the Tahoe transportation district which was established as part of the Tahoe Regional Planning Compact.
	A.B. 534 (Enacted)	Places a \$20 million bond issue for the purchase of land in the Tahoe Basin on the 1984 ballot in Nevada and provides for administration of the money if the proposal is approved.
	A.C.R. 52 (Enacted)	States the legislative intent that the Tahoe Regional Planning Compact not affect the construction of single-family residences in already approved subdivisions.
Proposals introduced but not enacted in 1983:		
A.B. 86 (Vetoed by the governor.) A.B. 377		
1985	S.B. 191 (Enacted)	Provides funding for special projects and directive to legislative commission's subcommittee to review the activities of the TRPA to report to the interim finance committee.
	S.B. 650 (Enacted)	Places before the voters a proposal to issue \$31 million in state bonds to provide money to purchase environmentally sensitive property and undertake erosion control projects.
	A.B. 433* (Enacted, but did not become effective.)	Changes the composition of the Nevada delegation serving on the governing body of the TRPA.
	A.B. 675 (Enacted, but did not become effective.)	Conforms the membership of the Nevada TRPA to that of the revised TRPA, if and when the bistate compact is amended as proposed in A.B. 433.
	S.C.R. 27 (Enacted)	Directs the legislative commission to appoint a subcommittee to review the activities of the TRPA.

SUMMARY OF NEVADA LEGISLATION FROM 1981 THROUGH 1985 CONCERNING THE LAKE TAHOE BASIN
(CONTINUED)

<u>Year</u>	<u>Bill Number</u>	<u>Bill Summary</u>
	S.J.R. 37 (Enacted)	Requests that the U.S. District Court of Appeals grant the necessary time for a TRPA court case to be heard thoroughly.
	A.C.R. 22 (Enacted)	Urges the TRPA to refrain from using interest from mitigation fees to fund administration of the agency.
	A.J.R. 27 (Enacted)	Places before the voters a proposed constitutional amendment which would allow exemptions from property taxes for those properties upon which development is prohibited (applies statewide, not just in the Lake Tahoe Basin).

Proposals introduced but not enacted in 1985:

A.B. 59
A.B. 191

*These Nevada proposals to amend the bistrate compact did not become effective because the required concurrence of the State of California and congressional ratification were not received.

III. MAJOR PLANNING-RELATED ACTIVITIES AND LITIGATION
AFTER THE BISTATE COMPACT WAS AMENDED IN 1980

A large amount of planning had been conducted within the Tahoe Basin during the years before the bistrate compact was amended in 1980. The amended compact, however, necessitated revision of most of the regional planning activities.

A. WATER QUALITY MANAGEMENT PLAN ("208")

One of the initial planning-related activities after amendment of the compact was revision of the regional "208" water quality management plan. Different strategies for water quality management had been employed in California and Nevada. Although the compact would have allowed continuation of the separate approaches, federal authority to certify regional plans and allocate grant funds provided an incentive for the TRPA to adopt a unified plan.

On June 25, 1981, the revised water quality management plan for the Basin was adopted. Ordinances to implement the plan were approved on the same day. The plan contained a controversial program for case-by-case review of proposals to construct single-family residences in "high hazard" zones. This topic is more fully discussed in chapter IV, "Project Review," in the present report.

B. ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES

The amended compact directed the TRPA to adopt environmental threshold carrying capacities for the Basin within 18 months after the effective date of the 1980 revisions. An environmental threshold carrying capacity was defined as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." The standards were to include at least air quality, noise, soil conservation, vegetation preservation, and water quality. Future plans and ordinances were to be designed to achieve and maintain the environmental threshold carrying capacities.

The agency adopted environmental threshold carrying capacities for the Basin on August 26, 1982.

C. AMENDMENT OF THE REGIONAL PLAN

The bistate compact directed the TRPA to amend the regional plan to incorporate the environmental threshold carrying capacities within 1 year after their adoption. It also established a limited moratorium on development in the Basin until the regional plan was revised or May 1, 1983, whichever was earlier.

Amendment of the regional plan became a tremendously controversial undertaking. Although many factors presented difficulties, the most significant debates concerned the degree to which development would be allowed in "high hazard" zones.

The TRPA was not prepared to amend the regional plan when the limited moratorium established through the compact expired. The regional plan also was not amended by the August 26, 1983, deadline prescribed under the compact. Therefore, the agency established its own temporary building moratorium which went into effect on August 26, 1983. At that point, the City of South Lake Tahoe, California, and the Tahoe-Sierra Preservation Council filed suit against the TRPA for missing the deadline. Although this suit is

officially classified as pending, it will probably never be heard because the objective of ensuring adoption of the plan has been accomplished.

The process of attempting to develop a base of support for proposed amendments to the regional plan continued to be controversial. At one point, several members of the governing board allegedly met to discuss ways to overcome the obstacles. A suit was filed against some of the Nevada board members claiming violation of the state open meeting law and asking that the members be dismissed from their posts on the TRPA. The Nevada supreme court rejected the petition, but the controversy continued.

On April 26, 1984, the TRPA unanimously voted to adopt amendments to the regional plan. The agency simultaneously abolished its development moratorium. The new regional plan, designed to cover a 20-year period, placed limits on the amount of development to be allowed in the Basin and established a system for evaluation of applications. It also proposed that \$146 million be invested in erosion control projects. The overall cost to implement the new regional plan has been estimated to be in the range of \$250 million (in 1982 dollars).

D. LEGAL ACTIONS ASSOCIATED WITH THE REGIONAL PLAN

On the same day that the new regional plan was adopted, the California Attorney General and the League To Save Lake Tahoe filed suit against the TRPA claiming that the plan, and its associated ordinances, did not adequately protect the environment within the Basin. A restraining order was issued in May and an injunction in June of 1984 prohibiting the agency from accepting applications and issuing building permits under the new plan and ordinances.

