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December 20, 2024

Senator Richard 'Skip' Daly, Chair
Legislative Committee for the Review and Oversight of the
Tahoe Regional Planning Agency and the Marlette Lake Water System
401 S. Carson Street
Carson City, NV 89701
Skip.Daly@sen.state.nv.us

SENT VIA E-MAIL AND U.S. MAIL

Re: Status Update on the 2012 Regional Plan Environmental Analysis, Threshold Standards, and Other Environmental Updates and/or Revisions

Dear Senator Daly,

This letter responds to your October 16, 2024 inquiry on behalf of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRP) and the Marlette Lake Water System (Committee) requesting that, prior to the start of the 2025 Legislative Session, the TRPA provide the Committee with the status of its update to the environmental analysis conducted in the 2012 Regional Plan, any updates and any planned or in progress revisions to the TRPA's Threshold Standards, and any other environmental standard updates/revisions.

We appreciate the Committee's request and take this opportunity to provide the status of the current Threshold Evaluation Report, other environmental updates, and to explain the process for utilizing the 2012 Regional Plan Environmental Impact Statement.

Summary

In summary, since TRPA adopted the 2012 Regional Plan and certified the EIS prepared for its adoption, TRPA has continued to update policies as needed, review and report on attainment of threshold standards, update the Regional Transportation Plan, and address the housing affordability crisis. Moreover, current baseline conditions, regulatory changes, and emerging environmental concerns are considered in connection with the environmental review for project-level approvals as legally required. TRPA will continue to rely on the 2012 Regional Plan EIS as a programmatic document to the extent appropriate, and for each proposed project, will prepare sufficient additional environmental analyses to ensure that current baseline environmental conditions, changes in TRPA, state, or federal standards, and any other new information relevant to the potential environmental impacts is evaluated.

Threshold Standards

More than a hundred years ago, conservationists voiced concern about the impacts of tourism, ranching, and logging on the Lake Tahoe environment. Their idea to make Lake Tahoe a national forest or national park did not gain wide support in Washington D.C., primarily because much of the land in the

basin was already privately owned and had been developed or logged. Even then, many thought it was too late to preserve Lake Tahoe.

But conservationists continued advocating for environmental protection as logging and ranching waned, ski resorts expanded, and Stateline casinos went high-rise.

The debate came to a climax in the late 1960s after two decades of rapid growth. The governors and lawmakers in Nevada and California approved a Bi-State Compact that created a regional planning agency to oversee development at Lake Tahoe. In 1969, the United States Congress ratified the agreement and created the TRPA.

The Bi-State Compact, as revised in 1980, called for TRPA to adopt environmental quality standards (termed “Environmental Threshold Carrying Capacities” or threshold standards), and to enforce ordinances designed to achieve the thresholds. In 1982, TRPA adopted nine environmental thresholds, which set environmental standards for the Lake Tahoe Basin and indirectly define the capacity of the Region to accommodate additional land development. In 2021, TRPA adopted a tenth threshold: Transportation and Sustainable Communities.

The threshold standards establish TRPA’s goals for restoration and environmental quality in the Region. The goals range from specific targets for air and water quality, to broad visions for maintaining scenic beauty and enhancing recreational experiences. The Regional Plan, with all of its elements, as implemented through TRPA ordinances, rules, and regulations, will achieve and maintain the adopted threshold standards while providing opportunities for orderly growth and development. Thresholds ensure that the “Tahoe experience” will not be lost for future generations.

Every four years, TRPA leads the development of a Threshold Evaluation Report. It is a snapshot of conditions at a point in time that assesses the level of attainment of the adopted Threshold standards. TRPA updates its plans, policies, and actions based on the results from the reports where they indicate more action is needed to achieve or maintain threshold standards.

The 2023 Threshold Evaluation Report will be the eighth comprehensive evaluation of the Threshold standards. The report is currently in peer review and TRPA anticipates the release of the draft report in early 2025.

Following the release of the Threshold Evaluation Report, TRPA will solicit feedback from the public, partner agencies, and other organizations on how the findings of the threshold evaluation should guide the basin’s management actions and priorities. This will inform TRPA’s work plan and the Environmental Improvement Program, which is implemented by more than 80 partners. TRPA will submit the final Threshold Evaluation Report to this Committee once it is adopted by the Governing Board.

Regional Plan

The Bi-State Compact mandated that TRPA create a Regional Plan to manage development in the Tahoe Basin to achieve the threshold standards and maintain a balance between the natural and built environment. The Regional Plan integrates the requirements of the Bi-State Compact, the thresholds, related plans and legal requirements, and input from the public, other agencies, and organizations. As a result, the Regional Plan provides coordinated and integrated direction for TRPA’s regulatory Code of Ordinances and implementation programs.

