

1975

S. B. 254—Wilson, Dodge, Gibson, Gojack and Hilbrecht, Feb. 25.

Summary—Makes various substantive and technical changes in the Tahoe Regional Planning Compact. Fiscal Note: Yes. (BDR 22-984)

Feb. 25—Read first time. Referred to Committee on Environment and Public Resources. To printer.

Feb. 26—From printer. To committee. 3/11, 3/17, 3/18, 3/21, 3/24, 3/26, 4/4

Apr. 2—From committee: Amend, and re-refer to Committee on Environment and Public Resources. Read second time. Amended. Re-referred to Committee on Environment and Public Resources. To printer.

Apr. 3—From printer. To engrossment. Engrossed. To committee.

Apr. 8—From committee: Amend, and do pass as amended. Read third time. Amended. To printer.

Apr. 9—From printer. To re-engrossment. Re-engrossed.

Apr. 10—Read third time. Passed, as amended. Title approved, as amended. To Assembly.

Apr. 11—In Assembly. Read first time. Referred to Committee on Government Affairs. To committee. 4/21, 5/7

May 7—From committee: Do pass. Placed on Second Reading File. Taken from Second Reading File. Placed on Chief Clerk's desk.

May 8—Taken from Chief Clerk's desk. Placed on Second Reading File. Read second time.

May 12—Read third time. Amended. Action of adoption of amendment rescinded. Read third time. Passed. Title approved. To Senate.

May 13—In Senate. To enrollment.

May 15—Enrolled and delivered to Governor.

May 17—Approved by the Governor. Chapter 502.

This act shall become effective only upon the adoption of the amendments to the Tahoe Regional Planning Compact, as provided herein, by the State of California, ratification thereof by the Congress of the United States and approval thereof by the President of the United States of America.

3/11/75

SENATE
ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE

March 11, 1975

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The meeting was called to order by Chairman Wilson at 1:10 p.m. in Room #131 on Tuesday, March 11, 1975.

PRESENT: Senator Wilson
Senator Sheerin
Senator Dodge
Senator Gojack
Senator Bryan
Senator Blakemore
Senator Neal

The purpose of the meeting was to hear public testimony concerning proposed Senate Bill 254 - Makes various substantive and technical changes in the Tahoe Regional Planning Compact.

Senator Wilson advised the assemblage that it would be possible for the meeting to move along rapidly if speakers were called alternately from those signing in on the two lists provided for pro and con speakers and if the witnesses found that their remarks had been expressed by the witnesses preceding them, then it would be necessary only to state their name and address and add brief remarks. By going to both opponents and proponents and sharing equal time, an opportunity would be afforded the Committee to ask questions following testimony. Chairman Wilson said there were witnesses appearing both from Douglas County and the State of Nevada who would be called first, alternating between pro and con.

The Chairman said two formal documents should be made a matter of record at the outset and if prepared testimony is presented it should be marked as an exhibit and made a part of the permanent Committee record and put in each member's book of minutes. The two documents to be included are: Letter dated January 13, 1975, from the office of the County Manager (Douglas County) addressed to the Honorable Mike O'Callaghan, Governor of the State of Nevada and attached thereto a Resolution which will become a part of the record. The Resolution simply recites (paraphrased by the Chairman) Whereas Douglas County established a master plan in the 1950's, it established a one mile limit on hotels and casinos from that time and whereas the TRPA was established by Nevada and California in 1969 without the matter ever having been brought to popular vote with a governing board having been appointed with 4 out of the 10 members not even being from this area, the one member out of 20 of the agency staff being from Nevada, etc. . .and whereas the TRPA has incurred to date an excess of \$300,000,000. in possible claims against Nevada, thereby be it resolved that the Douglas County Commissioners go on record as favoring the immediate withdrawal of Nevada from the Tahoe Regional Planning Agency. . .be it further resolved that in the place of the bi-state agency there be a council of governments established who are representatives of the county governing boards involved. The above marked as Exhibit I

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The next formal document to become a part of the permanent record is letter dated February 26, 1975, addressed to Governor Mike O'Callaghan from Warren W. Reed, foreman of the Douglas County Grand Jury. This letter is marked as Exhibit II. The letter calls for the withdrawal of the Tahoe Regional Planning Agency.

The first witness called was Mr. Douglas Leiszt. Mr. Leiszt has a prepared statement. From Douglas County, Mr. Leiszt outlined the accomplishments of TRPA, saying Peter Hanneford, Roy Knisley, James F. Crafts, J. Allen Bray and Roy Robinette were the committee working in March, 1970, who read all reports and held discussions with TRPA. Mr. Leiszt stated the following concerning TRPA: 1. The need for additional financing. 2. The Governing Board membership needs broadening of base for proper balance and there should be no question of a critical need for change. 3. That the agency needs to move out more aggressively. In the last year the Board has become more effective. He recommended amendment of Article 6-f. Exhibit III Ad Hoc Evaluation Committee Report dated May 31, 1975.

Q. Senator Wilson: On the second point with respect to the dual majority does your Ad Hoc Committee recommend a simple majority of the Board instead of what SB-254 provides? In terms of reversing the double majority rule to require an affirmative vote. Is that correct?

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Q. Senator Sheerin: Is the Federal Government interested in putting any money in at all?

A. You have a basic financing at State and Local level.

Q. Senator Sheerin: Do you support legislation by James Santini?

A. (inaudible)

Senator Sheerin disagrees with one point which he says could be more accurately stated.

Q. Senator Neal: As one not familiar with Tahoe problems, . . . dual majority. . . what are the problems you wish to remove?

A. Proposals brought before the agency that have been acted upon where decision has been voted against. Must have a majority of both states when a 7 - 3 vote fails. . . I believe the bill before you broadens the scope. . . after the simple majority vote.

The next witness is George W. Abbott of Douglas County who appears in opposition to Senate Bill 254. Mr. Abbott is Special Counsel to Douglas County, and to its Board of County Commissioners on Lake Tahoe Matters. Mr. Abbott submits a prepared text for the record.

Chairman Wilson marks letter dated January 30, 1975, signed by Paul Laxalt, U. S. Senator, Nevada, as Exhibit IV. The letter apprises recent developments pertaining to the Tahoe Regional Planning Agency and legislative proposals pertaining thereto, and is addressed to Mr. Roland L. Adams, County Manager, Minden, Nevada.

Exhibit V is marked for record. A letter addressed to Mr. Roland L. Adams, County Manager, Douglas County, Minden, Nevada, dated February 13, 1975, signed by Robert List, Attorney General, State of Nevada.

Q. Senator Wilson to George Abbott: If this compact is amended, have you been authorized to convey to us that Senator Laxalt will vote against ratification by the Congress?

A. Mr. Abbott reads from Exhibit IV, which states Senator Laxalt's position.

Q. Senator Wilson: In the concluding paragraph of your testimony on where to go from here, at least to where Douglas County proposes, you conclude that we should give TRPA a stern advisory to get its act together, conduct hearings for suspension of Nevada's participation, hearings that may go beyond the scope of SB-254, to determine whether the compact should be dissolved. Those are three alternatives. I note in your comments that you recognize that TRPA has not satisfied all of its mandate under the compact and the finding of public interest under the preamble of the compact agreement, that it has only completed one of the five mandates. Where do we go from here Mr. Abbott?

A. Mr. Abbott reiterates that TRPA should get its act together.

Q. Senator Wilson: Yes, we can tell TRPA to 'get its act together' in your words but let us assume it does not. We can withdraw, the suspension is a temporary thing. The alternative in lieu of withdrawal if the present structure and present level of financing does not, in your words, 'get its act together', what should we do? The point of these hearings is to look for solutions, so I am going to ask you for one.

A. I have referred to the guidelines. . .

Q. Senator Wilson: Let me understand; you would make the agency a coordinating agency as you say and inferentially I suppose that means - look to the counties for the primary planning and enforcement and insofar as the long range land planning is concerned and for the long range protection of the environment within that basis. You don't think the agency should have jurisdiction to develop minimum standards; I know that, but you are proposing a change in which the agency would become a coordinating agency, looking to the counties then for primary responsibility of planning and enforcement. Alright, then, restate it then because that is the state of the record right now. Mr. Abbott, I am just asking what you recommend in a definitive way and in jurisdictional language as to how the agency is supposed to operate in relationship to two states and the various counties. I understand the problem. I just want to know if you have a solution.

Q. Senator Bryan asked Mr. Abbott if Senator Cannon's consideration of the questions concerning TRPA should be requested as well as those of Senator Laxalt.

Q. Senator Dodge asked Mr. Abbott if he could bring the Committee up to date as to the ruling of Judge Thompson.

A. Mr. Abbott read from a decision by U. S. District Judge Bruce Thompson, August 14, 1974, Younger v. TRPA, concerning lack of willingness on the part of California and Nevada to surrender a portion of sovereignty.

Senator Gojack remarked that she does not think Nevada should be standing still while these decisions are being made. Mr. Abbott refers to further court decisions. Senator Wilson says that he believes the decisions Mr. Abbott is referring to were before Bruce Thompson, U. S. District Court, Western International Hotels, George R. Smith and George R. Smith, Inc. and Nathan S. Jacobson, Boise Cascade and Land Corporation and Edge-King Venture. He asks Mr. Abbott if these are the ones he has in mind, and states they will be Exhibit VI under date of January 10, 1975.

Senator Wilson makes the concluding remark to Mr. Abbott that he doesn't know what recommendations this Legislature is going to make and whether they will be approved by the Governor and that he would only say with respect to the exhibit, IV, that if a recommendation is made which changes the character of the TRPA that he would hope Senator Laxalt would review the recommendations before making a decision.

Senator Wilson calls Mr. Thomas Cook, 30 Sonora Circle, Reno, Nevada. Mr. Cook speaks in support of SB-254. He refers to the fact that he was born in California and that he suggests conditions at Lake Tahoe are much better today than before TRPA existed. He said that a few weeks ago there was a grand jury report submitted to the Governor resulting in SB-44. He felt that Counties are tempted to rely on Tahoe's tax resulting in increases to the counties. He referred to the Northwest Ordinance of 1787 to conquer wilderness and build great cities and today this premise is obsolete and highly destructive.

Q. Senator Blakemore tries to clarify why Mr. Cook referred to smog at Lake Tahoe.

Q. Senator Sheerin asks Mr. Cook whether he feels Lake Tahoe is a treasure, monument, etc., and if so, is the lake a world treasure, a national treasure, county treasure, etc. He tells Mr. Cook that he should know that SB-44 only goes to repeal the end TRPA and does not go to repeal the TRPA.

Mr. Cook and Senator Sheerin agree on a definition of Tahoe as a treasure and Senator Sheerin asks what the state's position would be to preserve that treasure? Is the answer condemnation? Does Mr. Cook think that part of the solution is the paying the land owners for the land that they own today?

A. Indistinct.

Q. Senator Neal asks Mr. Cook if it is his position that the natural right of man to privacy should override the property owners right to conjest.

A. Indistinct.

Chairman Wilson indicates he wishes to move hearing along by asking Committee to confine their questions to issues that are germane bringing out points necessary to complete the record.

Oyer

Harold Dayton, Douglas County Commissioner, states he is Chairman of Commission and member of the TRPA Governing Board. He is opposed to TRPA and urges the withdrawal from the Tahoe Regional Planning Agency as set forth by Resolution in Exhibit I. Mr. Dayton states he is a conservationist, one of the founders of the Lake Tahoe Council and past President of that organization. He states that the Ad Hoc Committee was not accepted by TRPA. Douglas County's principal objection to the TRPA is that it is not a flexible type of government. Under TRPA people are governed by non-elected officials. Reads a quotation from the San Francisco Chronicle of August 25, 1974, which refers to Richmond Democratic Senator John Knox and legislation dying after five years in the Senate in Sacramento after the Senate local Government Committee voted 5 to 3 against the proposed Bay Area Regional Planning Agency deciding it would impose another limb of government without the consent of the people. Mr. Dayton goes on to say there is no right of re-call on the governing board and the private rights of the people have not been protected. Something is obviously wrong with an agency who has 146 claims totalling \$225,000,000. He feels the local governing boards were doing a much better job before the advent of the TRPA. He gives examples of accomplishments in sewerage, bill boards, undergrounding of utilities, which he claims the TRPA had nothing to do with accomplishing. He states there are no bill boards or off-premise signs in Douglas County or the City of South Lake Tahoe. The Roundhill shopping district is an excellent example of local planning for the environment. Douglas County's plan to alleviate traffic congestion has been stymied by the TRPA. One mile gaming limits have existed since the 1950's and have not been deviated from. He feels all these achievements will not be recognized or honored (the Douglas County and Tahoe Planning Ordinances) under California dominated TRPA. 18 of 20 members live in California. He quotes from Ray Knisley about people being out of work in Nevada while California goes on with their construction.

Three years ago Nevada had 35% of the property values at Lake Tahoe. California's property values have increased 10% to Nevada's loss of 10%. He feels there are many in California who would like to do away with gaming at Lake Tahoe. He says Jim Henry, Placer County member of the TRPA opposes gambling at the Lake. He quotes Mr. Henry as saying "We believe the lake is being prostituted in this respect" and that he votes against - because of the esthetic values of what buildings are being put up as he really thinks they are bad. He stated the Sierra Club is proposing to phase out our clubs in 20 years by a tax credit each year - no outright buying - just a credit. Mr. Dayton continued by saying the California Attorney General has brought suits to prevent casinos in Nevada. Article 6 of the Compact specifically protects gaming in the one-mile area adjacent to the Nevada State line at both North and South Lake Tahoe and the TRPA attempts to intervene. On February 27 and 28 of this year at transportation hearings there were many expressions to remove gaming from Lake Tahoe. Mr. Dayton says Nevada's protection guaranteed by the dual majority 60 day limit as it now exists must not be changed and that the original bill called for a budget of \$150,000 maximum, funded by the counties. This year their budget is \$1,246,000. The staff had a financial study made at a cost of over \$13,000. to see how more funding could be made available. He feels the only purpose of the report seems to be funding for a super agency.

Q. Senator Neal:

A. 4 members from Nevada 4 members from California. Mr. Dayton tells Senator Neal that others will speak on this so he will not go into it.

Q. Senator Bryan: Is it your position that Nevada withdraw from TRPA?

A. Yes.

George Abbott asked the Chairman if at this point he could present three letters to back the Douglas County Chairman's presentation as follows: 1 from Senator Raggio, 1 from Senator Young and 1 from Senator Cannon. Chairman Wilson makes these letters a part of the permanent record.

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Mr. John Weise, representing the Environmental Protection Agency of San Francisco, states that in October of 1972, with passage of the water Pollution Control Act, Congress directed the Environmental Protection Agency to conduct a major study. He had served as Director of that study. Section 114 of the Federal Water Pollution Control Act mandated that EPA shall conduct a study on the fragile ecology of Lake Tahoe. . .to consider effect of governmental actions and their impact in terms of environmental impact on the Tahoe Region, and to make specific recommendations to Congress. The study was to be made in consultation with the TRPA, the Federal-State Agencies, local agencies and the members of the public. A copy of this report will soon be forwarded to Congress. It seeks to avoid duplication of previous study efforts. EPA found that TRPA is the most appropriate institution to regulate the use of private lands in the region. The TRPA is innovative but has achieved mixed success. The inefficiencies in the Compact have constrained TRPA. On September 21, and 22, 1973, public testimony was taken. An established planning agency with bare legal powers, it was found could act by majority vote of members present from any state - dual majority can and does allow one state to refuse to cooperate or compromise with the other state. There are substantial problems in the Compact to fund its needs, which do not allow for inflation. TRPA deals with a deluge of applications. Financial constraints have also held TRPA back from inspection of construction. EPA has not sent the recommendations to Congress although Mr. Weise wishes to emphasize that Congress will not act on these as Congress will only act on recommendations initiated by the regional and controlling agreements of the state. Mr. Weise stated that Lake Tahoe is a national treasure and that the final transcript of the explained report will be forwarded to the Committee.

Q. Senator Blakemore: What is environmental protection agency?

A. The EPA is a Federal agency.

Q. Senator Dodge: Do you exercise any authority environmentally in the Tahoe area now?

A. Indeed, we do Sir. Implementation of Environmental Control Act to insure Federal, State water quality standards in Lake Tahoe are protected.

Q. Senator Dodge: Are you exercising that authority now?

A. Yes, we are. . .we offered a Federal Grant to the TRPA to address the critical water qualities.

Q. Senator Dodge: Do you exercise any authorities in any other field. For instance, the impact of traffic, the transportation field, existing facilities?

A. Yes, our interest in transportation and traffic flow in the Tahoe Basin is related to the attainment and maintainment of National air quality standards.

Q. Senator Sheerin: Is there any recognition of buying in this study?

A. I study rather extensive discussion of land acquisition strategy by EPA. By itself, EPA does not have the authority for acquisition of lands. There are many parts of the study that I did not discuss here as this report is confined to the matter before this Committee.

Q. Senator Bryan: Did your study develop any cost estimates as to what this land acquisition development might involve?

Q. Senator Neal: Concerning whether or not this is a local matter, a federal matter, a regional matter, etc.

A. We do not imply Congressional or Federal control but Federal support or assistance in trying to protect that basin.

Senator Sheerin asked for report that they plan to submit to Congress.

Chairman Wilson makes letter from Senator Cannon, dated January 22, 1975, to Roland L. Adams, County Manager, Douglas County, Minden, Nevada, Exhibit VII.

Exhibit VIII, a letter addressed to Roland L. Adams, County Manager, Douglas County, Minden, Nevada, dated January 21, 1975, and signed by Senator William J. Raggio is marked for record. Senator Wilson reads Paragraph 2, as follows: "I do feel that we must guard against losing local control and I have supported the present situation, which requires a dual majority for contemplated action."

Charles C. Meneley, Jr., a member of the Douglas County Commission and who has served on the Tahoe Governing Board is called to speak. Mr. Meneley states that he will incorporate his remarks with those already presented by George Abbott.

Q. Senator Dodge states that he is interested in the background of what the present transportation plan is. He said he had discussed this with the State Highway Engineer and they have never gone through with their master plan for highway development in the area and that it may three or four years before any actual construction to relieve the transportation situation is perfected.

A. In 1968 Douglas County adopted a general plan for Tahoe and had bypass roads ready to build. There was no agreement with California since these were just roads to the back of the clubs from Kingsbury Grade. This was done because of the problem of getting fire engines and ambulances to the people in the clubs. The State of Nevada Highway Department and the State of California said they were going to build a bypass highway at Lake Tahoe and immediately Douglas County backed off since they thought this would be good. California bought practically all the property for this freeway. The State of Nevada bought two pieces of property, one right adjacent to California and one on Kingsbury Grade. Then TRPA came along so both states backed out and said they would not do anything until TRPA gets a plan. The TRPA has a Mr. Chuck Paulsen making a plan. Right now they have a plan that is almost identical to what Douglas County had in 1968.

Q. Senator Dodge: Is that plan finalized ?

A. No. The Highway Department will not get involved until the plan is completed.

Q. Senator Dodge: When?

A. The 15th of April is the date of the preliminary plan. Other factions are involved, people who do not want highways developed. You are going to have great difficulty if this bill is passed and you eliminate the State Highway's right to go up and build at Lake Tahoe.

Q. Senator Dodge: What do you mean - if this is passed?

A. You have taken the rights of the State of Nevada away up there at Lake Tahoe as far as the Highway Department is concerned. It has to go through TRPA. It states that in the bill and every vote that comes out will definitely be a tie and that is automatic denial. The Hotel Association is not too happy about Nevada building a road.

Q. Senator Dodge: Are you saying that the people on the California side are adverse to the working out of transportation problems at Lake Tahoe?

A. I don't think they want transportation on the Nevada side because it leads to the possibility of more clubs.

Q. Senator Bryan: What evidence to you have to offer this Committee to support that contention that California is opposed to develop a transportation plan, at least for the Nevada side?

A. The City of South Tahoe signed an agreement for a loop road around the clubs. Mr. Meneley quotes Mr. Knisley as proposing a vote on this which Nevada approved and California did not.

Q. Senator Wilson: Has the County submitted or made application for a public works project to TRPA.

A. Mr. Meneley says he is not sure and questions one of the members of his Commission in the audience who says he believes application was made in September.

Senator Wilson states that the TRPA can grant or deny an application but he would like to know if the application had been filed and evidently it had not.

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Mr. Roger Trounday, Director of State Department of Human Resources states that three individuals from his department will speak specifically to air and water and that his remarks are directed to the environmental concerns in the Tahoe Basin. Mr. Trounday provides a prepared text for the record. Prepared texts are provided also for Dick Sertoz, Air Quality Officer, Bureau of Environmental Health and Ernest Gregory, Bureau of Environmental Health. All three gentlemen respond to questions.