On June 25, 1984, the Tahoe-Sierra Preservation Council filed suits against the TRPA and the States of California and Nevada in federal district courts in the two states. The suits list 779 Tahoe property owners as plaintiffs. They contended that the regional plan's limitations on development were unduly severe and that the review process restricts the property owners' right to appeal TRPA decisions. The Nevada plaintiffs sought damages in excess of \$17 million, and the California plaintiffs sought damages of at least \$9 million.

E. STATUS OF LITIGATION

At the time of drafting of this report, the major lawsuits discussed in the previous section are pending.

A significant amount of effort has been invested in attempts to bring about settlement of the lawsuit involving the California Attorney General and the League To Save Lake Tahoe. The agency has implemented a "consensus-building process" in an effort to reach settlement. Through this process, the major interested parties are attempting to reach agreement on the differences which underlie the suit. Significant strides have been made toward potential agreement. A new exemption from the injunction was signed on April 15, 1986. Under the provision, the TRPA may issue permits for up to 300 single-family dwellings and three new commercial projects. The exemption allows at least a limited building program in the Basin in 1986.

The agency has held public hearings on the basic elements which have been developed through the "consensus-building process." The board members, by resolution, have found the newly proposed goals and policies to be acceptable in basic concept. Staff has been directed to draft the final goals and policies plan for agency consideration in the early fall of 1986. In order to effectuate these proposals, the agency's governing board will have to amend the regional plan and its associated ordinances. However, based upon agreements to date, it is anticipated that the litigation will be dismissed when the final goals and policies are adopted and the TRPA has made progress on adoption of key elements of the implementing ordinances.

Regarding the portion of the Tahoe-Sierra Preservation Council lawsuit which was filed in Nevada, the TRPA's motion for summary judgment has been granted and the case dismissed. The dismissal has been appealed to the Ninth Circuit Court of Appeals. The parallel case in the California court is still pending at the district court level.

IV. PROJECT REVIEW

The review of proposals for project construction has been one of the most disputed topics associated with the Tahoe Regional Planning Agency. The procedures by which applications to build single-family residences are reviewed have been especially controversial.

A. SINGLE-FAMILY RESIDENCES (CASE-BY-CASE REVIEW)

A case-by-case review of applications for single-family residences in "high hazard" zones was established as part of the program to implement the "208" water quality management plan in June of 1981. Restrictions on development in these zones were included in the regional plan. Limitations were also placed upon the total number of residences which could be built in the Basin, and yearly quotas were established.

There are approximately 15,000 undeveloped lots in the California portion of the Basin and about 4,000 undeveloped lots on the Nevada side. Of these 4,000 Nevada lots, approximately 3,000 are located in Washoe County and 1,000 are in Douglas County. About 2,900 Nevada lots are in areas which have required case-by-case review. Following is a chart which outlines the TRPA's action on applications to construct single-family residences in the Nevada portion of the Basin.

STATUS OF APPLICATIONS TO CONSTRUCT SINGLE-FAMILY RESIDENCES IN THE NEVADA PORTION OF THE TAHOE BASIN SINCE 1980			
	Applications Not Requiring Case-by-Case Review	Applications Requiring Case-by-Case Review	Total Applications
Applications	600	595	1,195
Approvals With Permits	465	125	590
Approvals Without Permits	49	191	240
Total Approvals	514	316	830
Applications Denied	10	134	144
Applications Pending	45	87	132
Other	28	68	96

Source: Tahoe Regional Planning Agency, January 1985.

Based upon these statistics for the Nevada portion of the Basin, one may calculate that 86 percent of the applications for residences in zones not requiring case-by-case review have been approved. Two percent of the applications in

these areas have been denied. Fifty-three percent of the applications in zones which require case-by-case review have been approved, while 23 percent have been denied. Overall, 70 percent of the applications in the Nevada portion of the Basin have been approved, and 12 percent have been denied. New applications, however, have not been accepted since August 26, 1983.

It is anticipated that development of a new Individual Parcel Evaluation System will eliminate the need for the "case-by-case" review system in the future.

B. SINGLE-FAMILY RESIDENCES (INDIVIDUAL PARCEL EVALUATION SYSTEM)

As part of the "consensus-building process" (discussed in the previous section entitled "Status Of Litigation"), the agency has developed an Individual Parcel Evaluation System. Implementation of this approach would allow analysis of the development potential and restraints associated with each individual parcel of property in the Basin. It would also result in elimination of the "case-by-case" review procedures.

As the proposal is presently drafted, a professional site-survey of each parcel would be conducted. All parcels would be evaluated and ranked according to relative development potential. Construction on the parcels having the greatest development potential and fewest restraints would be allowed first. A special factor would also be applied to ensure that each county receives at least a portion of the allotments for the initial approvals.

The Individual Parcel Evaluation System is a major product of the "consensus-building process." As such, it is being considered by the TRPA governing board at the time that this report is being drafted.

C. MITIGATION FEES

Applicants who receive approval for construction in "high hazard" zones are charged a fee for mitigation of environmental damage. A great majority of this mitigation money has been collected from approvals for single-family residences.

The TRPA has collected a total of \$1,604,894 in mitigation fees as of June 1986. The sum of \$1,021,199 has been returned to local governments to match federal, state or local funds to finance environmental protection projects. A total of \$583,695 remains in the mitigation fund as of June 1986.

A summary of disbursements to each local entity from the mitigation funds as of June 1986* is as follows:

Douglas County, Nevada	\$ 116,000
Washoe County, Nevada	450,000
City of South Lake Tahoe, California	169,955
El Dorado County, California	122,913
Placer County, California	<u>162,331</u>
Total	\$1,021,199

The balances of mitigation fees held by the TRPA as of June 1986* are as follows:

Douglas County, Nevada	\$ 95,829
Washoe County, Nevada	213,129
City of South Lake Tahoe, California	47,240
El Dorado County, California	157,435
Placer County, California	63,952
Shorezone	<u>6,110</u>
Total	\$583,695

*It should be noted that Washoe County requested and received an additional disbursement of \$178,833 in September of 1986, after these statistics were compiled.