The Governing Board adopted TRPA's first Regional Plan in April of 1984. The same day, two parties filed a lawsuit in federal court claiming the plan would not adequately protect Lake Tahoe. The court effectively ordered a moratorium on new construction at Lake Tahoe. The Executive Director of TRPA then called together a consensus group to develop another regional plan. After three years of negotiations, the lawsuit was settled, and the TRPA Governing Board adopted the 1987 Regional Plan. The 1987 plan was in effect until TRPA adopted the 2012 Regional Plan Update (2012 Regional Plan).

The 2012 Regional Plan addresses critical planning and environmental issues with new and revised policies, while retaining the 1987 regulatory framework; it aims to accelerate threshold attainment, respond to current conditions, and comply with contemporary planning principles, science, and standards, considering the Environmental Threshold Carrying Capacities and measures for their achievement.

The TRPA Governing Board voted on December 12, 2012, to adopt and approve the 2012 Regional Plan and certify the Final Environmental Impact Statement (EIS). The Sierra Club and Friends of the West Shore filed a lawsuit challenging TRPA's decision. In 2016, the Ninth Circuit Court of Appeals affirmed the district court's ruling upholding the validity of the 2012 Regional Plan and EIS.

The 2012 Regional Plan is a 25-year planning document that analyzed development and growth in the Tahoe Region through 2037. The TRPA Regional Plan is a programmatic document similar to a County or City general plan, and its development and adoption, including the EIS, specifically take into account the 25-year planning horizon. Like general plans, the Regional Plan will be updated as the planning horizon draws near. Until that time, the Regional Plan, and its associated EIS, will be used to guide development and growth in the Region. When reviewing proposed projects, TRPA considers whether the project is consistent with the Regional Plan. TRPA also evaluates the potential environmental impacts of the proposed project and reevaluates the analysis in the programmatic 2012 Regional Plan EIS, including any underlying assumptions, to ensure reliance on the analysis remains valid and is supplemented as needed.

2012 Regional Plan Environmental Review and Analysis of Future Projects

TRPA analyzed the environmental impact of the 2012 Regional Plan in accordance with Article 7 of the Bi-State Compact. The 2012 EIS is a programmatic environmental document that evaluated the policies of the 2012 Regional Plan. Programmatic environmental documents such as the EIS for the 2012 Regional Plan are not "updated," but will be replaced with a new EIS when the next Regional Plan update occurs. Tiering project-level environmental review from the broad, holistic environmental review contained in the programmatic EIS requires that TRPA evaluate any environmental changes, new conditions, or regulatory shifts that may require supplemental analysis. The process of evaluating the 2012 Regional Plan Update EIS is ongoing, and it occurs with each project-level environmental review TRPA conducts.

Two examples of tiered review occurred in 2021 and 2023 when TRPA adopted additional policies and Code of Ordinances (Code) amendments to promote construction of affordable and workforce housing in the region. Both actions (described below in more detail) included policies beyond what was analyzed in the 2012 Regional Plan EIS. Therefore, TRPA relied in part upon the existing analysis in the 2012 Regional Plan EIS, and in addition, completed new environmental analyses for each Code amendment at the time of adoption in an expanded Initial Environmental Checklist to evaluate the impacts that were

beyond the scope of the programmatic 2012 EIS. The programmatic 2012 EIS provided an opportunity to tier environmental review of these policies, but because the scope of the 2012 EIS did not include the new policies, the impacts of the new policies were addressed in supplemental environmental review.

In response to the inquiry regarding an “update” to the 2012 EIS, the answer is that the programmatic EIS for the 2012 Regional Plan continues to provide a basis for tiering environmental review, but for each project that comes forward to TRPA for review and approval, TRPA ensures that the environmental impacts of the proposed project are fully analyzed. The relationship between the 2012 EIS and a proposed project is discussed as part of the environmental review, and the tiered project document concentrates on site-specific impacts, impacts that were outside of the scope of the 2012 EIS, changes to underlying assumptions or conditions, and relevant new information. In this way, the analysis in the 2012 EIS is effectively “updated” with new environmental review for each proposed project.

Transportation Environmental Updates

As the designated Metropolitan Planning Organization for the Lake Tahoe Basin, TRPA is charged with maintaining and updating a Regional Transportation Plan/Sustainable Communities Strategy (RTP) every four years. The RTP is another 25-year planning document that includes the policies, projects, and funding needed to create a connected transportation system that reduces congestion, protects the environment, improves safety, and supports community and economic vitality.