Q. Senator Dodge directs a question to Mr. Trounday asking what was involved in his attempt to prevent construction after permits were granted in Douglas County of the two hotels' developments up there. What was the environmental basis for resistance to these and what is the status of that?

A. The State Environmental Commission had passed regulations which are known as Complex Source regulations which dealt with these facilities and we notified the two applicants that they had not filed an environmental statement with us. The two projects would, in fact, exceed the air standards and water standards as established by the Commission. We went to get a temporary restraining order. Since then we have gone to court on that and they have agreed and have submitted an environmental statement and we are publishing in the newspaper that we have accepted the fact that it does come within our statement. Currently it is in a review state - a 30 day review stage for anyone who would make comment on that.

Q. Senator Sheerin: Asks question referring to complaints from people in Reno that the quality of their water has gone down and does Mr. Trounday believe that the quality of the Lake Water has gone down.

A. from Mr. Gregory: We are very concerned about the planning which has established that TRPA has been given that designation for surface run-off. We have worked rather extensively with California on run-off which is in the upper Truckee which is in California. There have been no changes to our knowledge since 1962 in the offshore monitoring stations in the Lake Tahoe Basin. There have been changes near shore where it has been influenced by construction. We do know that sewage is percolating out of the cinder cone into the head waters of the Truckee, as well as some other discharges down stream in the Truckee which do have an adverse affect on the Truckee.

Q. Senator Sheerin: The pollution problems of the Truckee are due to developments outside the Basin rather than to developments in the Tahoe Basin?

A. No, they are due in part to development within the Basin because of the sewage at the North end, including our clubs at the North State line, are exporting sewage to the cinder cone which is right at the head of the lower Truckee and this, then, through the cinder cone and is discharged just outside the Tahoe Basin.

A. Senator Sheerin: We need to transport it to a different location?

A. Yes, they probably would like it in Fallon.

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Q. Senator Blakemore asks Mr. Trounday if the alteration of the present bi-state planning agency make any difference to the work of his agency?

A. Our concern is that we don't feel that there has been enough consideration in the past to the environmental concerns of that Basin, and with the voting structure as it is, we feel that we could be by-passed and that primarily is our concern. Mr. Trounday continued to explain that his agency feels they must be in a position where environmental concern are out front and they would like to assume that the voting structure be such that if there is a project at the Lake that would pollute the area, then the project could not be allowed to proceed without some environmental control.

Q. Senator Blakemore asked Mr. Trounday if air and water control are the state's responsibility and if this is our concern.

A. We feel the state's responsibilities have to be protected.

Q. Senator Neal asks approximately what length of time would elapse before affluent would be observable in the Truckee.

A. Mr. Gregory responds that in about 45 days affluent is detectable coming out of the top of the cone and that there are traces within 35 to 45 days.

Q. Senator Dodge asked a follow-up question regarding TRPA structure. Asking if in Mr. Trounday's opinion the environmental problems get critical and if the agency continues to be by-passed, if his agency has enough "clout" to move to cut development.

A. I don't know legally if we have that much "clout" within the statutes as far as air and water qualities are concerned. I would have to ask my legal department, Deputy Attorney General. The other recourse is through the courts which is a long process for anyone. Mr. Trounday said that he would like to see the environmental issue in the preliminary of any planning so that his department would be in a position to say yes or no. TRPA should have all the information before a final vote. He would not like to see a voting structure that would by-pass all his agency has done.

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Mr. Raymond Smith, Private Professional Planning Consultant, living in Douglas County. Mr. Smith states he is representing Douglas County. He said he would like to talk about two elements which relate to Douglas County. One element is the planning history of Douglas County and the other concerns the record of building volume that has taken place in the last 15 years. He states that Douglas County is proud of their record of planning, particularly within the Basin. They have been a leader since the 1950's and initiated many of the planning controls that have taken place - many before the TRPA was conceived. Douglas County asserts they are still providing a very broad planning input. A list of development controls currently in force in Douglas County is shown by charting the date they were originally enacted, dates revised and dates as they relate to TRPA. He said that in 1950 the Douglas County general plan was resolved which did include the Tahoe Basin. This plan was revised successively - the latest time a month ago in 1975. In 1956 Douglas County adopted the first subdivision regulations in the Tahoe Basin. Revised in 1968 and currently under study by a select committee. Washoe County adopted subdivision regulations in 1955. Douglas County revised their 1952 zoning ordinance in 1959, and in 1968, following Washoe County. The 1958 highway plan was originally conceived in the Basin. This was revised 1961, 1963, 1968 and 1971. He said he didn't know what its status is on the state level but that it was one of the earliest ones. There was a recreational study plan and report in 1968, the third one in the state. The first billboard control of 1946 was revised in 1956. In 1966, the architectural review control exercising reviews of all non-residential buildings throughout the county. He said the foregoing was probably illegal but nevertheless had been active. He continued reference to early dates of such development controls as unit development, city beautification policies, cluster approaches, first mobile home regulations, agricultural and open space policy, fire districts and controls. In 1958, he said, they exercised the first gaming controls and in 1955 saw the beginning of the Lake Tahoe efforts.

Mr. Smith's second item of the record of activities within the Basin was to provide statistics to show that the accusation that Douglas County is ruling the Lake is not so. He said that building permits issued, actual in 1970 - 1974, divided between single family and multifamily units were 10,259. In 1960 - 1970 there were 13,075. The percentages were 37 for Nevada 62 for California. In the years 1970 - 1975 of the 10,259 permits, 25% were in Nevada and 74.5% in California. The permanent population is 41,870. The peak seasonal day use population is 700 visitors of which 79% are California and 21% are Nevada. California increased the permanent population by 11,000 people and for the same period the Nevada increase was 4,705. The greatest peak traffic volume was on the California side. The average daily traffic in Nevada in 1971 was around 18,000 on U. S. 50, just south of Kingsbury Grade. In 1974, the estimated peak traffic at State Line was 50,000, although the figures are not out yet. Mr. Smith estimated that each private dwelling unit generates about 7 trips a day, each motel about 4, and each hotel about 2. New residential construction in Nevada accounts for about 5,800 additional trips per day during the past five years with 28,000 trips per day related to the new residential construction in California. He stated that his point is that it is pretty obvious where the traffic is coming from.

Q. Senator Dodge asked Mr. Smith if he had included employees of hotels in his figure of 2 trips per day average on the Nevada side.

A. Mr. Smith explained that this population was relatively small.

Q. Senator Dodge asked about the employees in the basic facilities, casino and shop employees and whether Mr. Smith had figures in all those areas that he could quote.

A. Mr. Smith replied that he did have the figures. However, in this presentation he only included hotels and casinos.

Senator Wilson suggested that Mr. Smith may wish to submit this in written form as part of evidence of witness.

Mr. Smith said that other factors relative to Douglas County and their position concerns a new development approved by TRPA indicating one residential development approved for a whole year compared to a 22 condominium development and that he would underline that Nevada certainly has not undermined the Plan by changes of variances for land use. He said that Senator Wilson had asked if Douglas County had submitted a public works plan application and that the County Manager (Douglas) has said it was filed late last summer. It was filed on the recommendation of Agency staff but is holding somewhere. He continued that reflective of Mr. Trounaday's remarks where it became quite apparent that we now have an environmental control, they are now exercising an environmental control, the agency requires a complete environmental impact report as a condition of precedent for filing any kind of a report before it normally begins as it does influence design. This is a common practice before the TRPA today. He said he does not agree that California should be involved in Nevada

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environmental control policies any more than Nevada should be involved in California environmental control policies.

Q. Senator Neal asked Mr. Smith if the Cinder Cone that carries the affluent wastes is not in Douglas County.

A. No, that is in Placer County, California.

Exhibit IX, letter from Senator Cliff Young to Roland Adams, dated January 22, 1975. Chairman Wilson announced a recess for five minutes to 4:00 p.m.

The meeting reconvened at 4:10 p.m. Senator Wilson in the chair.

Mr. Gary Owen, Legal Counsel for TRPA, testifies at the request of Mr. Elmo DeRicco. Mr. Owen stated he resides in Carson City, was admitted to State Bar of California and Nevada and that Mr. DeRicco is a member of the governing body of TRPA. In his comments Mr. Owen will deal as near as possible with factual information dealing with two amendments primarily dealing with the Tahoe Regional Planning Compact. Mr. Owen has a prepared text for the record.

Senator Wilson made Tahoe Regional Planning Agency Memorandum, dated March 10, 1975, addressed to the Nevada State Senate Committee on Environment and Public Resources subject to Senate Bill 254 (Proposed Amendment to NRS 277.200-Tahoe Regional Planning Compact) Exhibit X of record.

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Mr. Owen stated that he would comment on two areas with respect to factual considerations and bearing on current legislation as proposed. 1. The dual majority rule. 2. The 60 day clause found in the Tahoe Regional Planning Agency Compact. He said the dual majority provision actually creates a voting system within the TRPA. A requirement that a majority vote of members present representing each state vote by majority vote to take any action on any matter. The dual majority vote itself has created very few problems. It does serve a purpose and we can all see that there is a purpose with respect to each jurisdiction having a say of what occurs. However, there is a significant problem which occurs which I will address later of the reading of the dual majority system concurring with what is called the 60 day rule.

Mr. Owen continued that the second division he wishes to comment upon is the 60 day rule. The most significant area of abuse that this situation raises is that if a project is proposed to the agency that actually violates an agency ordinance or standard, the agency is obligated to adopt ordinances and standards in the basin for land use, land coverage and other requisites in the basin.

Q. Senator Blakemore: His question concerned problems with board members leaving or failing to attend meetings.

A. We did have that rather untimely departure of a member the other day which destroyed the quorum. There have been occasions where we have had to call people to get enough people there to take action. Mr. Owen noted that he did not believe anyone deliberately stayed away to defeat the action. However, there was a possibility it could happen.

Q. Senator Blakemore: Asked if they could be playing a game.

A. It could happen, yes.

Q. Senator Blakemore: Doesn't the Executive Director have any influence over them, over the work being done?

A. I don't think that is the point. The Executive Director is the employee of ten members. He can certainly implore people to stay at the meeting but they could walk out without any question.

Mr. Owen states "I feel that objectively the rule as proposed by this bill, as an attorney, would work. I feel objectively it is not working now"

Q. Senator Neal asks Mr. Owen the makeup of the Board.

A. Currently there are ten.

Q. Senator Neal asks question concerning approval of action of the Board.

A. Mr. Owen explains that in other words there would be 3-2 in Nevada and 2-3 in California and that would be the action either denied or approved. He said that would be possible. It would work. It would not work under the current language because it would not be a dual majority.

Q. Senator Neal said what he was thinking about was breaking the situation open to have some area of bargaining as to vote.

A. Mr. Owen replied that would be a possibility, no doubt about it.

Q. Senator Sheerin asked how many staff members there were for TRPA.

A. Mr. Owen is not sure. He believes there are 20

Q. Senator Sheerin: How many live in California and how many in Nevada?

A. I think the figure is 18, myself and one other live in Nevada.

Q. Senator Sheerin: His question concerns when the TRPA was formed. Was it formed by bond issue and did the people of California vote on a bond issue.

A. Not sure but believes that is the one creating a Conservancy District and he believes this was done by a vote of the people.

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Q. Senator Sheerin asks whether they used the \$10,000,000. to buy land. He was referring to the bond issue in the prior question.

A. I'm not so sure. I think a limited number have actually occurred.

Q. Senator Sheerin said that Mr. Owen mentioned that he wanted to change the voting procedure because of projects going through and that Mr. Owen was obviously referring to the two Nevada hotels.

A. No question about it.

Q. Senator Sheerin: Then you feel you will be able to control gaming in Nevada?

A. That is not my interpretation, Senator.

Chairman Wilson reminded the audience that unfortunately this hearing is not an audience participation program; and for the participants to please take one question at a time. He asks Senator Sheerin to state his question. Mr. Owen replies that he knows the question and that he does not feel that it was implied nor explicit in his answer that the voting system is to control gaming. He continues that he is a Nevadan and he realizes how vital gaming is to the state. However, Lake Tahoe is an area of very delicate environment and he feels that regardless of whether it be gaming, development of any type has a possibility of a significant detrimental effect on environment. He stated that if it would happen to be a gaming project, then the project would need to be controlled. In short, he is not specifically against gaming.

Q. Senator Sheerin asks what the reasoning to change the makeup of the board from three elected officials to four appointed officials.

A. Mr. Owen states that because that is a policy question and he is a staff member, he would prefer not to answer.

Q. Senator Sheerin asks about condemnation on TRPA.

A. Mr. Owens replies that if by condemnation the Senator is referring to the liability of the agency for money damages because of its regulations. . .refers to the ruling by Judge Thompson, that he would answer that it is not a question when you are considering damages, that the term condemnation does not necessarily refer to the award of damages and that there are cases where it does not refer specifically to price of property and therefore it should be stricken. He states that the TRPA is a regulatory body and not a condemning body.

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Mr. George Finn, resident of Douglas County begins testimony by stating that he is proud to be a resident of Douglas County because he believes Douglas County is going to eliminate the TRPA. He stated he has a few unkind words for TRPA. He feels the first paragraph of the bill consists of heresy and begins to read from the bill saying "Gentlemen there is nothing factually evidenciary that anyone could point to that could support the first paragraph of this legislation".

Chairman Wilson explains to Mr. Finn that Mr. Finn is reading from the preamble and that is not the language of the bill. He explains the new language of the bill is either in italics or brackets and that what Mr. Finn has before him is the original legislation which was passed in 1968: Article I, Findings and Declaration of Policy that was passed by the state and ratified by the Congress in 1968 or 1969. Mr. Finn agrees but continues by saying "I am referring to your original compact and this is what I call heresy". "I am referring to SB-254 which includes your entire legislation, so I talk to this bill. When you pass this bill you are going to pass everything that was in the prior compact plus".

Chairman Wilson explains: "No, the compact remains law unless either of the states withdraw or abolish it. This bill is only effective to the extent that it takes language from or adds language to the ratifying existing act."

Mr. Finn withdraws reference to the bill and will refer to the compact itself. He speaks to the compact in first paragraph A, saying it has nothing factual that it may endanger the natural beauty or productivity; the only thing that has endangered the economic productivity of our region is the TRPA. They have endangered it by some \$300,000,000. worth of claims and litigation against the counties and the state. He claims that in the area of problems of resource use and environmental control, that local government is taking care of all these problems. He states that the highly industrialized area problems are not true of Lake Tahoe and there is no pollution at Lake Tahoe. "Trounday's outfit has tried to find some". He continues that because of the terrain at Lake Tahoe and because the EPA Standards require 35 micrograms per cubic centimeter of pollution material to say there is any pollution is not so. Mr. Finn quotes from Section C. . .there be established an area wide planning

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agency with power to adopt and enforce a reasonable plan of resource conservation and orderly development to exercise environmental controls and other functions as enumerated in this title". Mr. Finn takes exception to the fact that not one of those persons in the board of governorship is elected to that body. He said some are elected in Douglas and other counties and then they are appointed to TRPA. He suggests that one ask the lawyers just how you can justify appointees passing the laws to govern the use of air and water both public and private in Lake Tahoe. He feels that the truth is that these appointees have control of the use, water and air we use; we submit to absolute control of our environment. Mr. Finn adds remarks concerning conditions of soil and believes that even though there has been long-time pollution of the water, ecology has survived. Mr. Finn compliments the committee on their ability to ask such intelligent questions and says he does not know if they are getting equally intelligent answers. He refers to Senator Dodge's question regarding Douglas County road plan. He said the Advisory Committee of TRPA did review the plan and submit it to TRPA - three meetings ago - for approval but because of public meeting on the matter it was deferred twice. He said Mr. Knisley was prepared to make a motion to adopt and the report reads in part. . "The governing body of the Tahoe Regional Planning Agency hereby finds that an unsolved traffic problem exists in the Stateline area of Lake Tahoe, California but any developments in the area will cause further congestion in the area and environmental degradation unless prompt remedies are found. Said governing body members have reviewed the Douglas County Plan entitled Stateline Area Plan Solution dated August, 1974. . .which incorporated the Douglas County plan. . .The governing body finds and has promised to ease and alleviate the Stateline Lake Tahoe traffic and air pollution problems and hereby recommend that state and local government give immediate attention to the problems existing on future needs of the area and consisting of the plan". Mr. Finn explains that this will be introduced at the next meeting and there are people present who can explain the subject. The author of the plan is Glen Lundberg. . .and Dick Whitney.

Mr. Finn is advised by Chairman Wilson to submit the paper referred to above to Senator Dodge if he so wishes.

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Mr. Finn states that he would like to answer a previous question from Senator Gojack as to whether or not there is any movement or evidence or proposal to destroy or eliminate Lake Tahoe and in answer he would refer to an article in the Sacramento Bee of February 28, 1975, which refers to the population boom of recreation, etc. Mr. Finn continues that he would like to testify that the Governor's representative, Ray Knisley, told Bill Harrah one day that "Bill you have a legal business in Nevada but it is still a vice" Mr. Finn continues by saying that Mr. Knisley is against gaming and there are problems and they can be taken care of by Nevadans without the TRPA. He also believes that Nevada does not need to surrender sovereignty to California. He states he is answering Senator Neal by philosophy of government in that he is opposed to this bill and hopes an amendment will be taken to withdraw from the TRPA.

Q. Senator Gojack to Mr. Finn. She states that she did not intend for her previous question to be used as a springboard for Mr. Finn's testimony as she had covered four or five other areas of conjecture.

A. Mr. Finn states he was only answering one.

Mr. Walter McKenzie, Reno, Nevada, former member of TRPA, 1973-1974. Mr. McKenzie states that some of the same things heard today had been heard 16 years ago and that he could recall when there was no TRPA and what happened to TRPA that could have obviated some of the problems of today and that the old Tahoe Regional Planning Commission was put to bed by Douglas County when that County found it might have to surrender some of its sovereignty to other counties. He states that never at any time did they take any land from anyone in spite of the word inverse condemnation. . .about 1968, the California courts were about to decree that as long as the use of the land remained, man was not to be deprived of the use of it. He said there were some erroneous testimonies throughout the afternoon but he would not take time to comment upon them. The whole purpose of the agency (TRPA) is a cooperative venture but since he has prepared material to present he will skip explaining the foregoing. Mr. McKenzie said he approves and endorses the two members of the TRPA and that the

proposal to select members is agreeable with him. He said he has to endorse Section G, Article 3, having to do with the dual majority situation. He hopes all members will act with principle in the state versus state situations and as individuals. He said the combination of the dual majority and 60 day rule has created some monsters and in trying to reach a conclusion, to rewrite and make motions, soon it is so confused that nobody knows what is going on. He said this is what happens with the combination of the dual majority and the 60 day rule. It is practical to have a system of automatic rejection - and will accept provision for simple majority. TRPA is not a super-government but provides the best possible guidelines for the Lake. He feels SB-254 may provide ways to find ways around the problems. He adds he would propose that the Legislature ask Congress for matching funds.

Q. Senator Blakemore.

A. Mr. McKenzie replies that he is not prepared to comment.

Q. Senator Neal. Concerning modification or abolishment of dual majority.

A. Mr. McKenzie said his best position on that you put a method of voting on those who have to live with it. Certainly, voting standards can be made better but it should be worked out so it is simple.

Q. Senator Dodge: He asks if he understands Mr. McKenzie to say he has seen too much selfish interest on the part of the counties which should not continue and if the counties were motivated more by the advantages of the tax base as opposed to other considerations.

A. Mr. McKenzie states he was appointed to do his best job by Washoe County and was allowed more freedom than most members - that he did his project homework in advance and felt he was in a better position than one who might have been subject to pressures - political, economic.

Senator Sheerin reads statement from Carson City officials urging adoption of SB-254.

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Elmo J. DeRicco, Director, Department of Conservation and Natural Resources, State of Nevada. His testimony consists of prepared text entitled, Tahoe Regional Planning Agency. Mr. DeRicco has served four years as a member of the TRPA Governing Board. He feels the present mechanics of TRPA are inadequate to meet the goals of the compact and the present dual majority requirement is not effective. He believes Nevada's interest at Tahoe should be equal with the local jurisdictions and that state representation should be increased on TRPA. Mr. DeRicco submits a report entitled, Estimated Federal Expenditures for Lake Tahoe Basin, Period Fiscal Year 1964 - Present (11/13/74) as Exhibit XI

Q. Senator Bryan asks if following the procedures of the existing TRPA has been impeded by development of land use after all these years.

A. Mr. DeRicco replied that this was an important item in the compact and that they are going to develop other items also. They have to do the best they can and that transportation alone has required monumental effort.