V. PURCHASE OF ENVIRONMENTALLY SENSITIVE PROPERTY

Because of the restrictions being placed upon development of environmentally sensitive property in the Basin, several attempts have been made to establish programs whereby this type of property may be purchased.

A. SANTINI/BURTON PROGRAM

The Santini/Burton program was enacted by Congress to provide funds for purchase of sensitive lands in the Tahoe Basin. Under the terms of the program, the United States Forest Service (USFS) is authorized to purchase environmentally sensitive property in the Basin. To offset this expenditure, the United States Bureau of Land Management is allowed to sell land which has urban development potential in Clark County, Nevada.

As of July 15, 1986, the USFS had made 1,890 offers to property owners. One thousand two hundred and seven, or 64 percent, had been accepted. Five hundred twenty-two are pending. Approximately \$29.5 million has been invested in

the purchases, and 7,348 acres of environmentally sensitive land have been acquired. Ninety-nine parcels comprising a total value of \$954,700 have been donated to the program.

The following chart summarizes the status of the program.

STATUS OF SANTINI/BURTON LAND ACQUISITION PROGRAM JULY 15, 1986				
	<u>Value</u>	<u>Acres</u>	<u>Number</u>	<u>State CA/NV</u>
Total Offers Made	\$41.1 million	8,994	1,890	1,439/451
Offers Accepted	29.5 million	7,348	1,207	972/235
Offers Declined	3.0 million	349	161	139/22
Offers Pending	8.6 million	1,296	522	328/194
Source: United States Forest Service.				

B. CALIFORNIA BOND ISSUE

In 1980, the California Legislature passed two measures which dealt with bonds to purchase property at Lake Tahoe. First, a bill was passed which placed on the ballot a proposal to sell \$85 million in bonds to finance the land purchases. Another act would have created the Tahoe Area Land Acquisition Commission and designated its duties, if the voters had approved the bond issue. When placed before the voters in 1980, the bond issue failed by approximately 1 percent of the vote.

In 1982, the California Legislature enacted similar bills. The voters passed the \$85 million bond issue. The Tahoe Area Land Acquisition Commission was established, and the required study was completed.

In order to initiate the actual acquisition and management of property, the California Tahoe Conservancy was created by legislation in 1984. The conservancy has been authorized to sell approximately \$30 million worth of bonds. It is anticipated that about 875 parcels will be purchased in the first phase of the program.

C. NEVADA BOND PROPOSAL

Nevada bond proposals have been very similar to their counterparts in California.

In 1983, the Nevada legislature enacted Assembly Bill 534 (chapter 611, Statutes of Nevada, 1983). This measure directed that a proposal to issue a maximum of \$20 million worth of bonds for the purchase of environmentally sensitive property and for erosion control within the Basin be submitted to a vote of the people. If the vote were favorable, an initial mechanism for administration of the program was automatically established. The bond proposal was placed on the November 1984 ballot at the General Election. It was defeated by a margin of 143,499 to 119,285.

A similar measure was approved by the legislature in 1985. Assembly Bill 650 (chapter 585, Statutes of Nevada, 1985) places a proposal to issue \$31 million in bonds before Nevada's voters in 1986. If approved by the electorate, the bonds will be used primarily to purchase environmentally sensitive property in the Basin. Up to one-fourth of the proceeds of the bonds may be used to finance erosion control projects. (Later note: The voters approved the bond proposal by a margin of 138,319 in favor to 105,337 opposed. See Appendix B for a copy of Assembly Bill 650.)

VI. TAHOE REGIONAL PLANNING AGENCY
ADMINISTRATION AND BUDGET

A. ADMINISTRATION OF THE TRPA

The bistate compact creates a 14-member governing board to administer the Tahoe Regional Planning Agency. Seven members are appointed from each state. The governing board meets monthly and on additional occasions as necessary. The TRPA staff structure includes 30 positions, plus two legal support positions which are calculated separately. The divisions of the agency are as follows:

TRPA DIVISIONS AND STAFF POSITIONS	
<u>Division</u>	<u>Number of Positions</u>
Executive Section	2
Management Support	5
Finance and Accounting	2
Project Review	6
Long Range Planning	11
Compliance (Inspection/Enforcement)	4
Legal Support	2
Total Positions	32
Source: Tahoe Regional Planning Agency, July 1986.	

B. OVERALL AGENCY BUDGET AND EXPENDITURES

Funds for the administration of TRPA activities are derived from several sources. The States of California and Nevada provide funds to the agency. As directed in the bistate compact, Nevada's basic participation is approximately a one-third share, while California is responsible for about a two-thirds share. California state agencies also typically contract with the TRPA to conduct special projects in the Basin. The compact specifies financial participation by local entities within the Basin. A large portion of the agency's budget also typically comes from federal grants.

A summary of budget figures for the past few years is contained in the following chart.

SUMMARY OF TRPA BUDGETS AND EXPENDITURES				
<u>Fiscal Year</u>	<u>Budget for Expenditures</u>	<u>Actual Expenditures</u>	<u>Nevada</u>	<u>California</u>
1980-1981	\$ 320,327	\$ 317,838	\$ 50,000	\$ 100,000
1981-1982	1,555,495	1,332,976	150,000	437,110*
1982-1983	1,526,415	1,365,703	191,095*	457,223*
1983-1984	1,584,826	1,529,011	231,667	684,560*
1984-1985	1,336,361	1,122,206	168,555	722,369*
1985-1986	1,883,524	1,812,645	582,000	1,062,891*
1986-1987**	2,490,287	---	320,800	1,387,367*

*Includes revenue derived from contracts with state agencies.
**Proposed budget.

