

REVIEW OF THE ACTIVITIES  
OF THE  
TAHOE REGIONAL PLANNING AGENCY

1987 - 1988



*Bulletin No. 89-12*

LEGISLATIVE COMMISSION  
OF THE  
LEGISLATIVE COUNSEL BUREAU  
STATE OF NEVADA

NOVEMBER 1988



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SENATE CONCURRENT RESOLUTION NO. 16,  
Statutes of Nevada, 1987

Senate Concurrent Resolution No. 16--Committee on  
Natural Resources  
FILE NUMBER ~~144~~

SENATE CONCURRENT RESOLUTION--Directing the Legislative Commission to  
continue to review the activities of the Tahoe Regional Planning Agency

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 in protecting the region of the Lake Tahoe Basin; and

WHEREAS, Senate Concurrent Resolution No. 27 of the 63rd session of the Nevada Legislature 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; and

WHEREAS, The subcommittee to review the activities of the Tahoe Regional Planning Agency has held hearings to aid understanding of the State of Nevada's concerns in the region, including regulation of land use and the problems of single-lot owners; and

WHEREAS, The legislative subcommittee has developed an understanding of the decision-making process of the Tahoe Regional Planning Agency; and

WHEREAS, The Tahoe Regional Planning Agency has recently made substantial progress in reaching a settlement of long-standing problems with the development of a regional plan; and

WHEREAS, The legislative subcommittee will continue to enhance the "consensus-building process" of the Tahoe Regional Planning Agency; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to reappoint 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 decisions of the agency; and
  5. Any other interested organizations located within the region;
- and be it further

RESOLVED. That the subcommittee submit a quarterly report of its activities to the Interim Finance Committee; and be it further

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

REPORT OF THE LEGISLATIVE COMMISSION  
TO THE MEMBERS OF THE 65TH SESSION OF  
THE NEVADA LEGISLATURE

The following report is submitted in compliance with Senate Concurrent Resolution No. 16 of the 64th session of the Nevada legislature. Senate Concurrent Resolution No. 16 directs the legislative commission to reappoint a subcommittee to review the activities of the Tahoe Regional Planning Agency (TRPA).

Such a subcommittee was originally appointed for this purpose in 1985. The present document constitutes an update of the original subcommittee's report which is referenced as Legislative Counsel Bureau Report No. 87-16, "Review Of The Activities Of The Tahoe Regional Planning Agency," dated August 1986.

The following subcommittee members conducted the current study, as well as having served on the original subcommittee:

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

Legislative counsel bureau staff services for the subcommittee were provided by Fred W. Welden of the research division (principal staff), James W. Penrose of the legal division (legal counsel) and Lauren Arends of the research division (subcommittee secretary).

In addition to its duties of reporting to the legislative commission, the subcommittee was directed to make quarterly reports to the legislature's interim finance committee. To accommodate both schedules, the subcommittee met four times between September 1987 and July 1988. Additional meetings are scheduled for October 1988 or January 1989. All of the meetings have been held at locations within the Lake Tahoe Basin.

This report presents the subcommittee's recommendations, as well as updated information relative to major topics. All supporting documents and minutes 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 1988

\* \* \* \* \*

LEGISLATIVE COMMISSION

Senator Lawrence E. Jacobsen, Chairman  
Senator Sue Wagner, Vice Chairman

Senator James I. Gibson	Assemblyman Louis W. Bergevin
Senator Nicholas J. Horn	Assemblyman Joseph E. Dini, Jr.
Senator Ann O'Connell	Assemblyman John B. DuBois
Senator John M. Vergiels	Assemblyman Robert M. Sader
	Assemblyman James W. Schofield
	Assemblyman Danny L. Thompson

## SUMMARY OF RECOMMENDATIONS

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

### A. Congressional Action on Amendment of Bistate Compact

1. Urge, by resolution, the United States Congress to expedite its ratification of amendments to the bistate compact which have been adopted by the states of Nevada and California.

### B. Scientific Information Concerning Sources and Types of Pollutants

2. Include in the final report a discussion of the need for more complete scientific information from a greater variety of research entities concerning the sources and types of pollutants which are affecting the Tahoe Basin.

### C. Activities Associated with the Nevada Commission on Land Acquisition in the Tahoe Basin

3. Acknowledge the efficient work performed by the commission and its recommendation that the terms of its members be allowed to expire ("sunset") on January 1, 1989.
4. Include in the final report a copy of the commission's bill draft request which would create a "Nevada Tahoe Resource Bank" in order to enhance the state land registrar's authority to manage property in the Basin.
5. Urge, by resolution, the Federal Government to cooperate with the State of Nevada on land exchanges designed to enhance the Lake Tahoe Basin state park and the property in the Basin administered by the United States Forest Service (USFS).