Q. Senator Blakemore; asking Mr. DeRicco's opinion as to the accomplishments of TRPA.

A. Mr. DeRicco says he feels the objective of TRPA was to accomplish exactly what they did but evidently those on the California side didn't think this.

Chairman Wilson advises Mr. John Meder that his testimony will be taken later in the hearing.

Mr. Russell McDonald, Washoe County Manager. Mr. McDonald says his remarks will be short and more clinical than emotional. He turns to Page 3 of the bill and thinks there are serious defects in its operation although he is not accusing those who introduced the bill and he is sympathetic to the bill drafters. He feels he can demonstrate the complete inadequacies of language when reading the amendments as proposed. He explains to Chairman Wilson that he is referring to Page 3, starting on line 5, concerning appointment of the two county members and the supervisors from Carson City. He states he thinks that makes sense and thinks the purpose of this amendment is to correct the lack of reasonable representation. He goes to further language and points to the qualifications for appointment of county commissioners or supervisor. He said the "kicker" comes at the end from the old language. This concerns failure to attend executive meetings of the governing body and assuming, then, how to appoint the vacancy. If the board cannot control the vacancy, then the Governor must, or shall, or is able. He said "you have built in the qualification of this member and you have 'circled the dog of biting his tail'". He said he does not think this was introduced by design. For a good reason, not the fault of the commissioner, is the fact that he could miss three consecutive meetings and be out. Then, no-one can appoint because as long as this person is a commissioner, he holds a qualified position. It follows, then, that you have divested that County of

any further representation until there is an election. The compact speaks to one guilty of malfeasance already so Mr. McDonald suggests that if the Committee considers passing this bill out that they have some elasticity so that these foolish events do not occur. He states the compact has survived despite criticism for a good many years without amendment - perhaps because it was too cumbersome to amend - and further he said he would oppose anything respective to apportionment or reapportionment to create commissioner districts as he had to go to court on writ of mandamus to get an ordinance approved.

Q. Senator Wilson: Asks if Mr. McDonald is saying the commissioners should determine who the representative is on the board.

A. Mr. McDonald answers "that is one approach". He said, if possible, the present county commissioner appointed by the board, Mr. McKenzie, happens to be the chairman. He is not a resident of the commissioner district at the Lake. The mandates of the compact once it becomes effective would cause the commissioner from that district to be appointed. That man would occasion non-attendance on occasion. He continued that the Committee should consider these two factors by way of amendment.

Q. Senator Wilson asked if Mr. McDonald is saying that the board should be so elastic that the commission can determine which, if any, of its own members to appoint, or go outside the board.

A. Mr. McDonald feels the elasticity should be there because the opportunity should be there to those commissions of 3 or 5 or 7 members in the future to look to the public sector for possible appointment to get outside the family at home.

No questions from Committee.

Senator Wilson asks if Mr. McDonald indicated that Mr. Scott was going to make a statement in conjunction with his.

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Mr. Dick Scott, Chairman of the Washoe County Commissioners, Reno, Nevada. Mr. Scott stated he was in favor of the status quo and that he was against losing the dual vote. "On the proposed amendment, the Governor would have two appointees. There would be one representative of the Nevada Department of Conservation and Natural Resources or the Director's appointee who shall act as coordinator for the members from the respective states, one more member to be selected by the three elected officials and three appointed officials." He continued that if a decision cannot be made within 30 days the Governor then appoints - this could result in 4 being selected by the Governor and three elected officials. Regardless you would end up with four appointed people and three elected. He went on to say the Washoe County Commissioners supported the position on paper responding to the Ad Hoc Committee Report. The position paper states Washoe County supports the status quo believing the bill SB-254 would result in representatives becoming advisory members and emasculation of the respective county's duties and responsibilities other than payment of monies under the compact. He continued that as elected officials he or they feel they represent the interest of peoples in their areas and he knows of no other representative body that has more appointed officials than elected. He feels, in the interests of the people represented, that they are entitled to have control of the vote on any board. In speaking to the proposed amendments on the dual majority vote, he said Page 4's amendments appear to deal with day to day agency procedures and Page 10 specifically refers to requested review or approval of any public or private proposal and that the net result is the same. He said because the amendment does reflect the ordinary device employed by most governing bodies in the event of a tie vote the question is generally lost. As stated in the Washoe County position paper, the compact is a product of legislative compromise. Mr. Scott's opinion that insertion of a "simple majority vote provision" would be a surrender of state sovereignty allowing in some cases the domination of a sister state over a portion of Nevada. He said Washoe County has stated publicly they would never vote for another casino at the South end of the Lake. At the same time they are concerned with the economic problems they have at the North end of the Lake. They should be able, if the people approve, and if it meets the criteria of TRPA, to have another hotel casino approved which has

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been grandfathered in. He believes if dual majority system is lost Washoe County will never be in a position to have another hotel-casino at the Lake. Washoe County concurs with Douglas County with respect to review by the agency of all public works projects prior to construction. He said the proposed amendment would seem to invest the control of all public works projects within the region but would also have impact on water availability. Mr. Scott referred to finances and refers to Page 11, the proposal to turn over to the agency money equal to that apportioned each year in an amount to that of the Nevada, California counties. Mr. Scott says he reads the language as a proposal to double the budget and that primarily they need more enforcement of TRPA ordinances. He said that in complying with the compact Washoe County paid \$28,980. in 1973-1974. He said the building department and District Attorney's Office always complied to enforce violations incurred within Washoe County in the Lake Tahoe Basin. He said if the legislature makes commissioners purely advisory, as discussed, then Washoe County sees little reason for additional support; financial support.

Q. Senator Wilson asks concerning Mr. Scott's remarks concerning economics on the the desire of the commission of one more hotel in Washoe County, "do you think that really is the criteria we should look to in answering a more ultimate question and that is whether or not we are satisfied with the structure and operation of the compact".

A. Mr. Scott says he doesn't, in fact, see that it fits in. Senator Wilson explains that he did not want to misunderstand Mr. Scott, and that Mr. Scott had expressed apprehension that were the bill to pass requiring an affirmative vote of each of the two delegations, that you wouldn't have that hotel.

A. Mr. Scott said it would be nice if ten members of the board could sit as a body and pay more attention to what they should be there for. If this vote is changed and we would like to have that hotel at the North end of the Lake it would never be.

Q. Senator Wilson states he is just trying to get Mr. Scott's comment into perspective.

Q. Senator Wilson asks Mr. Scott what kind of cooperation has he enjoyed from the sister counties in Nevada. He explains that the Committee has heard a lot of comments with respect to counties being preoccupied with their local interests as opposed to basin interests. He asks if Mr. Scott has ever had a quorum defeated.

A. Mr. Scott replies in the affirmative saying that at the last meeting Douglas County's delegate felt he had to leave at 4 o'clock and left us without a quorum which was embarrassing to both Nevada and California.

Q. Senator Dodge asks what the guidelines were in determining the two hotels mentioned in his remarks and why these were in order but no others would be.

A. Mr. Scott answers there is a one mile limitation for gaming. There is one more piece of land, approximately 11 acres next to the Tahoe Palace, which could support, possibly, another hotel casino. He felt those two proposed were entitled to build, but after these there was no further room. He explained he was not concerned with what Nevada is going to do to the Lake but more what California has already done to the Lake and to the Truckee, etc.

Q. Senator Bryan said that he takes it that Mr. Scott is apprehensive that if SB-254 is approved in present form, California will vote as a bloc.

A. Yes.

Q. Senator Bryan asks what Mr. Scott's experience has been while serving does the board vote as a bloc on applications?

A. Mr. Scott replies the present makeup of the board is pretty good. He feels the number at present is somewhat difficult and the more people added, the more difficult it will become. He adds that all in all it presently is a fine board.

Q. Senator Neal asks Mr. Scott when the meetings are held and states he would like to visit a meeting.

A. Mr. Scott replies that the next meeting is March 18, and that he would pick up Senator Neal and take him to the meeting if he so desired and that he would like to see everyone attend the meetings but understood that schedules did not always permit.

Mrs. Emily Greil testifies that she has lived at or visited Lake Tahoe for the past 37 years. She has seen many changes and she wishes to say "amen" to the previous remarks made by Mr. Tom Cook. She said she takes exception to one or two things said by Mr. Abbott. She feels that everyone should be proud of the Lake and that all the recreation facilities there should not be indoors.

Mr. Gary Edin testifies that in 1969 he and some friends bought property at Lake Tahoe expecting to sell a small portion and keep the balance until 1976. They felt it was a good time to create a state of the arts type of development. He said that as an officer of the land corporation there purchase had not been a good guess. After purchasing the property TRPA came into existence. Their property had been "painted green" which he explained was a general forest classification and as a result they were only able to build one dwelling unit on 260 acres. He said it did not make sense, explaining the expensive and exorbitant improvements they would have to make such as underground utilities, etc. He took exception to Mr. McKenzie saying that TRPA has not taken any property. He said they had not taken property in one particular fashion or another except they had taken property to the point that nothing could be done with it.

Q. Senator Wilson asked Mr. Edin if he was speaking against SB-254.

A. Mr. Edin said he was.

Q. Senator Wilson advises Mr. Edin that the Committee can spend lots of time listening to testimony about downgrading property by the TRPA but that the point of the hearing is whether the membership of TRPA should be increased and change the "double veto, so to speak, to a double positive vote to approve a project"

A. Mr. Edin replied that he was getting to that. He continued by saying he and his partners were caused money damages never to be recovered and through condemnation they lost the property through default and that they were looking for that part in government where there is some compensation for such a loss.

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Mr. Rowland Oakes, Manager of the Associated General Contractors in Nevada, testifies that the members of his organization put in place about 85% of all construction in the United States and that they receive about 1/8 of the consumer dollars spent in the country. He reviewed briefly that they build schools, hospitals, highways and also ecological projects, parks, etc., including the export system to take sewage out of the Tahoe Basin. He said that in 1973 the construction volume in Nevada was \$625,000,000. and this year amounted only to \$450,000,000. and that there was 20% unemployment. He said his people cannot afford delays which increase the cost of projects. He suggests that an agency such as TRPA is needed at the Lake and the present agency should either be retained and made to work or that one should be developed similar to the Regional Planning Commission. He said the final authority is in the hands of the elected officials because the agency has not fulfilled the obligations set forth 5 or 6 years ago. If you call and ask for a land use plan, they say there is not one available for a year and they do not intend to reprint it. He continued that if an owner is planning to build at Tahoe, he should know what the ground rules are and these should be readily available to anyone investing money there. He said the contractors are in the middle and the Committee might wish to consider what is done in many states where if a project has been started by a contractor, the person stopping the contract is required by law to post bond equivalent to the loss the contractor might sustain. He hopes whatever the Committee does that they come up with some way of letting projects already approved proceed and at least pick up that volume. Mr. Oakes referred to a comment by a previous speaker that an incomplete application would have to be accepted even without a filing fee. He stated that the statute itself as it had been written said if it requires modification they can approve within 60 days. He concluded that it was obvious if the filing fee was not there they could notify whoever submitted the application within 60 days that they are requiring that person to modify the application by submitting a fee.

Q. Senator Sheerin asked if Mr. Oakes said a land use plan or a general plan.

A. Mr. Oakes replied that he had said a land use plan.

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Mr. Milton Manoukian, Carson City Attorney, appeared to testify for two clients, the Douglas County Improvement District #1 and the Tahoe Shore Owners Representation Group consisting of thousands of clients who have vested interests in shore line property going to be affected by the shore zone ordinance presently under study. Mr. Manoukian said he would ask where the support for this legislation is coming from. He said the signatures of the Ad Hoc Committee were noticeably absent. He added that only 2 out of 6 have any contact with Nevada and the Tahoe Basin. Where is the support generated and why the resistance in terms of the implementation of the plan. He referred to the experience of Mr. DeRicco. He feels perhaps the TRPA has lost sight of their objective. He said he would submit for consideration the Lake Tahoe Joint Committee Report dated March 18, 1967. He said he spoke to the fact that the legislation proposed is not going to accomplish what the proponents ask and that secondly the legislation is in derogation of the compact itself. He continued that he supports the contentions made by Mr. Abbott and those of Thomas Cook, and of Mr. DeRicco. He said TRPA should be a governmental entity of general purposes, limited functions designed to supplement and not to supplant or displace the local governments. He said he is surprised representatives of the Highway Department are not present to contest some of the proposed public works amendments. He continues that the language is cumbersome. He said there was no clear justification for filling another layer of government which would dispose of SB-44, passed in haste last year. He said he was against expanding the membership as encumbering and that it would compound the present problems. He said the TRPA is not presently following the mandates as originally written, 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 interim or general plan.

Steve Warren, resident of Douglas County, resides at Round Hill, Tahoe. Mr. Warren said Mr. Abbott, Mr. Dayton and Mr. Manoukian express the majority of his views. He said there had been a statement made that no property had been taken at Lake Tahoe. He continued that he had lost in excess of 3.2 millions in property and had to sign the deed over. He said the residents get disgusted about how long it is going to take to get Tahoe saved. The agency plan, he added, is going to fail. He said Governor O'Callaghan had told him this. Because when it does fail, Nevada will not have to answer for the loss of its gaming industry. He said it makes him bitter and emotional for he loves Nevada, he loves this state, and he wants to see Lake Tahoe saved but he wants to see the lake saved in an orderly manner.

Nathaniel Helman, a resident at Zephyr Cove, stated he was waited over a year to come before Committee but when here finds he cannot speak to the problem of what is his concern. He said he had land taken from him and how does he get redress? Therefore, he said, he would address one question to the Committee. "You are elected by constituents and you answer to them and if you don't answer to them and do what they want you to do you can be subject to recall. I have no-one to turn to except my County Commissioner and they have done a fine job. They have run across the same problem I have, where do I go for redress." He asks why they allow unelected officials to ruin life.

Mrs. Lenore Kosso, a resident of Washoe County, speaks for herself. She states she owns no property at Lake Tahoe and would like equitable representation in TRPA. She said those counties with economic interests control the voting. SB-254 would give Nevadan's from other areas in the state representation in making decisions in the Tahoe Basin. She believes this would cause representation for preservation as a natural scenic area over selfish interests of a few.

Q. Senator Blakemore asks Mrs. Kosso where she is a resident.

A. She replies that she lives in Washoe County and she might add that Mr. Scott does not represent her.

Q. Senator Blakemore asks further question concerning her opinion about zoning ordinances.

A. She replied that where she lives there are zoning ordinances but she is sure her neighbors would object if she wanted to build coin operated laundry or shopping center.

Mr. Thomas Shey, Round Hill, Trustee for Round Hill Improvement District.

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Mr. Shey made short remarks concerning the Round Hill Improvement District stating the district was in debt because TRPA was formed telling them what to do. Mr. Shey's remarks were directed against passage of SB-254.

Howard McKibben, Douglas County District Attorney, appears testified that the Committee would have to move cautiously because he feels that if SB-254 is passed it would effectively destroy the usefulness of the local entity.

Q. Senator Neal asks Mr. McKibben a question concerning a reference to quasi-legislative body.

A. Mr. McKibben said there is not objection to adopting rules and regulations but that increasing the TRPA to 14 appointed is going the wrong way because they would not be as responsible to the people as elected officials.

Dick Whitney, Civil Engineer at South Tahoe and Zephyr Cove.
Mr. Whitney testifies that he is registered both in California and Nevada and is a member of the South Shore Advisory Group to the TRPA. He said he does not want to see the Nevada Legislature become a rubber stamp to California in any way. He made particular reference to Article 3, Page 3, referring to what he feels could be a conflict in the selection of the TRPA Board. He suggests that if SB-254 is passed with the addition of two new members that they be from a list of local people or each county, Carson City, Douglas and also Washoe. He feels the list should be submitted to the Governor and the Governor should appoint from residents at the Tahoe Basin. He further believes California should submit a second list and in this way surmount the problems of taxation.

Mr. Fran Breen agrees to postpone his testimony to another hearing since his presentation would exceed the time left for testimony.

In the interests of the hearing time left, Chairman Wilson called Mr. Troup, Martin, Crosby and asked how many still wished to be heard at this hearing.

Mr. Terry Troup identified himself as Executive Director of an organization named Concerned Citizens Coalition. He stated he wished to speak to a few things that he has personal knowledge of and refers to George Abbott's remarks concerning gambling and the Tahoe Basin. He stated he and other members had gone to the office of the Chairman of the Board of Water Resources, State of California, asking questions pertaining to CTRPA, and that the California authority had said the residents of the basin were responsible for allowing new casinos to pass. He stated the conversation involved wanting to see gaming removed and automobiles removed and that this had been in the Governor's office of the State of California. Mr. Troup continued that he was simply speaking on behalf of the little people. He said that middle income and others are being excluded because of limited land which drives prices up. He believes SB-254 must be opposed for one basic reason which he feels is that representation is now limited and this bill would eliminate it totally.

Mr. Henry Martin, resides at Lake Tahoe in Douglas County.
"I have been asked to represent the Douglas County Grand Jury. I regret I have nothing positive to offer the committee or the hearing. I have questions and these questions are for the most part the questions of the County Grand Jury at this time and obviously, are controversial".

Senator Wilson: "The Douglas County Grand Jury letter signed by the foreman and addressed to the Governor is an Exhibit, did you want to speak to that?"

Mr. Martin: "I will summarize this very briefly and I"

Senator Wilson: "I'm not trying to rush you, I just want you to know it is an Exhibit in the record".

Mr. Martin: "I will state this very briefly and we will make recommendations as to the disposition of your bill, if that's agreeable, Senator."

Senator Wilson: "Sure, whatever you want to do."

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Mr. Martin: "As I said, the questions bothering the Douglas County Grand Jury at this time are obviously controversial. Thoreau, as you remember was an American Assayist and naturalist, he said 'the least governed are the best governed'. The object of this hearing is to give us more government. Why are we burying ourselves in more beaurocracy when the Constitution gives us elected federal, state and county entities which are authorized to pass and enforce our laws, statutes and ordinances. We did not find regions or regional governments mentioned in the Constitution or Amendments. Remember I am posing these from the viewpoint of the Grand Jury. Question: Why Senate Bill 254, why this hearing, when on January 10, the U. S. District Court for Nevada issued a 17-page decision which addressed itself to TRPA's administrative powers, use of police power doctrine, to the constitutionality of police power, violations of the Fifth Amendment 'taking of property without compensation' and violation of the Fourteenth Amendment 'taking of property without due process of law'. I am not a lawyer, I just read the decision. The decision clearly states that although counties had no part in enacting the TRPA Compact, the duty to enforce and finance TRPA actions was thrust on the counties by the compact. Why should Douglas County, which has lost tremendously in land values, evaluations and tax revenue as a result of actions by TRPA now be required to support funding and enforcement for an administrative body which does not possess the powers of eminent domain or condemnation. The court decision questions authority without responsibility. Why then extend an administrative agency which is already suspect. While we do not condemn the legal background of nearly 50% of our Senators, in fact we appreciate their professionalism, we do question the control exercised by this powerful minority group when we continually see strange things happening such as the introduction of this bill by a Senator whose firm is receiving tens to thousands of dollars to process litigation for one of the proposed casinos at the

lake. The jury wonders if this is ethical. Again, I am not an attorney, I don't know, and if it is intended that TRPA litigation will provide as lucrative source of income as the field of probate. We had an outstanding attorney at the lake who (is/was) processing millions of dollars in suits against the TRPA. He is now a District Judge. He cannot assist his clients or hear any cases involving TRPA claims. The jury wonders if this condition was planned. Is there a subtle purpose behind it? The Douglas County Grand Jury recently released several letters intended to bring to the attention of elected officials the growing problems of Douglas County property owners and citizenry. This was an attempt to assist with a soft touch. With this hearing on Senate Bill 254, and the cursory answers to the letters, the jury wonders if it must switch its approach to the extensive, repulsive subpoena process. The jury recalls that during election time the press reported that our Governor indicated that there were some problems with the TRPA Compact and he believed some changes were indicated. The jury questions the Governor's inaction and failure to reject California's reprehensible attacks on the sovereignty of Nevada and its principal industry, gaming. The jury wonders why our Attorney General failed to assist Nevada property owners when they were forced into extensive court actions by California's Attorney General. The Grand Jury continues its intense interest in the final disposition of the \$100,000. provided the Attorney General by the 1973 Legislature to process TRPA Litigation. It could be returned to the General Fund. In conclusion, the Grand Jury has addressed itself to the Lake Tahoe environment and finds itself extremely ecology minded. However, echoing the thought of former Senator Henry Barrum, who was here a short while ago, who helped author the Fleischmann Foundation funded 1967 Tahoe Study, which incidentally recommended a coordinated agency for Lake Tahoe which would assist and not replace local entities, Senator Barrum and the Douglas County Grand Jury asks, 'Save Lake Tahoe, surely, but if we must give up Constitutional Government and the American way of life, corrupt our elective and taxation systems and eliminate the rights of recall and referendum, then what are we saving the lake for?' The Douglas County Grand Jury urges rejection of Senate Bill 254 and the immediate withdrawal by the State of Nevada from the TRPA Compact or suspension of activities of the TRPA until it is made to conform to our elective form of Constitutional Government. Thank you".