Source: Tahoe Regional Planning Agency, July 1986.

The TRPA proposed budget for fiscal year 1986-1987 is different than the budget which was approved by the Nevada legislature in 1985. Several program changes and adjustments have been necessary since that time.

The agency plans to submit a proposal to the legislature's interim finance committee concerning revision of its 1986-1987 budget. It will request redirection of \$89,525 from special studies and legal services into the general operating account to offset increased operating expenses and reductions in anticipated revenue. To be specific, the agency indicates that it will request transfer of \$53,333 from a deferred threshold evaluation study, carryover and transfer of \$31,692 in legal expenses from 1985-1986, and reallocation of \$4,500 from Nevada's portion of the agency's Environmental Education/Public Information Program.

C. SPECIAL BUDGET ITEMS

Senate Bill 191 (chapter 567, Statutes of Nevada, 1985) appropriated funds for special projects in the Tahoe Basin. The sum of \$566,664 was allocated directly to the TRPA. An additional \$60,000 was appropriated to the TRPA for reallocation to the Tahoe Regional Transportation District.

1. Individual Parcel Evaluation System

Senate Bill 191 appropriated \$256,667 to help finance the agency's development of an Individual Parcel Evaluation System. This approach would allow analysis of the development potential and restraints associated with each individual parcel of property in the Basin.

As a result of "consensus-building" workshops, the agency has approved the basic structure of an Individual Parcel Evaluation System. To date, none of the appropriated money has been expended in this category. The conceptual work has been undertaken through existing staff resources. When the design phase of the program is completed, it is anticipated that the field work will be conducted primarily on a contractual basis by teams of experts.

The Nevada bill also directed the TRPA to investigate the feasibility of funding the Individual Parcel Evaluation System through fees charged to property owners or to the counties in which the parcels are located. In reporting the results of its consideration, the agency concluded that it would be impractical to expect the property owners or local governments to finance the program.

2. Legal Expenses

Through Senate Bill 191, the sum of \$216,666 was appropriated to the TRPA for legal expenses. The agency's budget indicates that half of the money was assigned to fiscal year 1985-1986 and the other half to fiscal year 1986-1987.

In the same measure, the agency was asked to consider employing in-house legal counsel on a full-time basis. In recent years these services have been purchased through contractual arrangements. In response to this request, the agency established a full-time position and hired the in-house legal counsel. However, it will still be necessary to contract for expert legal advice on specific issues.

As of July 25, 1986, the agency had expended approximately \$76,600 from Nevada's appropriation for legal services. It is anticipated that the remainder of the apportionment for fiscal year 1985-1986 will be carried over into fiscal year 1986-1987 and reallocated to the general operating account. Any unexpended funds will be returned to the state at the end of the 1986-1987 fiscal year.

3. Scenic Evaluation and Public Information

The legislature appropriated the sum of \$83,331 for "various studies and a program to inform the public." The agency has initiated a Scenic Evaluation Program and an Environmental Education/Public Information Program within this category.

The goal of the Scenic Evaluation Program is to establish criteria for utilization in evaluating whether proposed developments meet the standards adopted by the agency as "scenic thresholds." Consultants have been employed and the project has been initiated. It is anticipated that it will be completed by October 15, 1986.

A contract for the agency's 2-year Environmental Education/Public Information Program has been awarded. The entire allocation for the program has been obligated through this contract.

4. Tahoe Regional Transportation District

Senate Bill 191 also appropriated \$30,000 to the TRPA for allocation to the Tahoe Regional Transportation District during fiscal year 1985-1986. An additional \$30,000 was appropriated for fiscal year 1986-1987. This second \$30,000 was appropriated to the interim finance committee, and its release was made contingent upon California's participation in the transportation planning program. The Tahoe Regional Transportation District has submitted a request to California for the necessary funding. The California Legislature is considering this request as a special appropriations bill during its 1986 session.

5. Interest on Mitigation Fees

As previously described, applicants who receive approval for construction in "high hazard" zones within the Basin are charged a fee for mitigation of environmental damage. These funds are made available to the local governments for mitigation projects. They are usually matched with money from other sources to "package" the complete projects.

Through Assembly Concurrent Resolution No. 22 (File No. 63, Statutes of Nevada, 1985), the 1985 Nevada legislature expressed its opinion that interest earned on these mitigation fees should not be used to fund the TRPA's staff expenses. Under its new budget, the agency is no longer relying upon any of the interest money for support of staff operations. Based partially on the shortfall created by this action, the agency will be requesting a budget augmentation when the legislature convenes in 1987.

VII. ISSUES AND RECOMMENDATIONS

The subcommittee received testimony from a wide variety of sources during its meetings. The issues and recommendations which arose as a result of this testimony were compiled by the legislative staff. The subcommittee considered these topics in workshop format at its meeting of July 25, 1986.

An overview of the major topics and the subcommittee's recommendations is as follows:

A. ISSUES ASSOCIATED WITH TRANSFER OF PRIVATE PROPERTY INTO PUBLIC OWNERSHIP

1. Topic: Nevada Bond Issue (\$31 Million)

Discussion:

In 1985, the Nevada legislature directed that a proposal to issue \$31 million worth of bonds be brought before the voters of the state. If the voters approve the measure at the November 1986 election, the proceeds of the bonds will be used to purchase environmentally sensitive property and to undertake erosion control projects in the Lake Tahoe Basin. A more detailed discussion of this topic is contained in chapter V, "Purchase Of Environmentally Sensitive Property," of this report.

(Later note: The voters approved the bond proposal by a margin of 138,319 in favor to 105,337 opposed. See Appendix B for a copy of the relevant legislation.)