### D. Federal Funding for Santini-Burton Program

6. Urge the full legislature to consider readoption of its 1987 resolution (Assembly Joint Resolution No. 18, File No. 57) expressing support for continued federal funding of the Santini-Burton program.

E. Future of Legislative Subcommittee

7. Include in the final report a statement indicating that the subcommittee is investigating various methods available for the continuation of its oversight activities at minimal cost and with the use of a minimum number of personnel.
8. Include in the final report a discussion of the subcommittee's sending letters to the California legislative leadership inviting legislative participation from that state in the oversight of activities in the Tahoe Basin.

REPORT TO THE 65TH SESSION OF THE NEVADA LEGISLATURE  
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE  
TO REVIEW THE ACTIVITIES OF THE  
TAHOE REGIONAL PLANNING AGENCY

I. INTRODUCTION

The 1987 Nevada legislature adopted Senate Concurrent Resolution No. 16 which directs the legislative commission to reappoint a subcommittee to review the activities of the Tahoe Regional Planning Agency (TRPA).

A subcommittee charged with this basic oversight function was originally established in 1985. The present successor to the original subcommittee is charged with the same basic responsibilities as follows:

1. To report findings and recommendations to the legislative commission; and
2. To submit quarterly reports to the legislature's interim finance committee (IFC).

The subcommittee has fulfilled its duty to report to the interim finance committee on a quarterly basis. The following document constitutes the subcommittee's report and recommendations to the legislative commission. It is designed to be an update of the original subcommittee's report which is referenced as Legislative Counsel Bureau Bulletin No. 87-16, "Review of the Activities of the Tahoe Regional Planning Agency," dated August 1986. Thus, the reader is directed to the previous report for additional background information, historical perspective and TRPA program descriptions.

II. OVERALL TRPA REVENUES 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, and Nevada agencies have done so on some occasions. The compact specifies financial participation by local entities within the Basin. In addition, a large portion of the agency's budget typically comes from federal grants, and a small portion is derived from other sources such as filing fees and the sale of printed materials.

A. Comparative Statistics

In order to obtain an overview of the agency's revenues and expenditures, the legislative subcommittee requested comparative data for the past 5 years. Table 1 is a chart provided by the agency in order to depict the basic statistics and trends for the 5-year period.

B. Budget For Fiscal Year 1988-1989

The TRPA's overall budget for fiscal year (FY) 1988-1989 totals \$2,965,057. Of this amount, the State of Nevada approved a basic appropriation of \$351,000. Assembly Bill 186 (chapter 186, Statutes of Nevada, 1987) provided an additional \$148,000 from the state general fund and the state's pollution control fund. Thus, the agency's total funding from the State of Nevada for FY 1988-1989 was approved as \$499,000.

Based upon California approval of additional funds for fiscal year 1988-1989, the TRPA plans to bring a proposal for a budget augmentation before the IFC. (It should be noted that California employs an annual budget cycle while Nevada's budgetary cycle is based upon a biennial legislative system.) Following is a compilation of the additional funds being sought from Nevada:

<u>Category</u>	<u>Augmentation for FY 1988-1989</u>
General Operating Expenses	\$ 37,500
Individual Parcel Evaluation System (IPES) Monitoring Program	25,000
Environmental Monitoring Program	<u>90,000</u>
Total Request	\$152,500

Two of these categories have been discussed previously in Nevada. The "money committees" during the 1987 legislative session did not approve the \$37,000 proposal for general operating expenses, but provided the agency with a letter suggesting that the IFC would reconsider the request if the State of California approved its matching share of the money. Relative to the IPES monitoring funds, Nevada's department of administration also decided not to include the \$25,000 request in the proposed state budget until California had appropriated its portion of the financing for the program.