Environment & Public Resources
Minutes, March 11, 1975
Page 18

A question is asked from the Committee concerning the law firm which Mr. Martin had referred to in his testimony.

A. "I don't have in front of me the name, the legal name of the firm but I believe it is the firm with which Senator Wilson is affiliated. I could be in error."

Q. Senator Wilson: "what's your point, Mr. Martin, what are you saying?"

A. "I beg your pardon?"

Senator Wilson: "I said, what are you saying?"

A. "I was answering Senator Neal's question."

Senator Wilson: "Well, I gather you purport to raise an ethical question and you have done it at a public hearing as a spokesman for that Grand Jury, so I guess I'm going to ask you what you are saying."

A. "Senator, I explained that I am not an attorney and am not equipped to speak on the ethics of the legal profession. I think that this question is in the minds of the Douglas County Grand Jury."

Q. Senator Wilson: "What do you do for a living Mr. Martin?"

A. "I have a number of occupations, I"

Senator Wilson: "I assume you try and find the public interest when serving on that Grand Jury without respect to whatever your occupations are. I assume that to be true. I assume you look for the public interest in that you don't try and serve a private interest while serving on the Grand Jury. Is that a fair statement?"

A. "Yes, I think what you said is correct. I was asked to appear here, Senator."

Senator Wilson: "Right, alright, I think I have the right to vote and to find the public interest even though it may not be consistent with somebody's special interest or private interest who is represented by a lawyer in my law firm. My obligation is to find the public interest and so vote, and I don't give a damn, and I could care less whether some special private interest represented by some lawyer in my firm may conflict. My oath requires that I will find the public interest, that's the oath I took, that's the obligation I owe my constituency. So I suggest that you not stand there representing the Douglas County Grand Jury and imply that there is some kind of an ethical problem because I seek to fulfill my oath."

Mr. Martin: "There is no implication, Senator."

Senator Wilson: "Very well, I'm glad you have clarified the record because you certainly left that inference. Any other Committee questions?"

Mr. Martin: "May I ask a question?"

Senator Wilson: "No, because we are simply going to take testimony and if there are Committee questions of you--unless it's a procedural question."

Mr. Martin: "Fine, my question only had to do with whether you belong to a professional corporation."

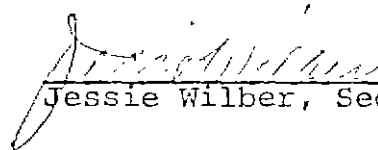
Senator Wilson: "Well, that's not before this Committee, Mr. Martin."

Mrs. Connie Jo Picking addresses the hearing as a resident of the Kingsbury area, Lake Tahoe. She states she is also a member of the Douglas County Grand Jury. "I am not suggesting that we are implying anything about you or your firm Mr. Wilson, I am not speaking as a member of the Grand Jury. I am speaking as a private citizen and a resident of the Tahoe area."

Mrs. Picking: "I do wish to rebut something that Thomas Cook said earlier. I want members of this Committee to realize that Douglas County is not a depressed area, the additional revenues that would be generated by those two proposed hotels, is not vital to the economy of Douglas County."

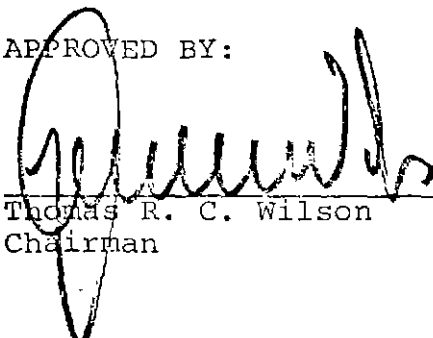
There being no further business at this time, the meeting was adjourned.

Respectfully submitted,



Jessie Wilber, Secretary

APPROVED BY:



Thomas R. C. Wilson
Chairman

NAME + Who Represent

TIME REQUIRE

E Avis King

Jeffrey A. Lincoln (none)

Heslie Bennett (none)

Greg Hansen (none)

Doreen Kase RTUN News

Winn Shea

Thomas E Shea

Bryce E. Nelson

Paul Umuh (none)

Karen Rolleton

Lyn Aydelott

578/9

Environment & Public Resources
March 11, 1975

LIST OF EXHIBITS:

- I Letter, dated January 13, 1975
from: Office of the County Manager,
Douglas County,
to: The Honorable Mike O'Callaghan
- II Letter, dated February 26, 1975,
from: Warren W. Reed, Foreman of
Douglas County Grand Jury.
- III Ad Hoc Evaluation Committee Report
dated May 31, 1975.
- IV Letter, dated January 30, 1975,
from: Paul Laxalt, U.S. Senator, Nevada
to: Mr. Roland L. Adams, County Manager
Douglas County
- V Letter dated February 13, 1975,
from: Robert List, Attorney General
to: Mr. Roland L. Adams, County Manager
Douglas County.
- VI Decisions, Bruce Thompson, U.S. District Court,
Western International Hotels, et seq.
- VII Letter, dated January 22, 1975
from: Howard W. Cannon, U.S. Senator, Nevada
to: Mr. Roland L. Adams, County Manager
Douglas County
- VIII Letter, dated January 21, 1975,
from: Senator William Raggio
to: Mr. Roland L. Adams, County Manager
Douglas County
- IX Letter, dated January 22, 1975,
from: Senator Cliff Young
to: Roland L. Adams, County Manager
Douglas County.
- X Memorandum, dated March 10, 1975
from: Gary A. Owen, Legal Counsel, TRPA
to: Nevada State Senate Committee on
Environment and Public Resources.
- XI Report entitled, Estimated Federal Expenditures
for Lake Tahoe Basin, Period F/Y 1964 - present,
(11/13/74).



Office Of The County Manager

Douglas County • State of Nevada

Courthouse • Minden, Nevada 89423

County Manager
Roland L. Adams
(702) 782-5176 Ext. 238

January 13, 1975

*Senator
William
7
m*

The Honorable Mike O'Callaghan
Governor - State of Nevada
Capitol Building
Carson City, Nevada 89701

Dear Governor:

As you probably know, Douglas County has been extremely concerned about the motives of those persons wishing to change the present structure of the Tahoe Regional Planning Agency by strengthening State and Federal representation.

The Douglas County Commissioners have adopted a resolution on January 6, 1975 requesting withdrawal from the Bi-State Compact and have suggested an alternative for regional planning control at Lake Tahoe. Secondly, if this request is not found to be the majority attitude of the Legislature on the question, in order to preserve a semblance of "Local Control", we would respectfully suggest no changes be made which would alter, amend or re-write the current legislation relative to the Tahoe Regional Planning Agency.

Nevada state representatives on the Tahoe Regional Planning Agency Board have voted against several projects which were favored by Local Governments on issues motivated by "Saving the Tahoe Environment". As a matter of fact, the two (now famous) casino-hotels have both met all Environmental Control Standards which were adopted by the Tahoe Regional Planning Agency. These two examples of "major projects" were approved eventually by the "Dual Majority System" of the T.R.P.A. Three Local Government representatives (Douglas, Carson and Washoe) were the only votes in favor of the subject casino-hotels and the 60 day automatic approval prevailed as a result. The point being, without both (Local Government majority and the 60 day approval provision) the subject projects would have been denied, resulting in possible state and local liability for damages; moreover the nauseating thought of five California members prevailing on a gaming issue in Nevada.

An "Ad Hoc Evaluation Committee Report" of the T.R.P.A. was prepared and submitted covering a multitude of key environmental, legal and political issues and suggesting, among other things, the need for added state representatives on the T.R.P.A. Board; Federal voting power on the T.R.P.A. Board; Simple majority rule; additional enforcement power to the T.R.P.A. and gaming limitations.

The Honorable Mike O'Callaghan
January 13, 1975
Page 2

It is this counties belief that certain state representatives will be attempting to seek your support this legislative session on portions or all of the subject matter contained in the referenced Ad Hoc Report. It should be noted, the Ad Hoc Report was presented to the T.R.P.A. Board and was not acted upon, nor were any conclusions therein accepted. The legislative arguments, which took place in 1971, certainly speak for the necessity of regional planning, but were rather emphatic on the issue of "gaming" and "local control" which we were all generally satisfied with; we would again urge your consideration in allowing no changes in the Bi-State Compact this session as an alternative to total withdrawal.

Respectfully,



Roland L. Adams
County Manager

RLA:jh

R E S O L U T I O N

WITHDRAWAL FROM TAHOE REGIONAL PLANNING AGENCY

WHEREAS, Douglas County established a Master Plan for the Tahoe Basin in the 1950's; and

WHEREAS, Douglas County established a one mile limit on Hotel-Casinos at the same time and has strictly enforced this rule from that time to the present; and

WHEREAS, the Tahoe Regional Planning Agency (TRPA) was established by the Nevada & California Legislatures in 1969 without the matter ever being brought to popular vote, with all of the Governing Board being appointed, with four (4) of the ten (10) members not even being from this area, with only one (1) member of the agency staff out of twenty (20) being from Nevada--all the rest are Californians, with the agency staff being members of the Nevada Retirement System; and

WHEREAS, Douglas County has tried in vain to co-operate with the TRPA since it became functional in 1970, and

WHEREAS, the TRPA has established for all intents and purposes a dual set of standards in the Tahoe Basin--one favorable to California and one unfavorable to Nevada; and

WHEREAS the TRPA has incurred to date 150 lawsuits in excess of \$300,000,000.00 in possible claims against Douglas County and the State of Nevada;

THEREBY BE IT RESOLVED that the Douglas County Commissioners, being duly elected by the voters of Douglas County, go on record as favoring the immediate withdrawal by the State of Nevada from the Tahoe Regional Planning Agency Bi'State compact -N.R.S. 277.190 to 277.220 as provided for under N.R.S. 277.200 - Article VIII (C) on page 8961 of the act., and

BE IT FURTHER RESOLVED that in the place of said Bi-State Agency there be established a Council of Governments whose membership shall include representatives of the county governing boards involved.

Harold P. Danton, Jr.

Charles C. Mendenhall, Jr.

Garry D. Stone

WITNESSED:

Walter B. Bussell
Clerk to the Board of County Commissioners

Exhibit "B"
2

Warren W. Reed
P. O. Box 1
Minden, Nevada 89423

February 26, 1975

*Clues
factory*

Governor Mike O'Callaghan
Executive Chamber
Carson City, Nevada 89701

Dear Governor O'Callaghan:

Action by the Douglas County Grand Jury relative to the Tahoe Regional Planning Agency problems was requested by the Douglas County Board of Commissioners in September, 1974. 148

After review and due consideration of the actions of the Tahoe Regional Planning Agency, the protests of the citizenry, the aggressive presentations of some residents and all non-resident appointees of the TRPA over the last several years, this grand jury makes several recommendations. The direction of these recommendations has been drastically influenced by a recent court decision rendered by United States District Court Judge, Bruce Thompson in Reno.

The recommendations herewith provided are generated by extensive research and the immediate necessity to develop an atmosphere of predictability and economic stability in Douglas County as affected by the actions and status of the TRPA. The TRPA's authority and responsibility must be clearly defined, if it continues to act to control the economy of Douglas County. The citizens of Douglas County can no longer tolerate the stifling of their economy by capricious and arbitrary actions of the TRPA. Also considered was the matter of hundreds of non-productive hours consumed by Douglas County employees in processing TRPA mandates. TRPA has done little on its own to solve problems, but has repeatedly required other entities to litigate.

Further consideration was directed to the Stateline traffic problem and the inability of TRPA to provide a solution. Contrarily, the actions of TRPA have only delayed our county in implementing its own solution to the traffic problem. (Adopted in March, 1974)

Consideration of the loss of property values and that loss's affect on County Improvement District's tax revenue also dictates the requested actions by the Douglas County Grand Jury.

Careful review of the Nevada Supreme Court's decision sustaining the constitutionality of the TRPA does not appear compatible with the Federal Judge Bruce Thompson's ruling which challenges the constitutionality of the TRPA actions involving private property rights.

Governor Mike O'Callaghan
February 26, 1975
page 2

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At its meeting on February 24, 1975, the Douglas County Grand Jury recommended that:

"The Douglas County Grand Jury forward a letter to Governor O'Callaghan to remind him of the intolerable violations of our constitutional form of government, of the usurpations of the rights of all Nevada citizens but specifically those rights as relating to Douglas County citizens to own and use their private property as provided by constitutional government. Remind the Governor of Douglas County's right to self-government and local control vice harrassment by non-elected administrative entities. Remind the Governor of limitations on police powers and quote Judge Bruce Thompson's decisions in part as follows:

'Although the police power may justify limitation of private rights, it does not justify all limitations. Both the purpose for which the power is invoked and the means by which the end is pursued must be constitutionally sound. Neither the ends nor the means may be unreasonable or arbitrary and neither may "take" private property unless the owner is compensated therefore.'

The Governor be reminded that other inalienable rights have been and will continue to be violated unless legislative corrective action is initiated to withdraw Nevada from the TRPA Compact. The most notable of these other rights are related to the elective process, taxation without representation, and the right of recall and referendum.

The Governor be reminded that his duties and obligations are to his constituents, the citizens of Nevada, and not to citizens of California, nor non-descript appointive administrative agencies such as regional forms of government. Contemporary political morality generated by recent political deviations establishes this mandate."

As directed by the Douglas County Grand Jury, pursuant to the recommendations stated above, this letter is forwarded and the Grand Jury urgently requests your immediate attention.

Warren W. Reed



Foreman
Douglas County Grand Jury

Exhibit "33"

AD HOC EVALUATION COMMITTEE OF THE
TAHOE REGIONAL PLANNING AGENCY

May 31, 1974

Mr. Thomas Stewart
Chairman, Governing Board
Tahoe Regional Planning Agency
P. O. Box 7275
South Lake Tahoe, California 95731

139

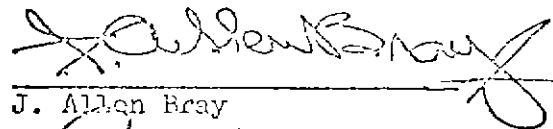
Dear Mr. Stewart:

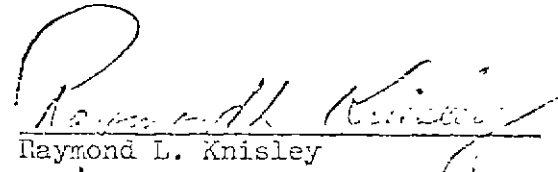
We are pleased to transmit herewith the Ad Hoc Evaluation Committee Report covering the first four years of the Lake Tahoe Regional Planning Agency's activities and the Bi-State Compact.

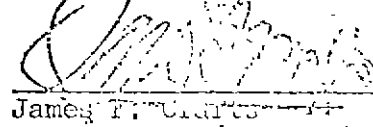
The Committee respectfully urges your attention to the two groups of recommendations; one group concerns compact modifications, the other group may be accomplished by TRPA Governing Board action.

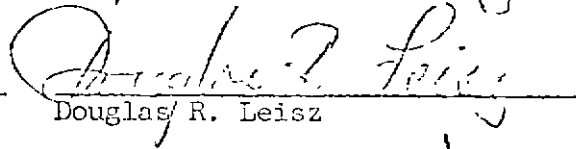
We urge your favorable consideration of the recommendations as we believe they are necessary and will help make TRPA more effective in fulfilling its leadership responsibilities in the protection, use, and preservation of the Lake Tahoe Basin.

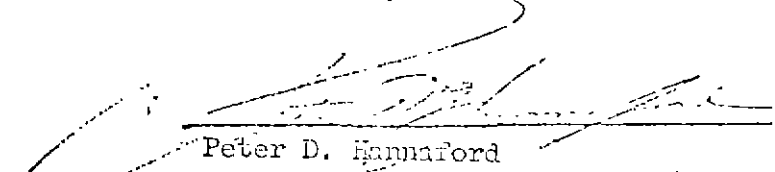
Very truly yours,

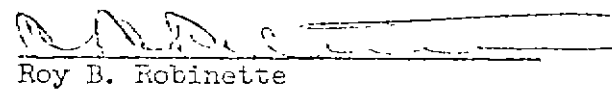

J. Allen Bray


Raymond L. Knisley


James F. Clarks


Douglas R. Leisz


Peter D. Hannaford


Roy B. Robinette

Enclosure

cc: Each Governing Board Member

AD HOC EVALUATION COMMITTEE REPORT
OF THE
TAHOE REGIONAL PLANNING AGENCY GOVERNING BOARD

INTRODUCTION

The Tahoe Regional Planning Agency (TRPA) became operational in March 1970 following approval of the Tahoe Regional Planning Compact by the California and Nevada State Legislatures and ratification by the U.S. Congress in December 1969. The Tahoe Regional Planning Agency's primary mission was to formulate and administer a Regional Plan and to adopt all necessary Ordinances, Rules, Regulations and Policies to implement that plan.

The findings and policy of the Compact as set forth in Article I are:

"(a) it is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

"(b) it is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution, and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

"(c) it is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational

opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title."

The Tahoe Regional Planning Compact is the first national attempt to lodge environmental planning into an interstate regional framework.

PLANNING REQUIREMENTS OF THE COMPACT

Uncharted seas were being sailed when the Agency began its duties. Ten well-meaning and hopeful Governing Body members entered into environmental planning with aggressive forces pulling in diverse directions. Local governments were militantly antagonistic; builders and subdividers were having a good market, and, although the more enlightened were cooperative, they were reluctant to forego profits. The environmentalists were flexing political muscle and using more emotion than sound judgment.

The Agency struggled in its early days and its operations were impaired by:

1. Diverse understanding of Compact objectives
2. Lack of funds
3. Inadequate staffing
4. Openly hostile county attitudes and litigation
5. Poor communication between staff and Governing Body
6. Open hostility between Advisory Planning Commission and staff
7. Failure to follow Compact mandates
8. Various other ailments, such as threats of Federal takeover, bad press relations, complexity of bringing an orderly balance between preservation and development.

Yet the Agency survived.

During this period the U.S. Forest Service Tahoe Basin Planning Team rendered outstanding service, bearing much unfounded criticism by the uninformed. With the aid of State and Federal agencies, they produced an environmental analysis of the region which is regarded as a model for other planners.

The staff, ignoring Compact language that the Advisory Planning Commission should produce a plan, made efforts to convert the environmental and constraints analysis into a plan which died at inception.

The Executive Officer appointed a subcommittee of the Advisory Planning Commission to produce the plan as called for by the Compact. When satisfied the work was well under way, he resigned and a temporary appointee took over. This was indeed a hectic period for all concerned.

Still the Agency survive and strengthened.

A California Supreme Court decision confirmed the authority of the Agency. Lines of communication were established and leadership merged into an identifiable and constructive pattern. Conservationists and developers became more cooperative and the present plan ensued. It has been called a compromise; perhaps so, but democratic government is compromise.

Article VI (a) of the Compact directs "the Governing Body to adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim plans. Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the basin, and any political subdivision may adopt and enforce an equal or

higher standard applicable to the same subject of regulation in its territory. The regulations shall contain general, regional standards, including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fill, 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 interim plan or the general 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 interim or general plan."

IMPLEMENTATION OF THE COMMITTEE'S ASSIGNMENT

In November 1973 the Tahoe Regional Planning Agency chairman, John Meder, appointed an Ad Hoc Evaluation Committee to review and evaluate the Agency's activities under the Bi-state Compact and report its findings and recommendations to the Governing Body.

The Committee directed its attention first to the requirements of the Compact and the extent to which the obligations thereunder had been complied with by the Agency and others holding responsibility.

Fortunately, there have been a number of studies and reports, internal and external, available to the Agency which provided a wealth of data for the Committee to use in its deliberations.

The Committee found reports and studies from the following sources particularly valuable in compiling this report: the University of California; the University of Nevada; the Desert Research Institute; the U.S. Department of Housing and Urban Development; the Environmental Protection Agency; the Bureau of Outdoor Recreation; the United States Forest Service; the League to Save Lake Tahoe; and the Lake Tahoe Area Council.