Recommendation:

Include in the final report a statement expressing the subcommittee's support for passage of the \$31 million bond issue at the 1986 General Election in November.

2. Topic: Federal Santini/Burton Act

Discussion:

A discussion of the federal Santini/Burton Act is located in chapter V, "Purchase Of Environmentally Sensitive Property," of this report.

Questions of special concern to the subcommittee included future funding of the program and appraisal practices which would be more equitable to the property owner.

Recommendations:

Request, by resolution, that Congress continue to appropriate money to finance activities undertaken through the authority of the Santini-Burton Act. (BDR 349)

Request, by resolution, that the United States Forest Service within the United States Department of Agriculture include provisions in its regulations whereby appraisals of "fair market value" will include the increased development potential of property within the Lake Tahoe Basin under the most recent regulatory programs of the TRPA. (BDR 350)

3. Topic: Land Bank Concept

Discussion:

Testimony to the subcommittee indicated that a general land management entity in the Nevada portion of the Basin would be advantageous as more property is transferred from private to public ownership. This type of agency would be even more significant if a large number of small parcels are purchased through the proceeds of the \$31 million bond issue.

The objective of the land bank concept is not necessarily to manage property in the traditional sense of holding, developing and using the property. The major functions of a land bank emphasize management of the transactions associated with purchase, assignment, or disposal of property.

The California Tahoe Conservancy was discussed as a possible model for a land bank program in Nevada. This conservancy handles the transactions associated with the proceeds of California's \$85 million bond issue. Testimony indicated that three significant attributes of the program are:

- a. The central office of the conservancy is local (within the Tahoe Basin) in order to provide direct access and management capabilities;
- b. There are state and local representatives on the decisionmaking body for the conservancy; and
- c. The conservancy has a very broad range of authorities to implement a wide range of programs.

Recommendations:

Include in the final report a statement expressing the subcommittee's support for the concept of establishing a land bank for the Nevada portion of the Lake Tahoe Basin.

The staff was directed to develop for the subcommittee's future consideration a preliminary bill draft which incorporates the major elements of the California Tahoe Conservancy within the structure that would be established if the \$31 million Nevada bond proposal were approved by the voters.

4. Topic: Tax-Related Considerations

Discussion:

Several tax-related considerations arise when private property becomes subject to increasing governmental regulation or purchase. Property owners whose development opportunities are diminished or postponed often feel that it is unfair for them to be charged full property taxes. Conversely, local governments may be impacted negatively when projected property tax revenues decrease due to a decline in construction opportunities within their jurisdictions.

Recommendations:

Include in the final report a statement expressing the subcommittee's support for Assembly Joint Resolution No. 27 (File No. 84, Statutes of Nevada, 1985) which proposes a constitutional amendment to allow exemption from taxation for real property upon which development is prohibited by governmental action.

Include in the final report a finding that units of local government anticipate experiencing problems with their allowed budgetary expenditures and tax revenues because development within their jurisdictions is being limited by regulation or public purchase of private property.

Recommend that the appropriate legislative committees solicit testimony and analyze the tax-related problems which units of local government will be facing due to regulation and public purchase of private property within the local jurisdictions.

5. Topic: Definition of "Taking" and Procedures for Appraisals

Discussion:

The subcommittee received testimony which contended that Nevada should include in state law a definition of "taking" of private property. The central issue associated with this topic is specification of the point at which governmental regulation of a piece of property constitutes a "taking" of the property without just compensation. The question has been debated across the Nation, and the courts have established most of the principles which are traditionally applied to the subject. It was contended that court rulings from outside Nevada are often applied within the state, and a statutory definition would clarify the issue relative to property in Nevada.

Some testimony also advocated establishment of statutory guidelines and procedures for conducting appraisals of property for which governmental action has modified the market. It was contended that, especially for instances of public purchase of private property, statutory appraisal guidelines could provide a more stable situation and tend to ensure that the property owner would get a more valid appraisal of the worth of his or her property.

Recommendation:

The subcommittee did not adopt a recommendation relative to this topic. However, staff was directed to outline a procedure which could be used to develop the definition and guidelines. It was suggested that staff discuss the topic with experts in the field and staff of other related interim studies.

B. PLANNING AND EROSION CONTROL

1. Topic: Funding for Monitoring of Streams

Discussion:

Testimony suggested that a monitoring program is necessary in order to determine if environmental protection measures are being effective and if the "environmental threshold carrying capacities" are being achieved.

Recommendation:

Include in the final report a statement expressing the subcommittee's support for the concept of monitoring the streams in the Lake Tahoe Basin.

The staff was directed to prepare for the subcommittee's future consideration a skeleton bill draft which would appropriate \$xxx to the TRPA for monitoring of streams entering Lake Tahoe on the Nevada side of the Basin. The subcommittee indicated that it would evaluate the proposal when a figure for the cost of the program is provided.

2. Topic: Grants for Local Planning

Discussion:

The TRPA is soliciting more local planning input into the regional planning efforts. It is anticipated that planning activities supported through the local governments will become more significant as the more detailed elements of the regional plan are being compiled. There was discussion before the subcommittee concerning the sources of funding to support this planning. The concept of grants to local entities was considered.

Recommendation:

The subcommittee did not adopt a specific recommendation in this area, but it is suggested that the TRPA will include in its budget request funding for local planning grants.

C. REVIEW OF TRPA ACTIVITIES AND GENERAL LEGISLATION

1. Topic: Legislative Subcommittee

Discussion:

Testimony consistently commended the activities of the legislative subcommittee. Unanimous support was expressed for continuing the existence of the subcommittee.

Recommendation:

Continue, by resolution, the existence of the legislative subcommittee to review the activities of the TRPA as an interim subcommittee of the legislative commission. (BDR 352)

2. Topic: Creation of Working Group

Discussion:

It was recommended during public hearing that the subcommittee create a working group to review and suggest legislation which might be proposed in the future concerning the TRPA and the Tahoe Basin. The advocates indicated that the working group should consist of the TRPA's legislative panel and representatives of interest groups in the Basin.