TARON REGIONAL PLANNING AGENCY  
 COMPARISON OF APPROPRIATION RECEIPTS  
 CALIFORNIA/ NEVADA

14 Sep-88

	FY 1983-84		FY 1984-85		FY 1985-86		FY 1986-87		FY 1987-88		FY 1988-89	
	CALIFORNIA	NEVADA	CALIFORNIA	NEVADA	CALIFORNIA	NEVADA	CALIFORNIA	NEVADA	CALIFORNIA	NEVADA	CALIFORNIA	NEVADA
TRPA GENERAL FUND	318,000	150,000	340,000	168,555	383,100	191,550	542,000	150,000	492,000	251,000	567,000	251,000
TRPA LEGAL FUNDING	163,333	81,667	0	0	216,600	108,300	217,000	108,300	200,000	100,000	200,000	100,000
GOVERNING BOARD TRAVEL	0	0	13,000	0	15,000	0	10,000	0	10,000	0	10,000	0
THRESHOLD REPROGRAMMING	0	0	0	0	0	0	0	53,500	0	0	0	0
<b>SUBTOTAL</b>	<b>481,333</b>	<b>231,667</b>	<b>361,000</b>	<b>168,555</b>	<b>614,700</b>	<b>299,850</b>	<b>769,000</b>	<b>311,800</b>	<b>702,000</b>	<b>351,000</b>	<b>777,000</b>	<b>351,000</b>
<b>SPECIAL PROJECTS</b>												
INSTREAM FLOW STUDY	0	0	67,000	33,000	0	0	0	0	0	0	0	0
PUBLIC AWARENESS	0	0	0	0	18,300	9,150	9,000	9,000	0	0	0	0
SCENIC MANAGEMENT	0	0	0	0	23,300	11,650	0	0	0	0	0	0
IPES	0	0	0	0	0	256,667	260,000	0	254,000	0	0	0
ENVIRONMENTAL MONITORING	0	0	0	0	0	0	0	0	100,000	50,000	280,000	50,000
COMMUNITY PLANS	0	0	0	0	0	0	0	0	80,000	40,000	80,000	40,000
SHOREZONE STUDY	0	0	0	0	0	0	0	0	40,000	20,000	0	0
TEGIS DATABASE	0	0	0	0	0	0	0	0	32,000	16,000	0	0
AIRPORT PASSTHROUGH	0	0	0	0	0	0	0	0	40,000	80,000	0	0
IPES MONITORING	0	0	0	0	0	0	0	0	0	0	50,000	0
TTD PASSTHROUGH	0	0	0	0	0	30,000	0	0	0	0	0	0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>67,000</b>	<b>33,000</b>	<b>41,600</b>	<b>307,467</b>	<b>269,000</b>	<b>9,000</b>	<b>546,000</b>	<b>206,000</b>	<b>410,000</b>	<b>90,000</b>
<b>APPROPRIATIONS SUBTOTAL</b>	<b>481,333</b>	<b>231,667</b>	<b>428,000</b>	<b>201,555</b>	<b>656,300</b>	<b>607,317</b>	<b>1,038,000</b>	<b>320,800</b>	<b>1,248,000</b>	<b>557,000</b>	<b>1,187,000</b>	<b>441,000</b>
<b>NEVADA AUGMENTATION REQUESTS</b>												
ENVIRONMENTAL MONITORING	0	0	0	0	0	0	0	0	0	0	0	90,000
IPES MONITORING	0	0	0	0	0	0	0	0	0	0	0	25,000
GENERAL FOND AUGMENTATION	0	0	0	0	0	0	0	0	0	0	0	37,500
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>152,500</b>
<b>GRANT AND CONTRACT FUNDS</b>												
CALTRANS	85,380	0	130,893	0	175,083	0	168,080	0	144,879	0	67,300	0
CALIFORNIA AIR RESOURCES BOARD	103,400	0	18,210	0	16,600	0	7,100	0	9,762	0	10,000	0
STATE WATER BOARD	103,028	0	90,140	0	103,463	0	80,000	0	80,000	0	80,000	0
CALIF RESOURCES AGENCY	23,225	0	120,131	0	120,000	0	75,000	0	75,000	0	75,000	0
CALIF TRANSPORTATION PLANNING FUNDS	0	0	14,994	0	26,969	0	42,235	0	38,334	0	40,000	0
<b>SUBTOTAL</b>	<b>315,113</b>	<b>0</b>	<b>174,368</b>	<b>0</b>	<b>442,115</b>	<b>0</b>	<b>372,415</b>	<b>0</b>	<b>347,975</b>	<b>0</b>	<b>272,300</b>	<b>0</b>
<b>GRAND TOTAL STATE FUNDS</b>	<b>796,446</b>	<b>231,667</b>	<b>802,368</b>	<b>201,555</b>	<b>1,098,415</b>	<b>607,317</b>	<b>1,410,415</b>	<b>320,800</b>	<b>1,595,975</b>	<b>557,000</b>	<b>1,459,300</b>	<b>593,500</b>

TABLE 1

III. SPECIFIC TRPA PROJECTS TO WHICH NEVADA  
FUNDS WERE ALLOCATED DURING THE  
1985-1987 BIENNIUM

In addition to the TRPA's general programs such as long-range planning and project review, several specific projects and budget categories received allocations of Nevada funds during the 1985-1987 biennium. The subcommittee followed the progress of these program areas in some detail.

A. Legal Expenses

The Nevada legislature appropriated \$108,300 for legal expenses each year of the 1985-1987 biennium. The agency did not expend \$31,692 during fiscal year 1985-1986, but authorization was received to reprogram this money to be used for general operating expenses in fiscal year 1986-1987. Likewise, the TRPA did not expend \$36,784 in funding for legal expenses during fiscal year 1986-1987. This money has been returned to the state.