PROGRESS EVALUATION

The Committee finds that the Agency has made commendable progress in meeting many of the mandated requirements of the Compact, but there remains substantial work to be completed. A great wealth of material has been compiled, either in plan or study form, sufficient to raise serious questions as to how the various plans, constraints, objectives and policies are to be integrated. It is doubtful that many beyond the Agency staff understand, or are knowledgeable, with respect to the intended application of the data collected. There is also a serious problem of the enforcement of Ordinances, Rules and Regulations. A positive enforcement program is still needed. Some local governmental officials seem to resent what they believe to be a usurpation of their authority. A major educational and informational effort will also be helpful, along with the identification of a clear, deliberate, and

correlative process for all the plan elements. Public understanding and support may indeed bring the Compact objective - "an equilibrium between the region's natural endowment and its manmade environment" - within reach.

PLANNING REQUIREMENTS

The Compact sets forth the basic planning requirements for the Lake Tahoe region in Article V (b) as a regional plan to include the following correlated elements:

1. A Land Use Plan
2. A Transportation Plan
3. A Conservation Plan
4. A Recreation Plan
5. A Public Services and Facilities Plan

The present Regional Plan consists of three components: A Land Use Map, an accompanying text describing the plan, and a Land Capability Map.

ORDINANCES, RULES AND REGULATIONS - CURRENT STATUS

Any assessment of the status of the Ordinances, Rules and Regulations which the Compact requires be adopted and enforced enters an area of controversy and opinion. The purpose of the Committee in this report will be to give the members of the Governing Body of the Agency and the public our views on completion or progress on the more important matters, emphasizing those we believe require further consideration.

LAND USE PLAN

This is one of the important keys on which the authority of the Agency rests. A general Land Use and Capabilities Plan was adopted in December 1971. It was as specific as to intent and purpose as it could

be with the data then available. When adopted it was recognized that changing conditions would warrant reconsideration from time to time, as the subject of the most appropriate and wisest use of land surrounding Lake Tahoe is a never ending one. It is quite clear, in the Committee's mind, that the Agency possesses the authority it needs to control the use of land and it is expected that their decisions will always be guided by a desire to preserve the values that have made Tahoe "a National Treasure."

TRANSPORTATION PLAN

One of the early transportation studies, sponsored and financed by the League to Save Lake Tahoe and the Lake Tahoe Area Council, was made by Stanford Research Institute. Their report was of limited value beyond emphasizing the fact that transportation problems are basinwide and are related to population growth. The next effort was a Stateline traffic study, with financial support by business interests and local governments, administered by the Lake Tahoe Area Council. It was recognized at the time that the Stateline was only a part of the problem, but the traffic situation in the area appeared to demand urgent consideration. That effort in 1973 led the Agency to undertake a basinwide transportation study. Current projections are for a preliminary plan to be available in November 1974 and a detailed plan approximately two years later. Recently the Agency has been advised that supplemental construction funds for highway changes may not be available for up to ten years. The Committee believes it is imperative that both States be asked to

reassess their obligations for transportation assistance at a much earlier date and recommends that the Governing Body take appropriate action at an early date.

CONSERVATION PLAN

This is another of the key elements in land use planning. A preliminary plan was adopted in August 1973. It was revised following public hearings. A final plan was adopted in March 1974. This plan has yet to be reflected in the Regional Plan.

RECREATION PLAN

A preliminary plan was adopted in August 1973; a final plan was adopted in March 1974. General areas of usage have been identified. Where they involve public lands, Recreation Plan implementation should not be difficult, as the United States Forest Service has cooperated in selecting areas of designation, but if private lands are under consideration, it must be anticipated that acquisition could be a long drawn out process.

The plan is regional in scope and does not include local recreational use areas. This plan, also, has not been activated by Ordinance and has not been reflected in the present Regional Plan.

PUBLIC SERVICES AND FACILITIES PLAN

The subject covers such a wide range of exposures that application cannot be adequately identified in meaningful detail. The Committee suggests that the Agency should promptly identify and define the public services and facilities which come under the Compact. Matters that are

clearly the responsibility of local governments should be noted. There is need for improvement in the coordination of effort between local governments, especially with respect to such services as Fire, Police, Health and disaster assistance, as catastrophic occurrences are possible. The Agency could be helpful in bringing local government representatives together.

ORDINANCES

The following are comments on some of the more important Ordinances not directly associated with the elements of basic planning requirements:

WATER PURITY AND CLARITY

Water purity and clarity are among Tahoe's greatest assets. This was widely recognized by the States long before the Compact was formed. California and Nevada adopted uniform standards which have since become Federal requirements. California's Lahontan Water Quality Control Board and Nevada's Bureau of Environmental Health are charged with policing and enforcement of the standard of zero pollution. To aid enforcement and fulfill Compact requirements, the Agency should adopt an Ordinance in support of the States' activities and, along with the States, assume responsibility for enforcement.

SHORE ZONE

A Shore Zone Study, classifying the area around the shoreline of the lake for 350 feet in each direction from the water's edge, has been completed. This study is similar in nature to the Land Capabilities Study, but takes into consideration other environmental factors more

identified with the shoreline and adjacent waters, such as fish, aquatic habitats, fish spawning areas and shoreline vegetation. In addition, considerable time and effort were spent in examining the visual and aesthetic aspects of the shoreline.

The problem of implementing this study by an ordinance regulating the construction, use and location of facilities, such as piers and breakwaters in the lake and the construction, use and location of on-shore buildings within the 350 feet adjacent to the water's edge, is a monumental task.

A shoreline ordinance was adopted in March 1972, including specific provisions for the protection of identified fish habitat and spawning areas. However, neither that ordinance nor the Regional Plan indicates where these areas are to be found. The Shore Zone Study identifies these areas and indicates the environmental tolerance levels for wildlife, vegetation and fish.

A revised shore zone ordinance has been prepared and is now in the process of going through information sessions and public hearings. Because of the long moratorium by the Agency on construction of new piers and repairs to existing piers, breakwaters, etc., an early resolution of the matter is most desirable. The Committee feels the subject is one that must be resolved and urges the continuation of information sessions, hoping that out of them will come, not only a better understanding of the objectives of shore zone protection, but a reasonable and equitable application of the proposed new ordinance.

SIGNS AND BILLBOARDS

Billboards are now prohibited under the Agency's land use ordinance. An ordinance on signs was approved in February 1973, but has not been implemented. There is a belief in some quarters that sign control is a local government matter. The Committee recognizes the merit of this contention, but only where satisfactory local ordinances exist and are being enforced. Uniformity in ordinance provisions is important to the end that all unsightly and improper signs be eliminated.

The Committee recommends that the Agency take appropriate action to see that proper sign ordinances are adopted by local governments and, if necessary, supplemented by an Agency Ordinance. From a practical point of view it would be best that enforcement rest in the hands of local government.

OTHER ORDINANCES AND REGULATIONS

The following specific Ordinances have also been adopted. As far as the Committee is aware, none are controversial, except when applied to a specific situation - a problem which will always exist.

Subdivisions	-	adopted March 1972
Grading	-	" February 1972
Timber Harvesting	-	" April 1973
Tree Conservation	-	" "
Tree Removal	-	" "
Land Fills	-	" February 1972
Excavations	-	" "
Cuts and Grading	-	" "
Harbors	-	" March 1972
Breakwaters	-	" "
Channels	-	" "
Waste Disposal from Shorelines	-	" "
Waste Disposal from Boats	-	" "

Many of the ordinances speak to the problems of soil erosion and sedimentation. The Governing Body has authorized the Executive Officer to enter into a Sec. 208 contract, recently approved by California's Water Resources Control Board and by Nevada's Governor O'Callaghan. When completed, the study will supply material for amendment of existing ordinances and a plan for comprehensive control of water pollution sources within the basin as well as supplemental controls for erosion and sedimentation.

With respect to ordinances generally, the Committee wishes to call the attention of the Governing Body to the following:

a) The Compact is quite specific and places responsibility on the Governing Body to enact Ordinances and Regulations other than those mentioned in the Compact, if by so doing it will aid the fulfillment of Compact obligations.

b) Conditions change and Ordinances, Rules and Regulations should be subject to revision, if warranted by changed conditions.

COMMITTEE RECOMMENDATIONS

SECTION A - CONCERNS THOSE THAT REQUIRE COMPACT MODIFICATIONS.

FINANCING AGENCY OPERATIONS ✓

REVISE ARTICLE VII TO REQUIRE ADDITIONAL SUPPORT FROM THE STATES OF NOT LESS THAN THE AMOUNT PROVIDED BY THE COUNTIES.

The operational needs of the Agency go far beyond those which were originally anticipated. The Compact limits the financial participation by local government. The Agency's operations will have to be curtailed and its performance impaired unless additional State assistance is available.

Without a detailed examination and audit, the Committee was unable to reach wholly satisfactory conclusions with regard to budget responsiveness to all Compact requirements. The current modest budget requires strict adherence to Compact mandated work. Administrative overhead on Federally sponsored research projects is being used to help meet budgets. The Committee gave special consideration to the many aspects of Agency financing. As an example, it recognized that with the exposure to inflation it was unwise to have frozen into the Compact any governmental agency participation in terms of dollars without some kind of an escalation provision. At the same time, it realized that the reasons why county governments desire to limit their contributions in what happens to the Tahoe basin is because what happens is a responsibility that extends beyond the counties, and thus a broader identified source of funds must be provided.

MEMBERSHIP OF GOVERNING BODY

REVISE ARTICLE III, SECTION A TO PROVIDE FOR THE ADDITION OF TWO MEMBERS AT LARGE, ONE FROM EACH STATE, TO BE APPOINTED BY THE RESPECTIVE GOVERNORS.

The composition of the membership of the Governing Body of the Agency has continued to be a subject of major interest. When the Regional Agency was first conceived a decade ago the common denominator of discussion was who shall guide its destiny? The Bi-state Study Committee, composed of all facets of interest in the basin area, responded to the question when it unanimously recommended a Governing Body which would include six representatives of the public at large. The philosophical debates that followed, with emphasis on the retention of local government control along with political influences, resulted in the public-at-large representatives being reduced to two. The decision was reluctantly accepted by those who had sponsored the Regional Agency concept in the light of the very challenging desire to get something started and to make changes later, if appropriate. The Committee's view is that it is not only appropriate, but timely, that the Compact be amended to provide for four rather than two gubernatorial appointments - one additional for each State, to represent the public at large.

SIMPLE MAJORITY RULE

REVISE ARTICLE III, SECTION C TO PROVIDE FOR A SIMPLE MAJORITY VOTE, ELIMINATING THE DUAL MAJORITY PROVISION.

The basic principle on which the requirements of the Compact was written was that all areas of the Tahoe basin are interrelated and

many of the problems that must be resolved, including specifically those involving land use and planning, are indivisible. Members of the Governing Body, whether they be elected or appointed, sit in judgment on matters that are uniquely regional and, while their opinions are expected to reflect the views of their constituency, their vote should be guided by regional considerations. In such an atmosphere there is no need for a double majority rule.

PRESIDENTIAL APPOINTEE TO BE A FULL VOTING MEMBER
OF THE GOVERNING BODY

REVISE ARTICLE VIII, SECTION 3 TO PROVIDE FOR THIS CHANGE.

The provision in Article VIII, Section 3 of the Compact that the Presidential appointee be a non-voting member of the Governing Body defies organizational understanding. In view of the major interests which the Federal government has in the basin area, increasing evidence of its desire to be helpful by the formation of a Federal Coordinator's Committee and the Tahoe Executive Council as a standing committee of the Natural Resources Regional Council and its contributing helpful financial aid, it is appropriate that the Federal voice be a participating one.

ENFORCEMENT

MODIFY ARTICLE VI (f) TO PROVIDE FOR SUBSTANTIAL PENALTIES FOR THE VIOLATION OF ORDINANCES.

The enforcement procedures and activities of the Agency have been inadequate. Enforcement by the local governments, with some exceptions, is and has been notably non-cooperative. There is also some concern that the present language of the Compact in Article VI (f) is not adequate.

Obviously, if there is no inspection by the Agency, or effective cooperation by the local governments, violations will not be spotted. It would, therefore, follow that compliance with Agency decisions and Ordinances depends upon a desire for enforcement and a staff adequate to police the area for violations.

Article VI (f) of the Compact should be modified to provide stiffer penalties for violation of any Ordinance, such as a substantial minimum fine plus other damages and other appropriate relief. The court may have such power under traditional equity doctrines, but perhaps this should be made explicit.

SECTION B - THE FOLLOWING RECOMMENDATIONS REQUIRE ONLY GOVERNING BODY ACTION.

FEDERAL POLICY

SEEK THE ESTABLISHMENT OF AN "UMBRELLA" FEDERAL POLICY FOR LAKE TAHOE.

In the Bureau of Outdoor Recreation Report, the Secretary of the Interior appropriately recognized Lake Tahoe as "a National Treasure." To supplement this assessment there is need of a cohesive Federal policy statement. The Federal agency establishment is composed of a set of discrete agencies which pursue separately broad objectives, dictated by independent legislation. The lack of an explicit Federal policy toward Tahoe makes effective Federal agency coordination difficult.

The Committee recommends the Governing Body, through appropriate channels, seek the establishment of a Federal policy.

ARCHITECTURAL COORDINATION

IMPLEMENT COORDINATED ARCHITECTURAL REVIEW.

The key is cooperation with local architectural committees already established and encouragement of the establishment of similar committees for all communities in the basin. To be effective, the architectural review process should begin at the level of local permit issue before plans have been fully matured where a review of design and siting could be harmonized with other aspects of planning, development and construction. Basinwide review would help to provide minimum standards, common objectives and comparable practices to improve the quality of results, as well as the understanding of objectives. The Committee recommends the subject be referred to the Agency Planning Commission for appropriate implementing action.

AIR POLLUTION CONTROL PROGRAM

EXERCISE AIR QUALITY PLANNING AND CONTROL AUTHORITIES.

The Compact provides the Tahoe Regional Planning Agency with the authority and responsibility for air quality planning and control. With increasing evidence of smog in the basin, the Committee recommends that the Agency assume its responsibilities in this field as soon as possible.

GAMING

PETITION THE STATE OF NEVADA TO TAKE ACTION TO LIMIT GAMING TO THAT PRESENTLY OCCUPIED BY GAMING ESTABLISHMENTS.

The Committee recommends that the Governing Body of the Agency petition the Nevada State Legislature to act to limit gaming in the

Lake Tahoe basin to that land area presently occupied by gaming establishments.

STATE COORDINATION FOR LAKE TAHOE

SEEK COORDINATED STATE REVIEW.

The Committee recommends that the Governing Body of the Agency request the Secretary of the Resources Agency of California and the Director of the Department of Conservation and Natural Resources of Nevada to establish an ongoing working liaison for discussion and review of all matters which affect the States' interests in the Basin area.

ASSESSMENT OF OPERATIONS

CONTINUE PERIODIC ASSESSMENT OF PROGRESS.

The Committee recommends that the Governing Body of the Agency reconstitute an Ad Hoc group approximately every two years for the purpose of reviewing Tahoe Regional Planning Agency activities, goals and policies and to make recommendations for appropriate changes.

GENERAL OBSERVATIONS

ENFORCEMENT OF AGENCY RULES AND REGULATIONS

TAKE POSITIVE ACTION TO ENFORCE ALL AGENCY DECISIONS.

While our Report includes a recommendation for the revision of Article VI (f), it seems important to emphasize the fact that the Compact provides in Article VI (b) for enforcement by the respective States, counties and cities, as well as the Agency, to police the region for full compliance with the Regional Plan and adopted Ordinances, Rules, Regulations and Policies. Enforcement, in the

Committee's view, has been erratic, both in enthusiasm and effectiveness, with considerable inconsistency in interpretation of local responsibility. Compliance remains a serious problem and, if not corrected, could preclude reaching the Compact objectives. The Committee accordingly recommends that the Agency take appropriate action to see to it that all Agency decisions are enforced!

POPULATION PROJECTIONS

DEFINE PROCESS FOR POPULATION PROJECTIONS.

The natural and manmade characteristics of the Lake Tahoe region, the Regional Plan itself, and the ingenuity of land developers make population projections a most difficult exercise. The Committee recommends that a more definitive means of population projections be devised and used.

PUBLIC PARTICIPATION

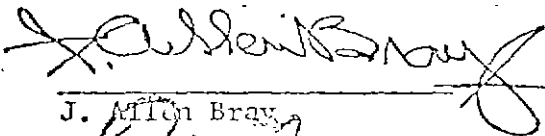
ACCELERATE PUBLIC PARTICIPATION AND INFORMATION FLOW.

The "public" interested in Lake Tahoe lacks information and understanding of the purposes, authorities and functions of the Tahoe Regional Planning Compact and the limitations of authority of the Governing Board. At best, the results of the planning effort cannot resolve the interests and expectations of all groups. A continuing major effort at broader public education, interest and participation is needed, if the Compact objectives are to be reached. The Committee accordingly recommends that the Governing Body request the staff to propose specific recommendations to implement such an objective.

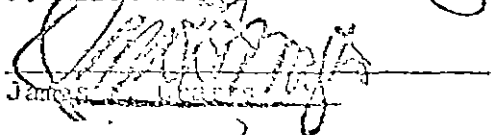
CONCLUSION

The Governing Body and the public should know that our Committee has held many meetings, a number lasting a full day and several two days. Every phase of the Agency's activities has been reviewed. Our agendas contained many items on which, after full discussion, no recommendations, pro or con, are being made. Our primary attention has been directed to the unfulfilled obligations of the Compact as we assessed them.

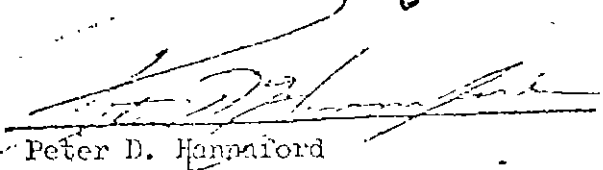
With respect to our recommendations that require legislative action at State and Federal level, we are mindful of the delays that can take place, but are confident that, if the Governing Body acts with reasonable dispatch in endorsing proposals that require legislation and approves those that call only for their affirmative vote, a spirit of understanding will prevail and a desire to preserve the basic environmental, scenic and recreational values of the Tahoe basin will be emphasized and preserved - all in fulfillment of the responsibilities under the Compact. It is in this spirit, and with this understanding, that we respectfully submit our Report.



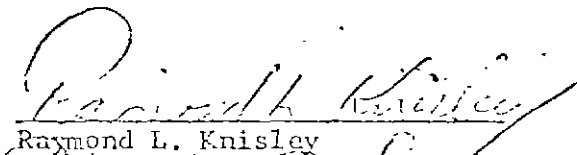
J. Milton Bray



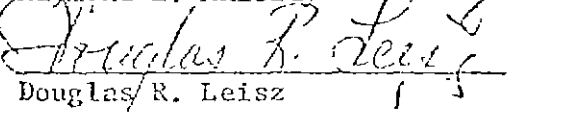
James S. [unclear]



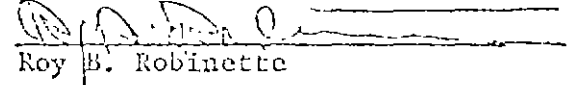
Peter D. Hannaford



Raymond L. Knisley



Douglas R. Leisz



Roy B. Robinette

Exhibit "B"
4

United States Senate
WASHINGTON, D.C.

RECEIVED
FEB 5 1975
DOUGLAS CO. MANAGER

January 30, 1975

Dear Roland:

Thank you for your letter of January 13 apprising me of recent developments pertaining to the Tahoe Regional Planning Agency and legislative proposals pertaining thereto.

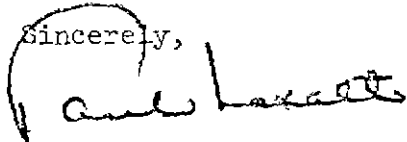
As Governor of Nevada, I participated in the passage of the Interstate Compact creating the Bi-State Planning Agency and obviously I continue to have a great deal of interest in the Tahoe Basin and the performance of the T.R.P.A.

During the course of my recent campaign, I stated that the difficulty with the Tahoe Regional Planning Agency has not been the legislation which created it but rather the manner in which the Agency has chosen to implement its legislative authority. Personally, I do not believe the answer to the Agency's current problem is state and local withdrawal. I will continue to support this regional body, however, I will resist any attempts by the Agency or individuals to change its character beyond that envisioned by the Nevada legislature when the compact was enacted in 1971.

As you know, the T.R.P.A. was created to resolve regional problems within the Tahoe Basin. Nonetheless, the delegation of responsibility to the Agency of certain local controls was never meant to terminate the participation of local governments within the Basin nor was it meant to eliminate matters of state or local concern such as gaming. Accordingly, the legislatures of Nevada and California provided for a "dual-majority system" and I will strongly resist any attempts to alter or change this essential aspect of the Tahoe Regional Planning Compact.

Thanks again for taking the time to apprise me of current developments with respect to the T.R.P.A.