Recommendation:

The subcommittee determined that such an action would be beyond its legislative charge and purview. However, the members encouraged the advocates to form the working group if they were of the opinion that it would be advantageous.

D. AMENDMENTS TO THE BISTATE COMPACT

Topic: California Bills Proposing Amendments to the Bistate Compact

Discussion:

In 1985, the Nevada legislature enacted Assembly Bill 433 (chapter 274, Statutes of Nevada, 1985). This measure proposed a change in the composition of the Nevada delegation serving on the governing board of the TRPA. The

existing Nevada membership consists of three representatives of local governments, one member appointed by the governor, the secretary of state, the director of the state department of conservation and natural resources, and a seventh member appointed by the other six members of the delegation. The proposed structure would include three representatives of local governments, two members appointed by the governor, one member appointed by the speaker of the assembly, and one member appointed by the majority leader of the senate. Assembly Bill 433 would also eliminate a requirement that the nonlocal government representatives on the board live outside of the Basin.

When a bill proposes changes to a bistate compact, its amendments do not become effective until the other states who are participants in the compact enact the same provisions and they are approved by Congress. Thus, until California enacts the provisions contained in Nevada's A.B. 433, and Congress ratifies the changes, the presently existing structure remains in place.

In June of 1986, the California Legislature enacted Senate Bill 1600 (chapter 167, Statutes of California, 1986). The California bill includes three significant points:

1. It concurs with the Nevada proposal for change in the structure of the Nevada delegation serving on the TRPA governing board;
2. It retains the requirement that nonlocal government representatives on the board must live outside of the Basin; and
3. It allows the appointees of the legislatures to designate alternates to serve on the TRPA board in their absence.

Recommendation:

In order to foster final approval of the changes to the structure of the Nevada delegation, the subcommittee determined that it would be prudent to accept the additional amendments proposed in the California bill. Thus, the subcommittee recommended that Nevada enact legislation which accepts the additional amendments to the bistate compact as proposed in California's Assembly Bill 1600. (BDR 22-353)

VIII. FUTURE SUBCOMMITTEE ACTIVITIES

Because the 1985 Nevada legislature directed the subcommittee to report to the interim finance committee on a quarterly basis, meetings have been scheduled after submittal of this report to the legislative commission. One meeting will be held in October of 1986, and another meeting is scheduled for January of 1987 (immediately prior to the legislative session).

Although specific budgetary items will be reviewed during these meetings, the subcommittee will also continue its general oversight function. Additional recommendations may be considered as issues and suggestions arise during the future meetings.

IX. APPENDICES

	<u>Page</u>
Appendix A - Senate Bill No. 191 (chapter 567, <u>Statutes of Nevada, 1985</u>).....	29
Appendix B - Assembly Bill No. 650 (chapter 585, <u>Statutes of Nevada, 1985</u>).....	33
Appendix C - Suggested Legislation.....	37

APPENDIX A

Senate Bill No. 191, (chapter 567, Statutes of Nevada, 1985)

CHAPTER 567...

AN ACT relating to the Tahoe Regional Planning Agency; requiring the agency to report certain expenditures to the subcommittee of the legislative commission, to consider employing a full-time attorney and to investigate funding for the evaluation of lots; making an appropriation; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the Tahoe Regional Planning Agency the sum of \$556,664 to be used as follows:

For the evaluation of individual lots.....	\$256,667
For the legal expenses of the agency	216,666
For various studies and a program to inform the public.....	83,331

Sec. 2. 1. There is hereby appropriated from the state general fund to the Tahoe Regional Planning Agency for allocation to the Tahoe Regional Transportation District the sum of \$30,000.

2. There is hereby appropriated from the state general fund to the interim finance committee for allocation to the Tahoe Regional Planning Agency the sum of \$30,000 for the agency's subsequent allocation to the Tahoe Regional Transportation District. The allocation by the interim finance committee to the agency is contingent upon California's participation in this program during fiscal year 1986-1987.

Sec. 3. 1. The Tahoe Regional Planning Agency shall submit quarterly to the legislative commission's subcommittee to review the activities of the Tahoe Regional Planning Agency a report of its planned and actual expenditures for each item for which an appropriation is made in section 1 of this act.

2. The legislative commission's subcommittee shall report quarterly to the interim finance committee the results of its review made pursuant to subsection 1.

Sec. 4. In order for the Tahoe Regional Planning Agency to have access to an attorney on a daily basis and to provide the continuity of services required by the lengthy litigation in which the agency is involved, it shall consider employing its own legal counsel on a full-time basis.

Sec. 5. 1. The Tahoe Regional Planning Agency shall investigate the feasibility of funding the evaluation of individual lots using fees charged to the owners of lots or to the counties in which the lots are located.

2. The Tahoe Regional Planning Agency shall report the results of its investigation to the legislative commission's subcommittee to review the Tahoe Regional Planning Agency on or before December 31, 1985.

Sec. 6. Any remaining balance of the sums appropriated by section 1 of this act must not be committed for expenditure after June 30, 1987, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 7. This act becomes effective upon passage and approval.