A total of \$200,000 was appropriated by the Nevada legislature for TRPA legal expenses during the 1987-1989 biennium. As of May 31, 1988, the agency had spent \$69,480 from the Nevada appropriation.

B. Scenic Management Study

A Scenic Management Study has been undertaken in order to assist the TRPA in establishing objective criteria for use in evaluating proposed projects relative to their impacts on the scenic thresholds in the Lake Tahoe Basin.

The sum of \$34,650 from the States of Nevada and California was allocated to this project during the 1985-1987 biennium. All of this money was obligated within the biennium and has now been expended.

C. Public Awareness Program

A Public Awareness Program was designed to educate the public about the responsibilities and activities of the TRPA. Products include a film, several articles and a TRPA forum in which the agency responds to the most common questions it receives.

The two states provided \$45,150 for this program. All of the funds have been obligated by contract, and the project has been completed.

#### D. Individual Parcel Evaluation System

The IPES program is being established to allow analysis of the development potential and restraints associated with each parcel of vacant residential property in the Basin. The concepts and criteria for evaluation have been developed and field tested.

In the spring of 1987, contract employees were organized into teams to undertake the field investigations. Each team consists of a soil scientist, a hydrologist and a planner. A total of 12,975 lots were evaluated in 1987. One team will be responsible for investigating the remaining 3,000 lots during 1988. The data are being entered into the computer system, and initial scores have been provided to 10,000 property owners. Final scores and rankings for all evaluated parcels are expected to be available during the last months of 1988.

The overall IPES funding is \$257,000 from Nevada and \$514,000 from California, for a total program cost of \$771,000. As of May 31, 1988, the agency had expended \$542,707. Portions of the remaining balance have been obligated by contract, and the program is "on schedule." It is the agency's goal to have the system ready for utilization in January 1989.

#### E. Environmental Monitoring

Efforts to monitor environmental characteristics of the Basin have been increased in order to develop a scientific data base for determining trends. Nevada funding is \$50,000 per year for the current biennium. California approved \$100,000 for fiscal year 1987-1988. Additional finances from agencies such as the United States Geological Survey (USGS) and the California State Water Resources Board are being directed toward the coordinated monitoring program. As of May 31, 1988, a total of \$13,500 had been expended from this category.

A budget increase of \$180,000 for fiscal year 1988-1989 to enhance environmental monitoring has been approved by the State of California. The agency anticipates that it will come before the IFC to ask for an additional \$90,000 from the State of Nevada. (See previous discussion under heading "Budget For Fiscal Year 1988-1989.")

#### F. Community Planning

Nevada has provided \$80,000 for support of community planning in the Basin during the current biennium. Total TRPA funding for the effort is \$240,000, but local money being directed to the efforts adds about \$500,000 to the overall program.

The community plans are being prepared in conjunction with the local planning departments and citizens. Plans are currently being developed for the City of South Lake Tahoe and Tahoe City, California, and for Douglas and Washoe counties in Nevada.

#### G. Shorezone Study

Funding from Nevada for the shorezone study is \$20,000. An additional \$40,000 has been provided from California, and federal funds of approximately \$180,000 are being allocated to the project. The agency has selected a contractor to conduct the study, and it is anticipated that the project will be completed during the present biennium.

#### H. Airport Master Plan

A total of \$80,000 in Nevada funding has been allocated to development of the Airport Master Plan. Of this amount, \$60,000 was provided as Nevada's direct share in support of the project, and \$20,000 covers a portion of the TRPA's contribution. Additional funding is being provided by the local jurisdictions and business community, thus constituting a total of \$251,000 to conduct the study.

The project is underway and is to be completed during the current biennium.

#### I. Database

The TRPA has entered into a cooperative agreement with the USGS to develop a geographic information system for the Basin over the next 3 years. Total project funding by the TRPA is \$48,000, of which \$16,000 has been provided by Nevada. The USGS is providing \$408,000 in "cooperator services" during development of the project.

As of May 31, 1988, the agency had expended \$9,613 for the purchase of computer hardware to support the system.

#### IV. OTHER PROGRAM-RELATED INFORMATION AND DISCUSSION OF SUBCOMMITTEE RECOMMENDATIONS

Several additional topics are of special significance as they relate to the TRPA and the Lake Tahoe Basin. The subcommittee's recommendations are associated with these broader categories. Section VI of this report, entitled "Referenced Legislation," contains the bill draft requests (BDR's) associated with the relevant recommendations.

##### A. Amendment Of Bistate Compact

The States of Nevada and California have passed substantively identical language proposing to amend the bistate Tahoe Regional Planning Compact. The major proposed change is in the structure of the Nevada delegation serving on the TRPA governing body.

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 majority leader of the state senate, and one member appointed by the speaker of the assembly.