TRPA approved an updated RTP on December 12, 2012, in conjunction with the 2012 Regional Plan Update. Since 2012, TRPA has updated the RTP three times (2012, 2017, and 2020). Each of these updates considers public input and new priorities in the region. For example, each RTP update has included more discussion and policies on evacuation planning. For each updated RTP, TRPA relies in part upon the 2012 EIS for the RTP and the 2012 Regional Plan EIS, both as programmatic documents are suitable for tiering future environmental review. With each RTP update, TRPA also prepares an additional environmental review that considers current baseline environmental conditions, changes in TRPA, state, or federal standards, and any other new information relevant to the potential environmental impacts of the updated RTP.

In 2024, TRPA staff launched the planning process for the required 2025 RTP update. The 2025 RTP will include a detailed project list, funding strategy, and performance management framework that will be collaboratively developed with stakeholders, the public, and the TRPA Governing Board. TRPA will complete this update in the first half of 2025, accompanied by an additional environmental review that takes into consideration all current conditions, regulatory shifts, evolving community concerns, and any other relevant information.

Updates to Housing

The disparity between housing cost and affordability for local workers impacts Lake Tahoe’s environment and communities. Displaced workers commuting into the Basin increase vehicle miles traveled (VMT), which leads to more congestion and runoff into the lake. Without housing that is affordable to local workers and families, communities within the Tahoe Basin may continue to lose the workforce and services that help them thrive, including teachers, nurses, firefighters, retail clerks, and waiters and the many services they help bring to life.

There are many factors in Tahoe and mountain towns across the nation that are driving the housing crisis. TRPA recognizes there is not a single solution. In 202, TRPA formed the Tahoe Living Working Group to help guide updates to regional policies, create incentives for deed-restricted affordable and workforce housing projects, and to look for ways to bring funding to the basin to build capacity for affordable and workforce housing at Lake Tahoe.

The first set of policy (Phase 1) recommendations came forward in 2021. TRPA approved new incentives for accessory dwelling units on residential properties that have completed water quality best management practices and are close to transit and services. These Phase 1 policies also help motel and hotel tourist accommodations to be converted to residential units.

Following Phase 1 and two years of work with the Tahoe Living Working Group, stakeholders, and the public, TRPA passed the Phase 2 Housing Amendments in 2023 to reduce barriers to constructing deed-restricted housing and multi-family projects. The Phase 2 Amendments allow flexibility in some development standards for deed-restricted development when environmental standards can be met. Only projects in town centers and areas already zoned for multi-family development can apply for these incentives.

These housing actions included policies beyond what was analyzed in the 2012 Regional Plan EIS. Therefore, TRPA relied in part upon the existing analysis in the 2012 Regional Plan EIS, and in addition, completed new environmental analysis for each Code amendment at the time of adoption in an expanded Initial Environmental Checklist to evaluate the impacts that were beyond the scope of the 2012 programmatic EIS.

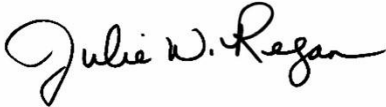
In 2025, the Agency will be working on Phase 3 of housing-related policies, which again will be accompanied by its own updated environmental analysis as required by Article 7 of the Bi-State Compact.

Conclusion

In summary, since TRPA adopted the 2012 Regional Plan and certified the EIS prepared for its adoption, TRPA has continued to update policies as needed, review and report on attainment of threshold standards, update the Regional Transportation Plan, and address the housing affordability crisis. Moreover, as discussed above, current baseline conditions, regulatory changes, and emerging environmental concerns are considered in connection with the environmental review for project-level approvals as legally required. TRPA will continue to rely on the 2012 Regional Plan EIS as a programmatic document to the extent appropriate, and for each proposed project, will prepare sufficient additional environmental analyses to ensure that current baseline environmental conditions, changes in TRPA, state, or federal standards, and any other new information relevant to the potential environmental impacts is evaluated.

We look forward to working with you and the full Nevada Legislature during the 2025 Legislative Session. Finally, we will be prepared to report our progress to the Committee during the 2025-2026 Interim. If you have any additional questions, do not hesitate to reach out to me directly at jregan@trpa.gov or (775) 589-5237.

Sincerely,

A handwritten signature in black ink that reads "Julie W. Regan". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Julie W. Regan
Executive Director
Tahoe Regional Planning Agency, on behalf of the Governing Board

cc:

Senator Melanie Scheible
Senator Angela Taylor
Senator Robin Titus
Assemblymember Ken Gray
Alysa Keller, Legislative Counsel Bureau
Hayley Williamson, TRPA Governing Board Chair
Vince Hoenigman, TRPA Governing Board Vice-Chair