Sincerely,


PAUL LAXALT
U.S. Senator

PL/drs

Mr. Roland L. Adams
County Manager
Courthouse
Minden, Nevada 89423

Exhibit "5"



State of Nevada
Office of the Attorney General
Supreme Court Building
Carson City 89701

Robert List
Attorney General

REC. Title of
FEB 18 1975
DOUGLAS CO. MANAGER

February 13, 1975

Mr. Roland L. Adams, County Manager
Douglas County
Courthouse
Minden, Nevada 89423

Dear Mr. Adams:

Thank you for your letter of January 13, 1975, concerning the proposed modifications to the TRPA and the resolution adopted by your commissioners.

Please be assured that I am strongly opposed to any legislation which would weaken the "Dual Majority" requirement and the attending right of this state, through its representatives on the TRPA, to have a strong voice in governing our destiny at the lake.

I appreciate the information provided, and assure you that I will take it into account as these questions are debated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert List".

ROBERT LIST
Attorney General

RL/cl

representatives

Remarks: GEORGE W. ABBOTT, Special Counsel to Douglas County, before the SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC RESOURCES, Room 131, Legislative Building, Carson City, Tuesday, March 11, 1975 at 1:00 P.M., in opposition to Senate Bill 254

My name is George W. Abbott. I am an attorney at law with offices at 101 Bank Building, Minden, Nevada. I appear here today as a special counsel to Douglas County and to its Board of County Commissioners on Lake Tahoe matters. I appear in opposition to enactment of S. B. 254.

Senate Bill 254's title reads: "An Act relating to the Tahoe Regional Planning Agency; providing changes in the composition of the agency's governing body and advisory planning commission; clarifying voting procedures; requiring state contributions to the agency; providing technical corrections; and providing other matters properly relating thereto."

A. Background and the Changes Proposed by S.B. 254.

TRPA is the product of legislation approved in 1968 by Nevada (N.R.S. secs. 277.190 to 277.220) and California (West's Ann. Gov. Code sec. 66801) and ratified as a bi-state compact by the Congress on December 18, 1969 (P.L. 91-148, 85 Stat. 360),

In November, 1973, the TRPA chairman appointed an Ad Hoc Evaluation Committee "to review and evaluate the Agency's activities under the Bi-State Compact and to report its findings and recommendations to the Governing Body."

Under date of May 31, 1974, a report covering the first four years of the agency's activities was submitted to the TRPA. No action was then nor has up to now been taken adopting, rejecting, or in any way modifying or supplementing or formally acting upon the ad hoc report. S.B. 254 appears to have been directly based upon the report's recommendations, although it does not include at least one of the major recommendations made by the ad hoc committee.

Thus, Senate Bill 254, comes here then without the benefit of the views and comments of the full voting membership of the Agency on recommendations.

Senate Bill 254, if enacted would:

1. Change the composition of the Agency (by amending III(a)(2), line 40, p. 2 through line 40, p.3) by adding two appointive members to the Agency, thus changing the agency from one having a majority of members elected (now 6-4) to one having a membership half-elected, half-appointed (6-6).

2. Change the composition of the Advisory Planning Commission (by amending Art. III (h), line 32, p. 4 through line 21, p. 5) by substituting three State officials and one Federal official for the four county health officials presently provided for.

3. "Clarify" voting procedures (by amending Art. III (g), lines 22-28, p. 4 and Art. VI(k), lines 23-38, p. 10) by inverting the present "dual-sovereignty" provisions and substituting, in effect, a "dual veto" procedure.

4. Take from each state (by amending Art. VI(d), lines 37-43, p. 9) the present authority for final state approval and initiation of all public works projects, and give to the Agency final authority to approve or disapprove such project, or to refuse for more than 60 days to take a final action whatsoever.

5. Require each state (by amending Art. VII (A), lines 7-11, p. 11), to at least match the amount paid annually by their respective combined counties to finance the agency operations, where now the States are not directly involved in financing. Each state now claims they "have neither authority, responsibility, nor liability for the Agency's actions"

6. Immunize Agency employees and members (by amending Art. IV, lines 14-16, p. 6) from liability for damages "for any act or omission in the course of his public duties, unless such act or omission is malicious"

7. Amend the provisions making agency ordinance violations a misdemeanor (Art. VI (F), line 50, p. 9 through line 5, p. 10) by providing that where a violation is "correctable", each day of violation would be a separate offense.

B. Effect of Enactment.

The Nevada Legislature is being asked, it seems to me, to cast a vote which:

First, would admit that Nevada as a State, and its agencies, and its counties, and its people, are either unwilling or unable to properly and wisely manage and control the land and water resources of Lake Tahoe. Or, that Nevada believes California will do a better and more responsible job. Or, that California is needed to hold Nevada to its duty. Or, that neither state can be trusted to take responsible final action on its own. Or, that appointed agency officials will, somehow, do a more responsible job than elected public officials.

Second, would do away with the "dual sovereignty" concept which Nevada, in 1968, made an absolute condition of approval of any Compact, and substitute for it a situation where either state could veto the actions of the other -- including vetoing of highway projects, sewerage systems, water systems, and any other public works.

In this connection, U.S. District Judge Bruce Thompson, in an August 14, 1974 decision in Younger v. TRPA said that: The (existing voting system) "all stems * * * from a lack of willingness on the part of two sovereign states * * * California and Nevada, to surrender to a bi-state agency a portion of the sovereignty of the particular state and its subdivisions."

Both are now being asked "to surrender to a bi-state agency a portion of (that) sovereignty".

Third, on the basis of the already available 5-year TRPA history there must be deep concern that there would be additional, substantial, indefinite delay for many years in Lake Tahoe area planning. TRPA has, simply, been unable to make the long overdue basic planning decisions so badly needed if the area is to be protected, and if Lake Tahoe is to have control and development standards which will give the whole area predictable and stable guidelines for control, growth, and orderly management of land and water resources there.

Of the five required regional plan elements -- land use, transportation, conservation, recreation, and public services and facilities --

legally required to be completed within 18 months of enactment of the compact legislation, only one of them, 60 months later (land use), is an adopted plan and ordinance. And what of it?

The Land Use Ordinance and Plan became effective in December, 1971, and less than a year later, on September 21, 1972, Richard Heikka, the TRPA executive officer, in a moment of commendable candor, and disappointed that Congress had failed to vote a \$15 million dollar fund for purchase of Tahoe lands, said that: it might be necessary to "give back" to private landowners the right to develop several hundred acres of land closed to development by TRPA zoning "because there are no funds to purchase the land and property owners are threatening legal action." He is quoted as saying (emphasis supplied):

"I do this with some degree of reluctance * * * But the use of zoning to hold up development puts the agency in an extremely dangerous position regarding law suits ***. If the United States wants to save Lake Tahoe, then by God it better put some dollars up. * * * We weren't given the tools to implement a regional plan. Until the private land is bought, however, it is not appropriate to use recreational zoning as a blackjack to drive down property values when we're looking at an acquisition program 20 years away. * * *"

It is significant, perhaps, that the current budget proposes allocation of \$200,000 to TRPA administrative staff and \$120,000 to TRPA legal staff.

Nevada, Nevada counties, and the California counties argue that they have done much more, have taken more timely and effective action to control and manage Tahoe resources, and to meet the increased demands for resource use there, than has TRPA.

C. The Record and Today's Testimony.

While opinions will differ, the record available to the committee now, or testimony forthcoming today will establish facts and will raise questions which, I believe, should give very, very, long pause before Nevada moves to adopt the provisions embodied in Senate Bill 254.

1. S.B. 254 proceeds on the assumption, somehow, that Nevada, Nevada citizens, its counties, and its elected officials, are less concerned with protecting and preserving Lake Tahoe and its resources than are Californians, Federal employees or other appointive officials, or almost anybody.

2. Neither the State of Nevada nor its counties are on trial, S.B. 254's implications notwithstanding. There are those who would argue that TRPA should be clearly confined to its originally-intended coordinating function, or go out of business, or at least be put on probation. This is so since Douglas County and Washoe County pioneered -- with lesser involvement by Carson City in Lake Tahoe development -- in far-sighted and meaningful zoning, planning, control and development ordinances and administration; Nevada and its counties have done at least as well as California or TRPA in development and control to this date, and creation of the NTRPA provides additional assurance of state coordination and oversight.

3. The League to Save Lake Tahoe takes the position that TRPA has failed, and failed badly in major respects, to fulfill its mission. Other witnesses will echo this and argue that TRPA, in its first five years, has accomplished about one-tenth of what it promised and was mandated to do, at about ten times the dollar expenditure originally forecast.

4. The record suggests that the California members of the TRPA governing body are "anti-Nevada" --whether by their own inclination, or because only one of twenty key staff members is a Nevadan and the rest Californians, or because the Golden State has 22 million people and the Silver State only 1/2 million, or because of tremendous pressures brought on the Agency by "volunteer" groups; for whatever reasons -- have always voted "no" when it comes to development on the Nevada side, have been anti-resort hotel, anti-gambling, and even opposed to highway and road system improvements proposed in Nevada.

5. Pending or projected litigation leaves unanswered at this state a multi-million dollar question: who is liable -- is the State of Nevada liable? -- for any judgments which may be rendered as a result of wrongful or harmful actions by TRPA? Pendency of some \$200 million in claims found TRPA totally indifferent to the hardships caused by Agency delay to hundreds of land owners, to school bonding and other bonding and taxing entities --. except for the startling public admission by its executive director that "zoning is being used as a blackjack to drive down property values".

153

In the recently proposed shoreline ordinance, there are new regulations which will, predictably, result in hundreds of millions of dollars in claims -- perhaps as much as a billion dollars.

Question: would S.B. 254, requiring Nevada for the first time directly to finance TRPA, also assure that Nevada would for the first time be held to share in liability for any judgments which might grow out of TRPA activities?

6. Each and every hotel and casino approved for construction in Nevada by Nevada counties or agencies to date -- and this is pointedly overlooked -- was also included, without exception, within TRPA's own land classification and use classification. Yet, each and every California TRPA member has voted against each proposal each time one has been put to a vote.

7. Question: If California is thus opposed to new casino construction, wouldn't it be a short step tomorrow for TRPA to make a "study", look at existing casinos, decide each is contributing to "destruction of the basin by inviting tourists and automobiles" and rule that they are "non-conforming uses"?

8. Question: Wouldn't it be a short step tomorrow, or the day after to "discover" what tens of thousands of skiers have discovered -- that the Tahoe basin and surrounding area offers some of the best skiing in the world; that skiers use automobiles to get where they're going; that automobiles should not be permitted in the Tahoe basin; that existing ski areas are therefore "non-conforming uses."?

9. Question: How long will it be before TRPA yields to demands that the maximum permitted Tahoe water level be cut in half and the amount of permitted export reduced -- on some finding that export and fluctuation damage the ecology and aesthetics? What effect on the communities along the Truckee in California, on Reno, on Pyramid Lake, on the TCID area in Churchill County and the Stillwater Refuge there -- and inevitably -- on the control of the Carson River upstream from Fort Churchill?

If the State of California (one, alone) can move against us by land, cannot both California and TRPA (two, together) move against us by sea?

10. Question: If California was willing to come into a United States District Court in Reno to obtain an order to block hotel construction at Lake Tahoe, is it hard to believe that California would:

-- move, in Las Vegas Federal Court, for example, to block hotel expansion or construction there because "there is an automobile tunnel 245 miles long between Los Angeles and Las Vegas," that automobiles are using it to get to Las Vegas, that such use is making for emission control problems at Bakersfield, San Bernardino, Colton, or someplace, and that such construction should be enjoined?

-- move, in Las Vegas Federal Court, for example, to block any further growth of Las Vegas, because Las Vegas Wash is the drainage for the city and county, the Wash drains into Lake Meade, Lake Mead water is shipped through the San Diego aqueduct to the California coast and "water quality considerations" dictate "no more building" in the Las Vegas basin?

11. At some point, even the most single-minded professional environmentalists should acknowledge that:

Nevada is, and should remain, just as sovereign a state as California is a sovereign state; neither should surrender to the other their basic sovereignty, as S.B. 254 would require.

Elected officials, though a vanishing breed, should be insisted upon whenever that option exists.

Nevada, its officials and its people -- and California, its officials and its people -- are just as vitally interested in preserving and protecting the values of land and water resources at Lake Tahoe as would be the case with an essentially appointive governing body with total authority over those resources -- but without direct responsibility for actions it might take.

If compelling, or regional, or national, interest in Tahoe resources dictates the taking or locking up of private property values, then TRPA and the two states should decide now that those private property owners are entitled to an early, fair, full procedure for compensation.

Senate Bill 254 has been described as "a bill to strengthen the TRPA". If strength is added to TRPA, where is it to come from? What existing authority would be weakened? We just can't believe that the Nevada Legislature is prepared to announce to the world, by its vote, that Nevada is unwilling, or unable, to act and continue to act responsibly to manage and control, and to preserve, Lake Tahoe's assets.

Nevada, in my judgment, should either: leave existing compact provisions as they are, by rejecting this legislation in these hearings, with a stern advisory to TRPA that it's days are numbered if it doesn't "get its act together"; or, provide through other legislation and hearings for suspension of Nevada's participation until pending major legal and administrative policy questions are answered, failing which Nevada will withdraw from the compact; or, through hearings which may be beyond the scope of those contemplated in consideration of S.B. 254, to determine whether the Compact should be dissolved now by Nevada's withdrawal, until then continuing TRPA without broadening its powers.

HOWARD W. CANNON
NEVADA

Exhibit "0"
7
United States Senate
WASHINGTON, D.C. 20510

COMMITTEES:
ARMED SERVICES
COMMERCE
AERONAUTICAL AND SPACE
SCIENCES
RULES AND ADMINISTRATION

RECEIVED
JAN 27 1975
DOUGLAS CO. MANAGER

January 22, 1975

Roland L. Adams
County Manager
Douglas County
Courthouse
Minden, Nevada 89423

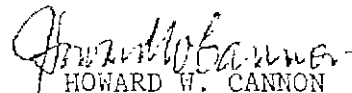
Dear Mr. Adams:

Thank you for your letter and resolution of the Douglas County Commissioners proposing withdrawal of Nevada from the Tahoe Regional Planning Agency.

The question of upgrading the TRPA or withdrawing will, I am sure, be vigorously debated in the upcoming sessions of the Nevada and California legislatures. I believe the collective wisdom of the legislatures will best determine the TRPA's future in a way that will protect the legitimate interests of all those interested in the future of Lake Tahoe. I appreciate knowing of the Douglas County position but do not believe it would be helpful to endorse any position on a matter which will be an important subject of the legislature.

With best wishes, I am

Sincerely,


HOWARD W. CANNON

HWC:Kasw

WILLIAM J. RAGGIO
STATE SENATOR
WASHOE NO. 1

OFFICE:
ONE EAST FIRST STREET
P.O. BOX 2137
RENO, NEVADA 89503



Exhibit "8"

COMMITTEES
MEMBER

FINANCE
COMMERCE AND LABOR
TAXATION
TRANSPORTATION

Nevada Legislature

FIFTY-EIGHTH SESSION

January 21, 1975

Mr. Roland L. Adams, County Manager
Douglas County Courthouse
Minden, NV 89423

RECEIVED

JAN 23 1975

DOUGLAS CO. MANAGER

Dear Roland:

This will acknowledge receipt of your letter dated January 13, indicating the position of the Douglas County Commissioners with respect to withdrawing from the Bi-State Compact at Lake Tahoe. Your letter is most informative and I am pleased to receive your views and those of your Board. Undoubtedly, this matter will be eventually debated.

I do feel that we must guard against losing local control and I have supported the present situation, which requires a dual majority for contemplated action.

Be assured of my continuing interest in the matter.

With best wishes, I am

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Raggio".

William J. Raggio,
State Senator

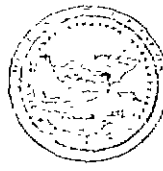
WJR:mt

2175

507

Exhibit "19"

CLIFF YOUNG
SENATOR
WASHOE No. 1
232 COURT STREET
RENO, NEVADA 89501



COMMITTEES
MEMBER
FINANCE
LEGISLATIVE FUNCTIONS
ECOLOGY AND PUBLIC
RESOURCES
HEALTH, WELFARE, AND STATE
INSTITUTIONS
EDUCATION

Nevada Legislature

FIFTY-SEVENTH SESSION

January 22, 1975

RECEIVED
JAN 27 1975
DOUGLAS CO. MANAGER

Mr. Roland L. Adams
County Manager
Douglas County
Courthouse
Minden, Nevada 89423

Dear Roland:

Thank you for your letter of January 13, 1975. As you probably surmised, the Ad Hoc Report contains very few, if any, recommendations that have any appeal to me.

While I have not been as close to the situation as the residents of Douglas County, what I have seen of TRPA in operation raises many questions.

While I'm always willing to consider proposals in evidence in support thereof, my present inclination would be to leave the situation in it's present position.

With kindest regards, I remain

Sincerely,

Cliff Young
Cliff Young

CCY/mcb

1975

SU 8

10

TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: March 10, 1975

TO: Nevada State Senate
Committee on Environment and Public Resources

FROM: Gary A. Owen, Legal Counsel
Tahoe Regional Planning Agency (TRPA)

SUBJECT: Senate Bill 254 (Proposed Amendment to NRS 277.200 -
Tahoe Regional Planning Compact)

At the request of Mr. Elmo DeRicco, member of the TRPA Governing Body, the following is submitted as a brief summary or discussion, as the case may be, of the major changes to the Tahoe Regional Planning Compact proposed by Senate Bill 254.

A. QUALIFICATIONS OF MEMBERS, AND COMPOSITION OF TRPA GOVERNING BODY - COMPACT, ARTICLE III (a).

1. Local Government Representatives.

The bill makes no change in the number (three (3) from each state) of local government representatives on TRPA's governing body. It restricts, however, the qualifications for a local representative from Nevada, requiring that such representative be both: (1) a member of the county governing board of the county represented; and (2) a resident of a county commission or supervisorial district lying wholly or partly within the Tahoe region (Bill: P. 3, lines 5-8). Currently, such representative need only reside in the county represented; the county board may choose, but is not required to choose, one of its own members residing, or owning property, in the region (Bill: P. 2, lines 45-48; P. 3, lines 1-3).

2. State Representatives.

The proposal increases the number of TRPA gubernatorial appointees, representing the public at large, from one (1), per governor, to two (2) (Bill: P. 3, lines 19-21). The Director of the Nevada Department of Conservation and Natural Resources, or the Director's designee, will remain on the governing body, as will the Director's counterpart from California (Bill: P. 3, lines 29-33).

Subject to the discussion in subsection 3, below, the increase in state representatives strikes a balance between state and local seats on the Agency; i.e., referring to Nevada's delegation, alone, the following configuration appears:

2. March 10, 1975
Memorandum to Nevada State Senate Committee on Environment and Public Resources

Three (3) Local Representatives:

from Washoe and Douglas Counties and Carson City, respectively;

and

Three (3) State Representatives:

two (2) appointed by the Governor, to serve with the Director of the Department of Conservation and Natural Resources, or the Director's designee.

The number of California delegates representing state and local government, respectively, would be identical to that representing Nevada.

3. Additional Member Chosen by State and Local Delegates.

The bill requires appointment of a seventh (7th) member to each delegation by majority vote of the respective six (6) state and local members, referred to hereinabove (Bill: P. 3, lines 34-36). Failure of this appointment, however, within thirty (30) days after completion of the two gubernatorial appointments will compel the Governor to designate the seventh (7th) representative (Bill: P. 3, lines 36-40).

4. Conclusion.

In short, the bill tightens qualifications of Nevada local government representatives and increases the voting membership of TRPA's governing body from ten (10) to fourteen (14) members, six (6) representing local government, six (6) state government, or the public at large, and two (2) chosen by their fellow delegates or the respective Governor, as the case may be.

B. THE "DUAL MAJORITY" VOTING REQUIREMENT - COMPACT, ARTICLE III (g).

The proposed amendment to this provision will be treated below, concurrently with that modifying the "Sixty Day Rule."

C. COMPOSITION OF ADVISORY PLANNING COMMISSION - COMPACT, ARTICLE III (h).

The proposed change in the composition of the advisory planning commission eliminates seats now held by county health officers and sanitation directors from Nevada and California, respectively, (Bill: P. 4, lines 38-41), and requires membership of air quality officials

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March 10, 1975

3. Memorandum to Nevada State Senate Committee on Environment and Public Resources

from both states (Bill: P. 4, lines 43-44; P. 5, lines 1-3) and the Administrator of the U. S. Forest Service Lake Tahoe Management Unit (Bill: P. 5, lines 3-4).

The function of the commission, providing expert advice to the governing body on planning matters, remains unchanged.