Two bills to ratify the amendment of the compact have been introduced in Congress. United States Senator Chic Hecht has introduced S. 1471, and U.S. Representative Barbara Vucanovich has introduced H.R. 2901. Both measures have been referred to committee. Staff members for the introducers of the bills are attempting to expedite action through bypassing the hearing process and taking the measures directly to the floor. This approach is predicated upon the assumption that there will be no opposition to the bills.

Action on the proposal has been slow. It now appears that Congress will not approve the amendments during the current session. In addition to sending correspondence in support of the proposal to the appropriate congressional

representatives, the legislative subcommittee has adopted the following recommendation for legislative action during the 1989 session:

- Urge, by resolution, the United States Congress to expedite its ratification of amendments to the bistate compact which have been adopted by the states of Nevada and California.

#### B. Revision Of The "208" Water Quality Management Plan

The TRPA is currently revising the "208" water quality management plan for the Basin. The goal is to bring this management plan into conformity with the policies adopted as part of revision of the overall regional plan. The regional plan has already addressed essentially the same water quality issues as are contained in the "208" plan.

The "208" proposal must be approved by both states and the United States Environmental Protection Agency. The draft plan and environmental impact statement have been circulated for public review. If the process continues smoothly, the plan should be submitted to the states for their review by the fall of this year. Approval of the amendments could be completed as early as January 1989.

#### C. Scientific Information

Although a tremendous amount of planning has been undertaken within the Tahoe Basin over the years, there are still unanswered questions relative to the types and sources of pollutants which are affecting the Basin environment. The dynamics of how the pollutants interact within the environment are also not completely understood.

While additional monitoring of air and water quality has been proposed, increased analyses of the causes of environmental degradation have not been conducted. It was contended in testimony before the subcommittee that additional planning and restrictions upon certain actions within the Basin are only marginally reasonable until the actual sources and dynamics of the pollutants are clarified. The affects of atmospheric deposition of pollution and the dynamics of the lake's natural "churning up" of lakebed sediments were cited as examples of scientific information which is needed for a thorough understanding of the Basin's environment.

It was also pointed out that a great deal of the environmental research relative to Lake Tahoe has been conducted by scientists associated with the University of California at Davis. While the credibility of this work was not questioned, it was suggested that information and research from a variety of sources is always valuable to corroborate conclusions.

Based upon this background information, the subcommittee adopted the following recommendation:

- Include in the final report a discussion of the need for more complete scientific information from a greater variety of research entities concerning the sources and types of pollutants which are affecting the Tahoe Basin.

#### D. Status Of Litigation

The TRPA continues to be the focus of a considerable amount of legal action. There are 29 cases pending which involve the agency. Of these pending cases, only 20 are in an active status.

Three major lawsuits have been associated with questions about the regional plan as adopted in 1984. Negotiations directed toward settlement of the suit brought against the agency by California's Attorney General and the League To Save Lake Tahoe have been completed. The suit has been dismissed with prejudice, and the injunction has been dissolved. Stipulations associated with the dismissal include standards for future amendment of the regional plan (including the code of ordinances and statement of goals and policies) and a schedule for adoption of specified ordinances that were not completed at the time of the settlement.

The two other major lawsuits associated with adoption of the 1984 regional plan were brought against the agency by the Tahoe Sierra Preservation Council. Decisions in favor of the agency have been rendered in district courts of Nevada and California. Both cases have been appealed to the Ninth Circuit Court of Appeals. Briefs have been filed, and the parties are awaiting a decision.

Additional suits have been filed against the agency and one or both states based upon its adoption of the 1987 amendments to the regional plan (Kelly v. TRPA, et al.; Newton v. TRPA, et al.; Rabe v. TRPA and Carpenter v. TRPA). These cases were removed to the U.S. District Court, District of Nevada. Kelly, Newton, and Carpenter have been

remanded to state courts for further proceedings (Kelly and Newton to the Ninth Judicial District, Douglas County, and Carpenter to the Second Judicial District, Washoe County). Rabe remains in federal court and one defendant, the State of Nevada, has been dismissed. A fifth case (Kelly v. TRPA) was filed in federal court (District of Nevada) but was dismissed in part by the court and in part by the plaintiff.

E. Status Of Activities--Commission For Land Acquisition In The Tahoe Basin

The commission for land acquisition in the Tahoe Basin was established after the Nevada voters approved a \$31 million bond proposal in November 1986. The commission is responsible for outlining the policies through which the program to purchase environmentally sensitive property in the Basin will be implemented.

The commission has been active since February 1987. Its draft report and executive summary were made available for public review on August 10, 1987. Four public hearings were held in order to solicit input concerning the documents. The state board of examiners approved the document on November 23, 1987, and authorized implementation of the program.