APPENDIX B

Assembly Bill No. 650 (chapter 585, Statutes of Nevada, 1985)

Assembly Bill No. 650—Assemblymen Nicholas, Bergevin, Dini, Humke, Ham, Joerg, Thomas, Swain, Tebbs, Sader, Horne, Schofield, Beyer, Thompson, Collins, Price, Stone, Malone, Sedway, Williams, McGaughey, Lambert, Zimmer, Fairchild, Little, Bogaert, Kerns, Francis, Spriggs, Coffin, Craddock, Roberts, Jeffrey, Getto, Rader, Marvel, DuBois and Bilyeu

CHAPTER 585

AN ACT relating to the Tahoe Basin; requiring that a proposal to issue state general obligation bonds for the purchase of land in the Tahoe Basin be submitted to a vote of the people; providing for a commission on land acquisition; providing for the administration by the state land registrar of the purchases if the bonds are approved; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. At the general election to be held in the State of Nevada in 1986, there must be submitted to the voters of the state, in the manner prescribed by chapter 349 of NRS, a proposal to issue general obligation bonds of the State of Nevada in an amount of not more than \$31,000,000 to be used to purchase privately owned land in the Tahoe Basin to preserve the resources and natural beauty of the area and to protect the state's interest in retaining those resources and natural beauty. If the proposal is carried, the bonds may be issued at one time or from time to time.

2. No more than one-fourth of the proceeds of bonds issued at any one time may be used to control erosion or mitigate or prevent pollution in the Tahoe Basin.

Sec. 2. If the proposal is carried, the commission for land acquisition in the Tahoe Basin, consisting of seven members is created. The members of the commission must be appointed no later than January 1, 1987. The governor shall appoint four members to the commission, the board of county commissioners of Douglas County shall appoint one member, the board of supervisors of Carson City shall appoint one member and the board of county commissioners of Washoe County shall appoint one member. The state land registrar shall serve as secretary to the commission and shall furnish such staff as necessary for the use of the commission.

Sec. 3. 1. The commission shall study all aspects of the program to purchase land in the Tahoe Basin and report to the state land registrar, the governor and the legislature concerning the program.

2. The commission shall include in its report its recommendations concerning the program to purchase land, including the following:

(a) Designating the agency or agencies who should purchase the land and manage it after the purchase;

(b) Involving any private, nonprofit agencies for conservation in the purchase;

(c) Coordinating purchases with federal, state or local agencies or political subdivisions making similar purchases;

(d) Establishing which areas have priority for the purchases based on

environmental, social, economic or other considerations consistent with this act;

(e) Recommending the purchase of an interest less than fee in the land, including easements and remainders after life estates, and the transfer of rights to develop or rights from special assessments on the property;

(f) Determining formulas to use to establish the fair value for the property;

(g) Protecting from civil liability those persons involved in the program to purchase the land;

(h) Obtaining money from the Federal Government for the program;

(i) Establishing which areas, projects and sources of pollution have a priority for the expenditure of money under the program and those methods or programs on which the money may be most effectively spent.

Sec. 4. The commission shall report to the state land registrar, the governor and the legislative commission no later than July 1, 1988. The terms of the members of the commission expire on January 1, 1989.

Sec. 5. 1. After the state land registrar considers the report and recommendations of the commission, if, upon his application, the state board of examiners finds that the program for the purchase of lands or the mitigation or prevention of pollution in the Tahoe Basin should be commenced, the board may:

(a) Issue a sufficient amount of the bonds authorized pursuant to section 1 of this act;

(b) Direct the state land registrar to purchase land in the Tahoe Basin pursuant to this act; and

(c) Transmit the report to the state land registrar to be carried out as the board may recommend.

2. The state land registrar shall not expend more than the amount authorized unless he has prior approval from the state board of examiners.

3. The provisions of the State Securities Law, in chapter 349 of NRS, apply to the issuance of bonds under this act.

Sec. 6. The state land registrar shall administer the purchase of land in the Tahoe Basin, and he may adopt regulations necessary to carry out the program. The state land registrar shall make all offers for the purchase of the land, but the state board of examiners has the final authority to approve or disapprove the purchase.

Sec. 7. The price paid for any land purchased pursuant to this act must be based on the value of the property as determined by an appraisal performed by an independent appraiser, but that price must not be less than what the fair market value of the property would have been as of July 1, 1980.

APPENDIX C

Suggested Legislation

<u>Bill Draft Request</u>	<u>Page</u>
BDR 349.....	Resolution requesting that Congress continue to appropriate money to finance activities undertaken through the authority of the Santini-Burton Act..... 39
BDR 350.....	Resolution requesting federal agency to include provisions in its regulations whereby appraisals of "fair market value" will reflect increased development potential of property within the Lake Tahoe Basin under the most recent regulatory programs of the TRPA..... 41
BDR 352.....	Resolution continuing the existence of the interim legislative subcommittee to review the activities of the TRPA.. 43
BDR 22-353.....	Bill to amend the bistate compact by accepting additional amendments as proposed by the State of California... 45

SUMMARY---Requests Congress to continue appropriations to purchase land in Lake Tahoe Basin. (BDR 349)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION---Requesting Congress to continue to appropriate money under the Santini-Burton Act for the purchase of environmentally sensitive land in the Lake Tahoe Basin.

WHEREAS, The unique character of the Lake Tahoe Basin is of national significance deserving of further protection and management; and

WHEREAS, The environmental quality of the Lake Tahoe Basin is seriously jeopardized by overdevelopment of sensitive areas; and

WHEREAS, There are significant environmental constraints to further development in the Lake Tahoe Basin; and

WHEREAS, The Santini-Burton Act, Public Law 96-586, provides money for the acquisition of environmentally sensitive land; now, therefore, be it

RESOLVED BY THE _____ AND THE _____ OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature requests the Congress of the United States to continue to appropriate money to finance the purchase of environmentally sensitive land under the authority of the Santini-Burton Act; and be it further

RESOLVED, That the of the transmit copies of this resolution to the Vice President of the United States as President of the Senate, to the Speaker of the House of Representatives, to all members of the Nevada Congressional Delegation, and to the Secretary of the Department of Agriculture; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

SUMMARY---Requests United States Forest Service to include potential for development of Lake Tahoe in determination of fair market value. (BDR 350)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION---Requesting the United States Forest Service within the Department of Agriculture to include in its determination of fair market value the increase in the potential for development of land in the Lake Tahoe Basin.