D. AGENCY OWNERSHIP OF LAND - COMPACT, ARTICLES III (i) and VII (d).

Proposed changes to Articles III (i) (Bill: P. 5, line 23) and VII (d) (Bill: P. 11, lines 18-19) make it clear the Agency may not own real property except for establishment of an office.

E. LIABILITY OF AGENCY MEMBERS AND EMPLOYEES - COMPACT, ARTICLE IV.

New subsection (d) to Article IV (Bill: P. 6, lines 14-16) codifies the general rule that a public officer or employee is not individually liable in damages for an act or omission in the course of his duties, unless, of course, the act or omission is malicious. This provision makes express that which TRPA counsel repeatedly has argued is implicitly applicable to TRPA members and employees.

F. REVIEW AND APPROVAL OF PUBLIC WORKS PROJECTS - COMPACT, ARTICLE VI (d)

As presently written, the Compact casts the Agency in the indeed anomalous position of having to adopt a transportation element for its regional plan (Bill: P. 7, lines 13-17) and, yet, being powerless to enforce it by requiring state projects to conform thereto (for present language, see Bill: P. 9, lines 25-40 and particularly lines 37-40). A similar paradox occurs anytime a state department proposes work in the Tahoe Basin bearing upon TRPA's land use, conservation, recreation or public services and facilities plan elements (for existing regional plan element requirements, see Bill: P. 7, lines 7-30).

S.B. 254 remedies this awkward situation, requiring that all public works projects be reviewed and approved by the Agency as to compliance with the regional plan (Bill: P. 9, lines 41-43).

G. CRIMINAL SANCTIONS - COMPACT, ARTICLE VI (f).

Violation of a TRPA ordinance is a misdemeanor. The Compact does not define when a separate misdemeanor occurs, and prosecuting authorities understandably are disinclined to charge more than one violation as a result of the same activity. Experience at Lake Tahoe

March 10, 1975

4. Memorandum to Nevada State Senate Committee on Environment and Public Resources

has demonstrated, however, that the magnitude and duration of some violations radically outweigh the penalty prescribed. It is often less expensive to violate, rather than obey, the ordinances.

The proposed amendment (Bill: P. 9, line 50, and P. 10, lines 1-4), while leaving the penalty untouched, clarifies when a separate offense occurs, thus enhancing enforcement potential.

H. "DUAL MAJORITY" VOTING REQUIREMENT - COMPACT, ARTICLE III (g)
and "SIXTY DAY RULE" - COMPACT, ARTICLE VI (k).

1. Dual Majority Voting Requirement.

The "dual majority" system requires a "majority vote of the members present representing each state" in order to take action. (for exact language, see Bill: P. 4, lines 24-25). The system itself, has presented few problems. Difficulties emerge primarily when majorities from both states disagree, and the provision creating the system is read in conjunction with the "sixty day rule". (See discussion in subsection 2 (e) below.)

2. "Sixty Day Rule"

The "sixty day rule" requires TRPA to take final action upon a "proposal" within sixty (60) days after it is delivered to the Agency. If the Agency fails to act within sixty (60) days, the proposal is "deemed approved" (for exact language, see Bill: P. 10, lines 23-29). The concept of the rule serves a purpose; it obviates unconscionable delay in a governmental decision legally required for one to undertake private action such as construction of a project. Nevertheless, the "deemed approved" element of the rule breeds legal and administrative chaos. It fosters, rather than prevents, disarray and arguably wrests development control from TRPA. Some of the problems follow.

a. Failure to Pay Filing Fee:

If an applicant fails or refuses to tender the filing fee required to accompany an application, TRPA, nevertheless, arguably has been delivered a "proposal" within the meaning of the "sixty day rule". The Agency, thus, is compelled to place the application upon the agenda notwithstanding the deficiency, lest it be "deemed approved". While staff in such cases regularly requests summary denial, without prejudice, there is nothing legally preventing governing body approval or, as in a recent case, failure to act by the untimely departure of a member necessary to preserve the quorum.

b. Incomplete Application:

A situation comparable to that just discussed involves an applicant's failure or refusal to submit complete information necessary for consideration of the project. The application, albeit incomplete, arguably is a "proposal" subject to the "sixty day rule". Once again, staff must seek Agency action out of fear the project will be "deemed approved" without review.

c. Staff Inadvertance:

It is possible that agency staff inadvertantly might omit a proper, or improper, application from the agenda, resulting in an automatic "approval" should sixty (60) days transpire.

d. Lack of Dual Quorum:

Article III (g) of the Compact requires presence of a majority of the members of the governing body from each state for transaction of business. (For exact language, see Bill, P. 4, lines 22-24). Failure of this "dual quorum" to assemble renders unconsidered projects "approved" upon expiration of sixty (60) days. Moreover, as was recently the case, the untimely departure of one member during a meeting can leave those remaining powerless to act, with vital business remaining untouched and, perhaps, "approved".

e. Failure of "Dual Majority" Vote:

One of the most perplexing problems, legally and administratively, encountered by TRPA is the failure of the two majorities to agree upon a proposal, particularly one involving major construction. It has been argued, and indeed held by one judge, that failure to reach dual majority agreement is nonaction resulting in project "approval" when sixty (60) days from delivery have elapsed. The effect is that a "dual negative" must occur in order to stop a project from commencing.

3. Potential Abuse of "Sixty Day Rule".

The most inimical effect of the "sixty day rule" emerges from its potential application to a project violating TRPA ordinances -- i.e. that such a project could be "deemed approved". This has been contended, and literal interpretation of the compact lends support. While counsel questions the merits of the argument, it is one which deserves express elimination by legislative action.

6.

March 10, 1975

Memorandum to Nevada State Senate Committee on Environment and Public Resources

A brief review of TRPA permit procedure is vital to fully appreciate the potentially crippling effect of the "sixty day rule." Agency ordinances, by and large, require that development permits initially be issued by local government, whereupon they are submitted to TRPA for approval or rejection. The ordinances require local government to review permit applications and grant or deny them in accordance with ordinance standards. As a practical matter, however, local government often issues permits, technically applying TRPA ordinance standards or making findings required thereunder, but actually deferring to the Agency for thorough review of the projects under Agency standards. While not literal compliance with the ordinance procedure, this method is workable except for the "sixty day rule." If the permit issued by local authorities actually "authorizes" an illegal project, TRPA, nevertheless, must reject it within sixty (60) days of delivery or face an "approval" under the literal interpretation of the rule. Such a permit also is a vehicle for any one of the pitfalls discussed in subsection 2, above.

The following is a list of TRPA permits potentially subject to this problem:

- a. Land Use Administrative Permit - Section 7.12, Land Use Ordinance (No. 13). Covers major commercial and other developments.
- b. Land Use Variance Permit - Section 8.34, Land Use Ordinance.
- c. Height Increase Administrative Permit - Section 7.13, Land Use Ordinance.
- d. Additional Land Coverage Administrative Permit - Section 8.25, Land Use Ordinance.
- e. Additional Land Coverage Variance - Section 8.28, Land Use Ordinance.
- f. Replacement of Nonconforming Land Coverage by Administrative Permit - Section 9.21(3), Land Use Ordinance.
- g. Grading Permit - Section 4.32, Grading Ordinance (No. 5).
- h. Shoreline Construction Permit - Section 4.32, Shoreline Ordinance (No. 6).
- i. Approval of Tentative Subdivision Map - Section 4.31, Subdivision Ordinance (No. 7).

Memorandum to Nevada State Senate Committee on Environment and Public Resources

- j. Tree Cutting Permit - Section 4.41, Tree Conservation Ordinance (no. 11).
- k. Timber Harvesting Permit - Section 4.40, Timber Harvesting Ordinance (No. 12).

4. The Proposed Amendment.

Senate Bill 254 (Bill: P. 10, lines 23-38) provides a sensible alternative to remedy the potential governmental delay without the self-defeating effects inherent in the current language.

- a. While TRPA still must act within sixty (60) days under the amendment, the time does not commence to run until the proposal is delivered "in compliance with the Agency's rules and regulations," (Bill: P. 10, lines 29-30). Thus, filing fees and all pertinent information first must be submitted.
- b. Under the bill, a failure to act within sixty (60) days, whether due to staff inadvertance, lack or loss of a "dual quorum", or other factors, does not cause a proposal to be "deemed approved." Instead, the applicant is given express authority to compel a vote by legal action in mandamus (Bill: P. 10, lines 33-36). This removes the threat to the integrity and purpose of TRPA ordinances and, indeed, to the Compact, itself. Regardless of this express legal remedy, an applicant, of course, is always free to challenge and set aside a vote, or failure to vote, where an abuse of the Agency's discretion occurs.
- c. The failure of the two majorities to agree results in automatic rejection of the proposal (Bill: P. 4, lines 25-28; P. 10, lines 30-33). Nevertheless, even if a project is deemed rejected, TRPA remains subject to suit to set the rejection aside as an abuse of discretion, should the development actually conform with Agency standards. If a project is illegal, however, it may not be approved, either expressly or tacitly.

The automatic rejection provision is legally sound, under the purpose of the Compact, in requiring that both majorities agree in order to approve proposals and eliminating evasion countenanced by present language. Furthermore, the "dual majority" requirement is in tact, giving either state a veto over any action, whether ordinance or project, proposed for the Tahoe region.

8.

March 10, 1975

Memorandum to Nevada State Senate Committed on Environment and Public Resources

I. REVIEW OF ENVIRONMENTAL IMPACT REPORTS - COMPACT, ARTICLE VI.

New subsection (1) to Article VI simply requires submission to TRPA of all environmental impact reports, statements, etc., required by the law of either state or federal law (Bill: P. 10, lines 39-41). This, presumably, would assist TRPA's assessment of a project's environmental effect.

J. STATE CONTRIBUTION TO TRPA - COMPACT, ARTICLE VII (a).

The bill requires each state to match the respective mandatory contributions to the Agency made by the particular local governments within each (Bill: P. 11, lines 7-11). Such mandatory state contribution does not preclude further appropriations to the Agency.

GO:m

Exhibit "11"

ESTIMATED FEDERAL EXPENDITURES FOR LAKE TAHOE BASIN

PERIOD - FY 1964 - PRESENT (11/13/74)

<u>AGENCY</u>	<u>ESTIMATED EXPENDITURES</u>
Bureau of Land Management	\$ 100,000
Bureau of Outdoor Recreation	5,619,470
Bureau of Reclamation	262,723
Coast Guard	1,098,000
Corps of Engineers	152,000
Economic Development Administration	3,684,433
Environmental Protection Agency	15,087,206
Federal Aviation Administration	2,615,250
Bureau of Sport Fisheries & Wildlife	100,000
Federal Highway Administration	5,440,943
Forest Service	11,131,897
Geological Survey	705,825
Health, Education, and Welfare	225,000
Housing & Urban Development	1,261,800
National Park Service	6,000
National Science Foundation	2,055,900
Soil Conservation Service	546,400
Urban Mass Transportation Administration	48,200
 <u>ADDITIONAL FUNDING</u>	
Land and Water Conservation Fund (B.O.R. & F.S.)	36,780,800

TOTAL: \$85,921,847

1974

NATIONAL FEDERAL
 PLANNING AGENCY

AGENCY EXPENDITURES

Bureau of Land Management

Expenses connected with land exchanges in Tahoe Basin \$100,000

199

101

AGENCY EXPENDITURES

Bureau of Outdoor Recreation

Land and Water Conservation Fund Assistance in the Tahoe Basin

Sugar Pine Point State Park acquisition and development	\$1,241,000	
Kings Beach Recreation Area acquisition	160,140	200
Tahoe Bicycle Trail development	49,598	
El Dorado Campground development	149,940	
Kings Beach Recreation Area development	116,535	
Tahoe Bicycle Trail (Phase II) development	17,642	
Lake Tahoe Nevada State Park (Sand Harbor) acquisition and development	3,000,000	
Lake Tahoe Nevada State Park development	797,115	
Tahoe Bike Path development	12,000	
Rewrite of "Tahoe - A Special Place"	5,500	
Feasibility Study - National Lakeshore	25,000	
EIS Incline Powerline) LWCF Activities) \$45,000 Transportation Coordination)	<u>45,000</u>	

TOTAL: \$5,619,470

AGENCY EXPENDITURES

Bureau of Reclamation

261

1963 Tahoe Basin Studies	\$ 17,209
1964 Tahoe Basin Studies	60,133
1970 Lake Tahoe Project	7,348
1971 Lake Tahoe Project	57,543
1972 Lake Tahoe Project	<u>120,490</u>
TOTAL	\$262,723

AGENCY EXPENDITURES

United States Coast Guard

1964-74	Personnel	\$780,000
	Operations	100,000
	Improvements	20,000
	Equipment	15,000
	OH @ 20%	183,000

TOTAL \$1,098,000

AGENCY EXPENDITURES

203

U.S. Army Corps of Engineers

Processing applications (Docks & Buoys) \$ 52,000

Studies: Trout-Dijou)
Upper Truckee)
Flood Hazard) \$100,000 100,000
studies)

TOTAL \$152,000

AGENCY EXPENDITURES

Economic Development Administration

1968 STPUD - Tertiary Treatment \$3,253,000

1969 TCPUD - West Shore Interceptor Phase II 431,433

TOTAL: \$3,684,433

AGENCY EXPENDITURES

Environmental Protection Agency

1965 Tertiary Treatment STPUD	\$ 36,970	
1966 Research Grant <u>Eutrophication of Surface Waters of Lake Tahoe</u>	296,500	
1966 Tertiary Treatment STPUD	72,395	
1967 TCPUD Interceptor - Plant to Dollar Point	272,250	
1967 STPUD Effluent Export Line & Reservoir	497,390	205
1967-72 U.C. Davis - Basic Limnology	517,000	
1968 NTPUD - Interceptor - Dollar Point to Carnelian Bay	668,250	
1968 Tertiary Treatment STPUD	1,022,000	
1968 Douglas Co. SID Interceptor, pump stations, treatment plant, export line	1,536,238	
1969 NTPUD - TCPUD Treatment Plant Expansion	360,789	
1969 TCPUD West Shore Interceptor Phase I	420,910	
1969 TCPUD West Shore Interceptor Phase II	837,487	
1969 STPUD Tertiary Treatment	12,500	
1969 Incline Village Sewage Export	705,057	
1970 NTPUD Pump Station	461,120	
1970-73 Indian Creek Eutrophication Study	124,040	
1970 Incline Village Plant Expansion	495,000	
1971 Douglas Co. SID Extend Force Main & Outfall	249,150	
1971 Tahoe-Douglas District - Interceptor to Round Hill Plant	923,570	
1973 NTPUD	66,370	

1973 TCPUD	\$ 424,720
1973 STPUD Water Reclamation Plant Improvement	974,110
1973 Kingsbury GID	960,440
1973 Tahoe-Douglas District	2,461,700
1974 Douglas Co. SID	41,250
1975 TRPA 208 Funding (November 1974)	<u>650,000</u>

TOTAL: \$15,087,206

238

The following cannot be separated to show Lake Tahoe share

1973 303(e) Basin Plans S.106 FWPCA Program Grant Funds
 Cal. - \$1,309,899
 Nev. - 77,800

1974 Cal. - \$2,355,848
 Nev. - 139,923

1973 S. 105 CAA Program Grant Funds
 Cal. - \$1,058,000
 Nev. - 44,835
 Washoe APCD 56,755

1974 Nev. - 65,000
 Washoe APCD 56,144

TRPA Category 500 ? No est.

AGENCY EXPENDITURES

Federal Aviation Administration

Operations of Tower	1966	\$31,000
	1967	50,000
	1968	55,000
	1969	70,000
	1970	71,000
	1971	73,000
	1972	97,000
	1973	104,000
	1974	<u>140,000</u>
		\$691,000
Grant Payments		<u>1,924,250</u>
	Total	\$ 2,615,250

AGENCY EXPENDITURES

Bureau of Sport Fisheries & Wildlife

Review of C of E public notices regarding
construction activities along shoreline

\$ 75,000

Participate with TRPA's shoreline and
fisheries subcommittees

25,000

TOTAL: \$100,000

209

AGENCY EXPENDITURES

Federal Highway Administration

1966-73 Federally - aided projects	\$ 3,436,622
1973 Location, design, R/W, utility relocation Stateline - SR-19	1,752,800
1973 Preliminary engineering studies US 50 from Stateline to SR-28	177,918
1974 US 50 and Pioneer Trail Junction	<u>73,603</u>
TOTAL	\$ 5,440,943

939

203

AGENCY EXPENDITURES

Forest Service

Lake Valley	1964	(910 & 914 & O.H. @ 40%)	\$ 159,018
	1965		208,151
	1966		257,151
	1967		192,713
	1968		159,375
	1969		219,274
	1970		246,905
	1971		589,487
	1972		396,722
	1973		495,877
	1974		786,503
68-73 Capital Investments - El Dorado			2,774,093
65-74 Land Acquisition (mostly exchange value)			2,652,574
64-73 Truckee District (9 years)			450,000
64-73 Carson City District (9 years)			545,000
Pacific Southwest Forest & Range Exp. Sta.			50,000
1974 R-4 Land Line Survey			12,000
1972-75 Sewer Operation & Maintenance, STPUD			96,012
William Kent Sewer			220,381
William Kent Campground			9,193
Kaspian Sewer			59,571
Barker Pass Road W/In Basin			69,212

210

Blackwood Canyon Stabilization	\$ 15,000
1967-70 Nevada Beach	133,466
1964-74 Land Acquisition Staffing - Toiyabe	<u>334,219</u>
TOTAL:	\$11,131,897

Does not include EFF, 102 or 25% Funds to Counties

2.1

AGENCY EXPENDITURES-

U.S. Geological Survey

1969-1970 Geology and mineral resources of Washoe, Douglas
and Ornsby Counties (Expenditures not available)

Topographic Mapping \$4,000

Mapping revisions of past mapping 14,000

Nevada District only

Project work 1964-present 81,000

Basic Record Collection '64-present 95,000

1972-1975 Highway Erosion

Fallen Leaf Lake Study 451,825-

1973-1975 Remote Sensing Snow & Ice (NASA AMES) 60,000-

TOTAL 705,825

AGENCY EXPENDITURES

Health Education Welfare (HEW)

1974 Lake Tahoe Environmental Education Consortium	\$150,000
1975 Lake Tahoe Environmental Education Consortium	<u>75,000</u>
TOTAL:	\$225,000

213

AGENCY EXPENDITURES

Department of Housing and Urban Development

211

1966 FIA Report Analyzing Tahoe Area Housing Market	
1968 HUD Preliminary Report on Status of Federal Agency Plans and Activities Affecting Tahoe	
1970 701 Grant to finance TRPA planning activities	\$ 50,000
1971 701 Grant to finance TRPA planning activities	75,000
1972 207 FHA Project at Incline Village	623,800
1973 Open Space Grant-Land Acquisition, S.L.T.	20,000
1973 701 Grant to finance TRPA planning activities	75,000
1973 Open Space Grant, Land Acquisition, S.L.T.	48,000
1975 HUD Consulting	55,000
1974 TRPA Grant	75,000
1975 TRPA Grant	55,000
1973-74 Chateau Bijou - Interest Subsidy	120,000
1974 Sierra Gracens - Interest Subsidy	<u>65,000</u>
TOTAL:	\$1,261,800

AGENCY EXPENDITURES

National Park Service

1968-Emerald Bay National Natural Landmark

\$ 500

Washoe Cultural Center

500

Meetings & Review of Plans

TOTAL 5,000
\$6,000

AGENCY EXPENDITURES

National Science Foundation

1970	\$97,800	
1971	252,300	
1972	645,800	
1973	50,000	
1974	485,000	
1975	<u>525,000</u>	Estimate
TOTAL	\$2,055,900	

AGENCY EXPENDITURES

Soil Conservation Service

Soil Survey Report and related costs	\$ 230,000
River Basin Planning and Studies	45,000
Snow Surveys	42,000
Conservation Operations Programs Technical Assistance and Consulting	194,400
Plant Materials Studies	<u>35,000</u>
TOTAL	\$546,400

2-19

AGENCY EXPENDITURES

218

Urban Mass Transportation Administration

1975 \$ 48,200

Land & Water Conservation Fund (BOR & F.S. Joint Effort)

Land Purchase Lake Tahoe Basin

F.S. Reports to B.O.R. show \$21,733,000

under option 10/11/74 15,047,800

TOTAL \$36,780,800

Environment and Public Resources
March 11, 1975

218

PREPARED STATEMENTS;

STATEMENT OF DOUGLAS LEISZ BEFORE NEVADA STATE SENATE COMMITTEE
ON ENVIRONMENT AND PUBLIC RESOURCES

March 11, 1975

Mr. Chairman, and Members of the Committee: It is a pleasure for me to appear before this Committee as you deliberate in the interests of Lake Tahoe.