The commission anticipates that half of the offers will be made to land owners in the fall of 1988. If the program progresses as projected, these acquisitions will be completed by the end of the year, and the second half of the acquisitions will be completed in 1989 and 1990. As the program is currently being implemented, it is approximately 1 year ahead of the original schedule.

The subcommittee, therefore, approved three recommendations relative to this program, as follows:

- Acknowledge the efficient work performed by the commission and its recommendation that the terms of its members be allowed to expire ("sunset") on January 1, 1989.
- Include in the final report a copy of the commission's bill draft request which would create a "Nevada Tahoe Resource Bank" in order to enhance the state land registrar's authority to manage property in the Basin.

- Urge, by resolution, the Federal Government to cooperate with the State of Nevada on land exchanges designed to enhance the Lake Tahoe Nevada state park and the property in the Basin administered by the United States Forest Service (USFS).

F. Federal Funding For Santini/Burton Program

The Santini/Burton Program is the federal counterpart of the Nevada and California programs for acquisition of environmentally sensitive property in the Tahoe Basin. Like these state programs, it also has an erosion control funding element.

As of June 7, 1988, the United States Forest Service had made purchase offers to the owners of 3,223 parcels of sensitive property (2,009 in California and 1,214 in Nevada). A total of 2,191 offers (68 percent) have been accepted. An additional 170 parcels valued at \$2.7 million have been donated to the USFS through the program.

Approximately \$54.8 million has been invested in the purchases (about \$32 million for acquisition of Nevada parcels). A total of 8,973 acres of sensitive lands have been acquired by purchase or donation. Table 2 summarizes the basinwide acquisition program, while Table 3 presents statistics for Nevada transactions.

TABLE 2

STATUS OF SANTINI/BURTON LAND ACQUISITION PROGRAM

JUNE 7, 1988

	<u>Value</u>	<u>Acres</u>	<u>Parcels</u>	<u>State</u>
Offers Accepted	\$54,759,090	8578.87	2191	CA-1,383 NV- 808
Donations	2,678,110	394.47	170	CA- 149 NV- 21
Total Acquisitions	\$54,437,200	8,973.34	2361	CA-1,532 NV- 829

Source: United States Forest Service.

TABLE 3  
 SANTINI/BURTON LAND ACQUISITIONS IN NEVADA  
 JUNE 7, 1988

<u>County</u>	<u>Value</u>	<u>Acres</u>	<u>Numbered Parcels</u>
Douglas	\$15,084,340	1,723	405
Washoe	16,843,325	652	402
Carson City	<u>32,000</u>	<u>20</u>	<u>1</u>
Total	\$31,959,665	2,395	808

Source: United States Forest Service.

Congress is currently in the process of appropriating \$11 million to the Santini/Burton program for fiscal year 1988-1989. Projections indicate that the USFS needs approximately \$17.5 million to fulfill purchase offers made during the previous year and fund anticipated acquisitions for fiscal year 1988-1989.

Through correspondence and personal telephone calls to congressional representatives, the legislative subcommittee has supported the current funding proposal for the Santini/Burton program. The members, however, considered it important that the full Nevada legislature consider the need for continued, long-term federal funding of the program. Thus, the subcommittee endorsed the following recommendation:

- Urge the full legislature to consider readoption of its 1987 resolution (Assembly Joint Resolution No. 18, File No. 57) expressing support for continued federal funding of the Santini-Burton program.

G. Future Of Legislative Subcommittee

As mentioned previously, the legislative subcommittee to review the activities of the TRPA was originally established in 1985. Its continuation was provided through adoption of S.C.R. 16 in 1987.

Testimony has consistently commended the activities of the subcommittee. Thus, the members approved the following two recommendations:

- Include in the final report a statement indicating that the subcommittee is investigating various methods available for the continuation of its oversight activities at minimal cost and with the use of a minimum number of personnel.
- Include in the final report a discussion of the subcommittee's sending letters to the California legislative leadership inviting legislative participation from that state in the oversight of activities in the Tahoe Basin.

#### V. SUGGESTED READINGS

Because this report is an update of a previous document, it does not contain a great deal of background material. The following documents are suggested as sources of additional information. (Copies of the referenced reports are available for review at the research library of the legislative counsel bureau.)

- Commission on Land Acquisition in the Tahoe Basin, "Fiscal Report and Recommendations," November 1987.
- Nevada Legislative Counsel Bureau Background Paper 85-2, "The Tahoe Regional Planning Agency After Amendment Of The Bistate Compact In 1980," Fall 1984.
- Nevada Legislative Counsel Bureau Bulletin No. 87-16, "Review of the Activities of the Tahoe Regional Planning Agency," August 1986.
- Tahoe Regional Planning Agency, "Regional Plan for the Lake Tahoe Basin - Goals and Policies," June 16, 1986.
- Tahoe Regional Planning Agency, "Regional Transportation Plan - Lake Tahoe Basin," April 1988.
- Tahoe Regional Planning Agency, "Water Quality Management Plan for the Lake Tahoe Basin," (Five Volumes) June 1988.
- Tahoe Research Group, University of California at Davis, "Changing Water Quality at Lake Tahoe: The First Five Years of the Lake Tahoe Interagency Monitoring Program," 1986.