WHEREAS, Regulation by the state and the Federal Government may have affected the development of land within the Lake Tahoe Basin; and

WHEREAS, There is currently extensive litigation concerning property rights and values within the basin; and

WHEREAS, The United States Forest Service within the Department of Agriculture is authorized under the Santini-Burton Act, Public Law 96-586, to purchase environmentally sensitive land and to pay fair market value therefor; and

WHEREAS, The Tahoe Regional Planning Agency is considering a program which would provide for additional development over a period of time within the Lake Tahoe Basin; now, therefore, be it

RESOLVED BY THE _____ AND _____ OF THE STATE OF NEVADA, JOINTLY, That the United States Forest Service within the Department of Agriculture is requested to include within its regulations provisions concerning appraisals whereby the fair market value of property will include the increased potential for development of land under the proposed program for regulation under consideration by the Tahoe Regional Planning Agency; and be it further

RESOLVED, That the of the transmit copies

of this resolution to the Secretary of the Department of Agriculture, to the Director of the United States Forest Service and to all members of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

subcommittee composed of two members of the Senate and three members of the Assembly to review the activities of the Tahoe Regional Planning Agency including, without limitation, a review of:

1. Its adherence to the provisions of the Tahoe Regional Planning Compact;
2. The extent to which the agency is carrying out the requirements of the compact;
3. The effectiveness of any actions taken by the agency; and
4. Any problems the agency may have and the reasons therefor;

and be it further

RESOLVED, That the members of the subcommittee, in carrying out their review, shall consult with:

1. The members from Nevada of the governing body of the agency;
2. The members of the Boards of County Commissioners of Douglas and Washoe counties and of the Board of Supervisors of Carson City;
3. The members of the agency's staff;
4. The owners of real property who are affected by decisions of the agency; and
5. Any other interested organizations located within the region;

and be it further

RESOLVED, That the Legislative Commission report the results of its review to the 65th session of the Nevada Legislature.

SUMMARY---Revises Tahoe Regional Planning Compact to incorporate changes proposed by legislation enacted in California. (BDR 22-353)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the Tahoe Regional Planning Compact; incorporating various changes proposed by legislation enacted by the State of California; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1 of chapter 575, Statutes of Nevada 1979, as amended by chapter 1, Statutes of Nevada 1980, at page 1, is hereby amended to read as follows:

Section. 1. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's

natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce

a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, [fantan,] fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner

within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The

members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California. A member appointed by the Speaker of the Assembly or the Senate Rules Committee may, subject to confirmation by his or her appointing power, designate an alternate to attend meetings and vote in the absence of the appointed member. The designation of a named alternate, which shall be in writing and contain evidence of confirmation by the appointing power, shall be kept on file with the agency. An appointed member may change his or her alternate from time to time, with the confirmation of the appointing power, but shall have only one designated alternate at a time. An alternate shall be subject to those qualifications and requirements prescribed by this compact that are applicable to the appointed member.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) [One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.] Two members appointed by the governor of Nevada, one member appointed by the speaker of the assembly and one member appointed by the majority leader of the Nevada senate. All members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of Nevada. A member appointed by the speaker of the Nevada assembly or the majority leader of the Nevada senate may, subject to confirmation by his or her appointing power, designate an alternate to attend meetings and vote in the absence of the appointed member. The designation of a named alternate, which shall be in writing and contain evidence of confirmation by the appointing power, shall be kept on file with the agency. An appointed member may change his or her alternate from time to time, with the confirmation of the appointing power, but shall have only one designated alternate at a time. An alternate shall be subject to those qualifications and requirements prescribed by this compact that are applicable to the appointed member.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is

located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than \$1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than \$1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material

financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) [Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the] The members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered

vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each state agreeing with the vote of at least four members of the other state shall be required to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of

the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency

shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after

due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after

the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to , an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of

the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe

Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other

relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the

effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making

written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county

may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined).....	252
2. Placer County.....	278
3. Carson City.....	-0-
4. Douglas County.....	339
5. Washoe County.....	739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined).....	64,324
2. Placer County.....	23,000
3. Carson City.....	-0-
4. Douglas County.....	57,354
5. Washoe County.....	50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District # 1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the

measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure

to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by [Article VI] subdivision (d):

(1) The agency's review of an external modification of the structure which

requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling,

change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by [Article VI] subdivision (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of [paragraphs] subdivisions (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph [(f)(3)] (3) of subdivision (f) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling,

change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any

person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole

record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(7) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed \$5,000. Any such person is subject to an additional civil penalty not to exceed \$5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time

during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources

which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal

environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation

of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion \$75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay \$18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay \$12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the

region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;

(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at

least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(d) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures for financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.

(e) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district or any privately owned transportation system or facility within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Contract with private companies to provide supplementary transportation or provide any of the services needed in operating a system of transportation for the region.

(5) Fix the rates and charges for transit services provided pursuant to this subdivision.

[(5)] (6) Issue revenue bonds and other evidence of indebtedness [.

(6)] and make other financial arrangements appropriate for developing and operating a public transportation system.

(7) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way [.] , except for a sales and use tax which, if approved by the voters, may be administered by the states of California and Nevada respectively in accordance with the laws that apply within their respective jurisdictions. The district is prohibited from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, [a tax measured by gross or net receipts on business,] a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of [two-thirds] a majority of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

[(7)] (8) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

[(e)] (f) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary

to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 2. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California, and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature. The director of the legislative counsel bureau shall transmit copies of section 1 of this act to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to all members of

Nevada's congressional delegation. The governor of this state, as soon as the Congress of the United States has approved the amendments, shall proclaim that the compact has been amended as provided in this act.

Sec. 3. This act becomes effective upon passage and approval.