VI. REFERENCED LEGISLATION

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SUMMARY--Creates Nevada Tahoe resource bank. (BDR 26-398)

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

AN ACT relating to the Tahoe Basin; creating the Nevada Tahoe resource bank; creating the resource bank fund; making an appropriation for the fund; 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.** Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the terms defined in sections 3 to 15, inclusive, of this act, have the meanings ascribed to them in those sections.*

**Sec. 3.** *"Allocation right" means the right to allocate a development right in any one or more of the following areas of development:*

- 1. Residential.*
- 2. Commercial.*
- 3. Tourist accommodation.*

*4. Recreational.*

*Sec. 4. "Base land coverage" means coverage of the percentage of a parcel in the basin on which land coverage is permitted by the Tahoe Regional Planning Agency.*

*Sec. 5. "Basin" means that portion of the Lake Tahoe Basin located in the State of Nevada within Carson City, Douglas County and Washoe County.*

*Sec. 6. "Development right" means the nonvested right to develop the potential land coverage attached to a vacant parcel in the basin.*

*Sec. 7. "Hard coverage" means a man-made structure, improvement or covering that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement or covering, including, but not limited to, roofs, decks and surfaces paved with asphalt, concrete or stone.*

*Sec. 8. "Interests in land" includes all rights associated with ownership of property, including, but not limited to, any one or more of the following:*

- 1. Allocation right.*
- 2. Development right.*
- 3. Land coverage right.*
- 4. Residual right.*

*Sec. 9. "Land coverage" means hard coverage or soft coverage, or both.*

*Sec. 10. "Land coverage right" means the right to develop any one or more of the following:*

- 1. Hard coverage.*
- 2. Soft coverage.*
- 3. Potential land coverage.*

**Sec. 11.** *"Potential land coverage" means base land coverage which is permitted on a parcel of land in the basin, but which does not physically exist.*

**Sec. 12.** *"Receiving parcel" means a parcel of land to which any one or more of the following is transferred:*

- 1. Land coverage right.*
- 2. Allocation right.*
- 3. Development right.*

**Sec. 13.** *"Residual right" means all rights associated with ownership of property after all land coverage rights and the development right have been removed.*

**Sec. 14.** *"Resource bank" means the Nevada Tahoe resource bank.*

**Sec. 15.** *"Soft coverage" means land used in such a manner as to cause it to be so compacted that substantial infiltration is prevented, including, but not limited to, land used for the parking of cars.*

**Sec. 16. 1.** *The Nevada Tahoe resource bank is hereby created as an agency within the division of state lands of the state department of conservation and natural resources.*

*2. The state land registrar shall serve as the director of the resource bank and shall administer the provisions of sections 2 to 22, inclusive, of this act.*

*3. The resource bank holds all interests in lands acquired pursuant to chapter 585, Statutes of Nevada 1985, plus the interests in other state-owned lands in the basin which the state land registrar deems essential to carry out the provisions of chapter 585, Statutes of Nevada 1985, or the provisions of sections 2 to 22, inclusive, of this act.*

4. *The resource bank may sell, exchange, transfer or lease any or all interests in land held by it pursuant to subsection 3.*

5. *The resource bank may receive gifts, donations, subventions, grants, rents, royalties and other financial assistance.*

**Sec. 17.** *The resource bank shall assist public and private property owners in the transfer of land coverage rights or the development right to comply with regulatory requirements of the Tahoe Regional Planning Agency relating to the development or redevelopment of property in the basin.*

**Sec. 18.** *The state land registrar shall prepare an annual report of all activities of the resource bank pertaining to the acquisition, transfer, sale, exchange or lease of interests in lands. The report must be submitted to the legislative commission and the state board of examiners within 30 days after the end of each fiscal year.*

**Sec. 19.** 1. *The resource bank fund is hereby created in the state treasury for the use of the state land registrar in carrying out activities related to the protection of the environment and the development and redevelopment of land in the basin, including, but not limited to:*

*(a) Controlling erosion or mitigating or preventing pollution; and*

*(b) Acquiring land or an interest in land.*

2. *All money or other property which the resource bank receives must be accounted for in the resource bank fund.*

**Sec. 20.** *All money received by the resource bank, including, but not limited to, revenues from the following sources and activities of the resource bank carried out pursuant to the provisions of sections 2 to 22, inclusive, of this*

*act, must be deposited with the state treasurer for credit to the resource bank fund:*

- 1. Revenue from the transfer, sale, exchange or lease of interests in land.*
- 2. Administrative service fees collected by the state land registrar.*
- 3. Mitigation fees received from the Tahoe Regional Planning Agency.*
- 4. Grants from any other state agency, the Federal Government, any state or local government, or any private source that are acquired to fulfill the purposes of this program.*
- 5. Interest earned on the assets of the resource bank fund.*

**Sec. 21.** *1. If a property owner of a receiving parcel has need of an allocation right, a development right, additional hard coverage, soft coverage or potential land coverage, the resource bank may provide it by transferring a land coverage right or development right held by the resource bank to the receiving parcel. The price for the transferred right must be based on the fair market value of the transferred right. The state land registrar shall determine the fair market value based on the best market information available. The actual cost incurred by the state to rehabilitate the land before the transfer is completed may also be included in the price.*

*2. The price of the residual right must be based on the fair market value of the total parcel less the fair market value of its land coverage right and development right.*

**Sec. 22.** *The state land registrar may charge a reasonable fee for services rendered by the resource bank. The amount of any such fee must not exceed the reasonable cost incurred by the resource bank in rendering the service. A fee*

*connected with the sale of land or the sale of an interest in land must not exceed 6 percent of the sale price.*

**Sec. 23.** Section 6 of chapter 585, Statutes of Nevada 1985, as amended by chapter 444, Statutes of Nevada 1987, at page 1028, is hereby amended to read as follows:

Sec. 6. 1. 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 a purchase. The state land registrar may, with the approval of the interim finance committee and the state board of examiners, for such consideration as he deems to be reasonable and in the public interest, transfer, sell, exchange or lease lands [or interests in lands] acquired to other state agencies, federal agencies, local governments, nonprofit organizations and natural persons.

2. The state land registrar, in cooperation with the administrator of the division of conservation districts of the state department of conservation and natural resources, shall carry out the program for the control of erosion and the mitigation and prevention of pollution in the Tahoe Basin, and may adopt regulations necessary to carry out the program. In carrying out this program, the state land registrar may make grants to other state agencies, local governments and nonprofit organizations.

**Sec. 24.** There is hereby appropriated from the Tahoe Basin Act bond fund, from money designated for erosion control, the sum of \$500,000 to the resource bank fund. Any remaining balance of this appropriation must not be committed for expenditure by the resource bank after December 31, 1993, and reverts to the Tahoe Basin Act bond fund as soon as all payments of money committed have been made.

**Sec. 25.** This act becomes effective upon passage and approval and expires by limitation on December 31, 1993.



**SUMMARY--Urges Federal Government and United States Forest Service to cooperate with State of Nevada to consummate exchange of environmentally sensitive public lands within Lake Tahoe Basin. (BDR R-396)**

**FISCAL NOTE: Effect on Local Government: No.**

**Effect on the State or on Industrial Insurance: No.**

**JOINT RESOLUTION--Urging the Federal Government and the United States Forest Service to cooperate with certain agencies of the State of Nevada to consummate the exchange of environmentally sensitive public lands located within the Lake Tahoe Basin.**

**WHEREAS, The Commission for Land Acquisition in the Tahoe Basin, created after the residents of Nevada approved a \$31,000,000 bond proposal, is responsible for establishing the policies for the administration of a program to purchase environmentally sensitive land in the Lake Tahoe Basin; and**

**WHEREAS, The Santini-Burton Act (Public Law 96-586), which is administered by the United States Forest Service within the Department of Agriculture and is the federal counterpart of the program administered by the Commission, provides money for the acquisition of environmentally sensitive land in the Lake Tahoe Basin; and**



**RESOLVED, That copies of this resolution be prepared and transmitted by the \_\_\_\_\_ of the \_\_\_\_\_ to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Agriculture, the Director of the United States Forest Service and to each member of the Nevada Congressional Delegation.**



**SUMMARY--Urges Congress to expedite ratification of amendments to Tahoe Regional Planning Compact adopted by California and Nevada in 1987. (BDR R-397)**

**FISCAL NOTE: Effect on Local Government: No.**

**Effect on the State or on Industrial Insurance: No.**

**JOINT RESOLUTION--Urging the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987.**

**WHEREAS, The text of the Tahoe Regional Planning Compact is set forth in full in NRS 277.200; and**

**WHEREAS, The compact was amended by the State of California and the amendments were adopted by the Nevada Legislature in 1987; and**

**WHEREAS, The amendments become effective upon their approval by the Congress of the United States; and**

**WHEREAS, The amendments would authorize certain members of the California and Nevada delegations which constitute the governing body of the Tahoe Regional Planning Agency to appoint alternates to attend meetings and vote in the absence of the appointed members, alter the selection process of**