I am the Federal Member on the Tahoe Regional Planning Agency appointed by the President. I am also the Regional Forester for the U. S. Forest Service for the California-Hawaii area.

An Ad Hoc Evaluation Committee was appointed by TRPA Chairman John Meder on December 14, 1973. I was asked to serve on that Committee.

We were asked to evaluate (1) The accomplishments of TRPA in relation to the Compact's obligation and authorities, (2) Compact law in relation to TRPA's problems, (3) The Environmental Protection Agency's report and the Bureau of Outdoor Recreation Report, (4) Criticisms of various organizations, (5) Present attitudes of local governments toward TRPA, (6) Consider possible Compact amendments, (7) Any other pertinent matters that may be helpful in making TRPA more effective.

The Committee included Peter Hannaford, California Member at large, Ray Knisley, Nevada Member at large, James Crafts, Lake Tahoe Area Council, Roy Robinette, League to Save Lake Tahoe, J. Allen Bray, former TRPA Chairman, and myself.

The self-evaluation process was specifically designed to identify problems and to provide guidance and suggestions to make TRPA more effective in fulfilling its responsibilities to protect and preserve Lake Tahoe.

The Committee worked diligently in studying the progress and problems of TRPA since it became operational in March 1970. We read all available

studies and reports on TRPA's activities. We held discussions with TRPA staff and many critics of the Agency.

The Ad Hoc Committee Report has had wide distribution and it is my understanding you have had access to that report and its findings. I will then summarize the findings of our efforts without going into all the recommendations of the Committee Report.

The basic question before our Committee and before you today - must be "Are the objectives and policies of the Tahoe Regional Planning Compact being met?" If not, how should the Compact be modified?

We were forced to conclude that the Compact's concern for "problems of resource use and deficiencies of environmental control" and the "need to maintain an equilibrium between the region's natural endowment and manmade environment--to preserve the scenic beauty and recreational opportunities" were, in many cases, being frustrated and not successfully dealt with by the authorities within TRPA.

The Tahoe Regional Planning Agency (TRPA) was constituted under the Tahoe Regional Planning Compact to adopt and enforce a regional plan of resource conservation and orderly development to exercise effective environmental controls for the private lands in the Lake Tahoe Basin.

TRPA has moved out with a highly innovative planning program, but has achieved ~~unified~~ ^{MIXED} success in implementing mandated plans. The Agency continues to experience serious financial and legal problems. Basic Compact deficiencies have prevented TRPA from operating at full effectiveness.

Five years of TRPA's operation have brought substantial progress in an excellent land use plan and a set of good basic ordinances. Major efforts are currently underway on all the remaining mandated components of the regional plan. There is much work yet to do.

The Compact provisions have been adequate in most instances to meet the test of time and needs. There are, however, several deficiencies which were, in our opinion, interfering with fulfilling the basic objectives of the Compact. Many of the problems we identified related to these basic issues.

(1) TRPA needs additional financing. In 5 years inflation alone has taken a heavy toll. It is our belief that much of the frustration of the lack of completion of mandated plans is directly attributed to the lack of basic financing. The need is acute.

(2) The TRPA Governing Board membership needs changing. Occasionally the membership balance and dual majority provisions work to ^{THE} frustration and denial of the majority vote or ^{FAIL} to provide adequate safeguards when a proposal can neither be approved or denied. The so called "60 day rule" provides for automatic approval in cases where a dual majority vote fails to either approve or deny a proposal. Clearly this is a compact structural failure which does not allow realization of the objectives of resource conservation, orderly development and effective environmental controls. Our Ad Hoc Committee had several suggestions to overcome this defect, including the elimination of the dual majority. The bill now before you provides for a more modest revision. There should be no question as to the critical need for change in the Governing Board Membership and elimination of the automatic 60 day approval.

(3) The Agency, we found, also needed to move out much more aggressively in enforcement activities. Our report was made a year ago. In the last year TRPA staff has been more active in enforcement and has enjoyed better local support. Much more remains to be done if ordinances are to be effective safeguards. We recommended ammendment of Article VI(f) of the Compact to provide stiff penalties for violation of any ordinance.

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In closing, Mr. Chairman and Committee Members, I would like to make clear the Ad Hoc Committee was unanimous in their concern of the gravity of the deficiencies in the Compact. Your best efforts are needed to provide for a modernization of the Compact which meets the needs of today and the years ahead. I wish you well in your efforts and will do my best to respond to your questions.

Remarks: GEORGE W. ABBOTT, Special Counsel to Douglas County, before the SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC RESOURCES, Room 131, Legislative Building, Carson City, Tuesday, March 11, 1975 at 1:00 P.M., in opposition to Senate Bill 254

My name is George W. Abbott. I am an attorney at law with offices at 101 Bank Building, Minden, Nevada. I appear here today as a special counsel to Douglas County and to its Board of County Commissioners on Lake Tahoe matters. I appear in opposition to enactment of S. B. 254.

Senate Bill 254's title reads: "An Act relating to the Tahoe Regional Planning Agency; providing changes in the composition of the agency's governing body and advisory planning commission; clarifying voting procedures; requiring state contributions to the agency; providing technical corrections; and providing other matters properly relating thereto."

A. Background and the Changes Proposed by S.B. 254.

TRPA is the product of legislation approved in 1968 by Nevada (N.R.S. secs. 277.190 to 277.220) and California (West's Ann. Gov. Code sec. 66801) and ratified as a bi-state compact by the Congress on December 18, 1969 (P.L. 91-148, 85 Stat. 360).

In November, 1973, the TRPA chairman appointed an Ad Hoc Evaluation Committee "to review and evaluate the Agency's activities under the Bi-State Compact and to report its findings and recommendations to the Governing Body."

Under date of May 31, 1974, a report covering the first four years of the agency's activities was submitted to the TRPA. No action was then nor has up to now been taken adopting, rejecting, or in any way modifying or supplementing or formally acting upon over

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the ad hoc report, S.B. 254 appears to have been directly based upon the report's recommendations, although it does not include at least one of the major recommendations made by the ad hoc committee.

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Thus, Senate Bill 254, comes here then without the benefit of the views and comments of the full voting membership of the Agency on recommendations. 206

Senate Bill 254, if enacted would:

1. Change the composition of the Agency (by amending III(a)(2), line 40, p. 2 through line 40, p.3) by adding two appointive members to the Agency, thus changing the agency from one having a majority of members elected (now 6-4) to one having a membership half-elected, half-appointed (6-6).

2. Change the composition of the Advisory Planning Commission (by amending Art. III (h), line 32, p. 4 through line 21, p. 5) by substituting three State officials and one Federal official for the four county health officials presently provided for.

3. "Clarify" voting procedures (by amending Art. III (g), lines 22-28, p. 4 and Art. VI(k), lines 23-38, p. 10) by investing the present "dual-sovereignty" provisions and substituting, in effect, a "dual veto" procedure.

4. Take from each state (by amending Art. VI(d), lines 37-43, p. 9) the present authority for final state approval and initiation of all public works projects, and give to the Agency final authority to approve or disapprove such project, or to refuse for more than 60 days to take a final action whatsoever.

5. Require each state (by amending Art. VII (A), lines 7-11, p. 11), to at least match the amount paid annually by their respective combined counties to finance the agency operations, where now the States are not directly involved in financing. Each state now claims they "have neither authority, responsibility, nor liability for the Agency's actions"

6. Immunize Agency employees and members (by amending Art. IV, lines 14-16, p. 6) from liability for damages "for any act or omission in the course of his public duties, unless such act or omission is malicious

7. Amend the provisions making agency ordinance violations a misdemeanor (Art. VI (f), line 50, p. 9 through line 5, p. 10) by providing that where a violation is "correctable", each day of violation would be a separate offense.

B. Effect of Enactment.

The Nevada Legislature is being asked, it seems to me, to cast a vote which:

First, would admit that Nevada as a State, and its agencies, and its counties, and its people, are either unwilling or unable to properly and wisely manage and control the land and water resources of Lake Tahoe. Or, that Nevada believes California will do a better and more responsible job. Or, that California is needed to hold Nevada to its duty. Or, that neither state can be trusted to take responsible final action on its own. Or, that appointed agency officials will, somehow, do a more responsible job than elected public officials.

Second, would do away with the "dual sovereignty" concept which Nevada, in 1968, made an absolute condition of approval of any Compact, and substitute for it a situation where either state could veto the actions of the other -- including vetoing of highway projects, sewerage systems, water systems, and any other public works.

In this connection, U.S. District Judge Bruce Thompson, in an August 14, 1974 decision in Younger v. TRPA said that: The (existing voting system) "all stems * * * from a lack of willingness on the part of two sovereign states * * * California and Nevada, to surrender to a bi-state agency a portion of the sovereignty of the particular state and its subdivisions."

Both are now being asked "to surrender to a bi-state agency a portion of (that) sovereignty".

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Third, on the basis of the already available 5-year TRPA history there must be deep concern that there would be additional, substantial, indefinite delay for many years in Lake Tahoe area planning. TRPA has, simply, been unable to make the long overdue basic planning decisions so badly needed if the area is to be protected, and if Lake Tahoe is to have control and development standards which will give the whole area predictable and stable guidelines for control, growth, and orderly management of land and water resources there.

Of the five required regional plan elements -- land use, transportation, conservation, recreation, and public services and facilities--

legally required to be completed within 18 months of enactment of the compact legislation, only one of them, 60 months later (land use), is an adopted plan and ordinance. And what of it?

The Land Use Ordinance and Plan became effective in December, 1971, and less than a year later, on September 21, 1972, Richard Heikka, the TRPA executive officer, in a moment of commendable candor, and disappointed that Congress had failed to vote a \$15 million dollar fund for purchase of Tahoe lands, said that: it might be necessary to "give back" to private landowners the right to develop several hundred acres of land closed to development by TRPA zoning "because there are no funds to purchase the land and property owners are threatening legal action." He is quoted as saying (emphasis supplied):

"I do this with some degree of reluctance * * *But the use of zoning to hold up development puts the agency in an extremely dangerous position regarding law suits ***. If the United States wants to save Lake Tahoe, then by God it better put some dollars up. * * *We weren't given the tools to implement a regional plan. Until the private land is bought, however, it is not appropriate to use recreational zoning as a blackjack to drive down property values when we're looking at an acquisition program 20 years away. * * *"

It is significant, perhaps, that the current budget proposes allocation of \$200,000 to TRPA administrative staff and \$120,000 to TRPA legal staff.

Nevada, Nevada counties, and the California counties argue that they have done much more, have taken more timely and effective action to control and manage Tahoe resources, and to meet the increased demands for resource use there, than has TRPA.

C. The Record and Today's Testimony.

2. Neither the State of Nevada nor its counties are on trial, S.B. 254's implications notwithstanding. There are those who would argue that TRPA should be clearly confined to its originally-intended coordinating function, or go out of business, or at least be put on probation. This is so since Douglas County and Washoe County pioneered -- with lesser involvement by Carson City in Lake Tahoe development -- in far-sighted and meaningful zoning, planning, control and development ordinances and administration; Nevada and its counties have done at least as well as California or TRPA in development and control to this date, and creation of the NTRPA provides additional assurance of state coordination and oversight.

3. The League to Save Lake Tahoe takes the position that TRPA has failed, and failed badly in major respects, to fulfill its mission. Other witnesses will echo this and argue that TRPA, in its first five years, has accomplished about one-tenth of what it promised and was mandated to do, at about ten times the dollar expenditure originally forecast.

4. The record suggests that the California members of the TRPA governing body are "anti-Nevada" -- whether by their own inclination, or because only one of twenty key staff members is a Nevadan and the rest Californians, or because the Golden State has 22 million people and the Silver State only 1/2 million, or because of tremendous pressures brought on the Agency by "volunteer" groups; for whatever reasons -- have always voted "no" when it comes to development on the Nevada side, have been anti-resort hotel, anti-gambling, and even opposed to highway and road system improvements proposed in Nevada.

5. Pending or projected litigation leaves unanswered at this state a multi-million dollar question: who is liable -- is the State of Nevada liable? -- for any judgments which may be rendered as a result of wrongful or harmful actions by TRPA? Pendency of some \$200

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While opinions will differ, the record available to the committee now, or testimony forthcoming today will establish facts and will raise questions which, I believe, should give very, very, long pause before Nevada moves to adopt the provisions embodied in Senate Bill 254.

1. S.B. 254 proceeds on the assumption, somehow, that Nevada, Nevada citizens, its counties, and its elected officials, are less concerned with protecting and preserving Lake Tahoe and its resources than are Californians, Federal employees or other appointive officials, or almost anybody.

million in claims found TRPA totally indifferent to the hardships caused by Agency delay to hundreds of land owners, to school bonding and other bonding and taxing entities --, except for the startling public admission by its executive director that "zoning is being used as a blackjack to drive down property values".

In the recently proposed shoreline ordinance, there are new regulations which will, predictably, result in hundreds of millions of dollars in claims -- perhaps as much as a billion dollars.

Question: would S.B. 254, requiring Nevada for the first time directly to finance TRPA, also assure that Nevada would for the first time be held to share in liability for any judgments which might grow out of TRPA activities?

6. Each and every hotel and casino approved for construction in Nevada by Nevada counties or agencies to date -- and this is pointedly overlooked -- was also included, without exception, within TRPA's own land classification and use classification. Yet, each and every California TRPA member has voted against each proposal each time one has been put to a vote.

7. Question: If California is thus opposed to new casino construction, wouldn't it be a short step tomorrow for TRPA to make a "study", look at existing casinos, decide each is contributing to "destruction of the basin by inviting tourists and automobiles" and rule that they are "non-conforming uses"?

8. Question: Wouldn't it be a short step tomorrow, or the day after to "discover" what tens of thousands of skiers have discovered -- that the Tahoe basin and surrounding area offers some of the best skiing in the world; that skiers use automobiles to get where they're going; that automobiles should not be permitted in the Tahoe basin; that existing ski areas are therefore "non-conforming uses."?

9. Question: How long will it be before TRPA yields to demands that the maximum permitted Tahoe water level be cut in half and the amount of permitted export reduced -- on some finding that export and fluctuation damage the ecology and aesthetics? What effect on the communities along the Truckee in California, on Reno, on Pyramid Lake, on the TCID area in Churchill County and the Stillwater Refuge there -- and inevitably -- on the control of the Carson River upstream from Fort Churchill?

If the State of California (one, alone) can move against us by land, cannot both California and TRPA (two, together) move against us by sea?

10. Question: If California was willing to come into a United States District Court in Reno to obtain an order to block hotel construction at Lake Tahoe, is it hard to believe that California would:

-- move, in Las Vegas Federal Court, for example, to block hotel expansion or construction there because "there is an automobile tunnel 245 miles long between Los Angeles and Las Vegas," that automobiles are using it to get to Las Vegas, that such use is making for emission control problems at Bakersfield, San Bernardino, Colton, or someplace, and that such construction should be enjoined?

-- move, in Las Vegas Federal Court, for example, to block any further growth of Las Vegas, because Las Vegas Wash is the drainage for the city and county, the Wash drains into Lake Meade, Lake Mead water is shipped through the San Diego aqueduct to the California coast and "water quality considerations" dictate "no more building" in the Las Vegas basin?

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11. At some point, even the most single-minded professional environmentalists should acknowledge that:

Nevada is, and should remain, just as sovereign a state as California is a sovereign state; neither should surrender to the other their basic sovereignty, as S.B. 254 would require.

Elected officials, though a vanishing breed, should be insisted upon whenever that option exists.

Nevada, its officials and its people -- and California, its officials and its people -- are just as vitally interested in preserving and protecting the values of land and water resources at Lake Tahoe as would be the case with an essentially appointive governing body with total authority over those resources -- but without direct responsibility for actions it might take.

If compelling, or regional, or national, interest in Tahoe resource dictates the taking or locking up of private property values, then TRPA and the two states should decide now that those private property owners are entitled to an early, fair, full procedure for compensation.

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Senate Bill 254 has been described as "a bill to strengthen the TRPA". If strength is added to TRPA, where is it to come from? What existing authority would be weakened? We just can't believe that the Nevada Legislature is prepared to announce to the world, by its vote, that Nevada is unwilling, or unable, to act and continue to act responsibly to manage and control, and to preserve, Lake Tahoe's assets.

Nevada, in my judgment, should either: leave existing compact provisions as they are, by rejecting this legislation in these hearings, with a stern advisory to TRPA that it's days are numbered if it doesn't "get its act together"; or, provide through other legislation and hearings for suspension of Nevada's participation until pending major legal and administrative policy questions are answered, failing which Nevada will withdraw from the compact; or, through hearings which may be beyond the scope of those contemplated in consideration of S.B. 254, to determine whether the Compact should be dissolved now by Nevada's withdrawal, until then continuing TRPA without broadening its powers.

My name is Harold Dayton, chairman of the Douglas County Commission and member of the TPA governing board. First let me say that I am a conservationist. I was one of the founders of the Lake Tahoe Area Council and a past president of that organization. I still serve on its executive committee.

Ad Hoc here

Our greatest opposition to the TPA is the fact that it is not an acceptable type of government under the U. S. and Nevada State Constitutions. Under the TPA the people are governed by non-elected officials. On August 25, 1974 an article appeared in the San Francisco Chronicle and I quote:

"Legislation which Richmond Democrat John Knox had fought to have passed for eight years died in the State Senate in Sacramento, after the Senate Local Government Committee voted 5 to 3 against the proposed Bay Area Regional Planning Agency to oversee development in nine Bay Area counties deciding it would impose another layer of government without consent of the people -- its governing board, according to terms of the proposed bill, would not have been completely elected.

There is no right of recall of the governing board and the board passes and enforces its own ordinances. Private property rights have not been protected. When property rights are eroded, so is the foundation of America.

We live under a representative form of government by design of the people. We elect our spokesmen to the state legislature and the Congress. We do not elect the TPA governing board.

How can this unconstitutional body be allowed to continue?

The TPA has been and is a failure. The local governing boards were doing a much better job of controlling growth before the advent of the TPA.

Examples: Sewering - All sewage effluent will be exported from the basin by the end of this year. The TPA had nothing to do with this accomplishment.

Undergrounding - All utilities along highway 50 have been put underground in the past 5 years. Again TPA had nothing to do with the results.

Billboards - There are no billboards or off premise signs in

Douglas County or the City of South Lake Tahoe. TRPA does not have a sign ordinance.

Round Hill Shopping center is an excellent example of local planning to maintain the environment. Many of the large trees were left standing and much lawn and shrubbery were installed - again before the TRPA.

Douglas County has had a plan at Lake Tahoe since the 1950's and has not deviated from its one mile gaming limit. In 1970 Nevada adopted a Tahoe general plan that is compatible with Douglas County's plan. These commitment should be recognized. They will not be honored under the California oriented TRPA. Nevada has lost enough at Lake Tahoe already by operations of the California staff - 18 of 20 members live in California.

Nevada imposed a building moratorium at Lake Tahoe before enactment of the TRPA. In March 1972 when a motion to lift this building freeze in Nevada was shot down by California members of the TRPA, Ray Knisley raged - "This is getting disgusting. We have people out of work in Nevada, while you Californians go merrily on with your construction."

Three years ago, Nevada had 35% of the property values at Lake Tahoe. Today the figure is 25%. California's total per cent of the property values has increased 10% to Nevada's loss of 10%. These figures taken from the official records of the TRPA, tell the whole story. Development in Nevada has been stopped, while in California is continues at a fast pace.

There many people in California who would like to do away with gaming at Lake Tahoe. (After Lake Tahoe, the entire state). Jim Henry, Placer County member of TRPA made the following statement on April 18, 1974. "Number One, I've opposed gambling at the Lake. Now I'M not so stupid to know that the gambling that's already there is gonig to go away. It is not. There's just no way. But I do feel strongly that they could move it over in the Minden, Carson and Reno and we would solve many of our problems, including the traffic problems and all the other type of problems that are brought to the Lake by the gambling interest. Now that doesn't mean that the gambling interest couldn't provide very fine services over in these other areas; and everyone would go there and enjoy them, myself included. I'm

not a pride and not afraid to play a one-arm bandit; however, I don't like those that play in pretty tough games. We feel that we've brought some new innovative ideas to the Lake. I really believe that the Lake is being prostituted in this respect; in the esthetic values of what's being put up. I really think they're bad. I vote against them many times, and I'm told I can't vote against them ~~because~~ because they look bad, I must have some other reason. Well, I vote against them because they look bad anyway; it is good they can't read my mind when I'm voting,"

The Sierra Club has proposed to phase out our casinos in 20 years merely by giving a tax credit each year. No outright buying -- just a credit!!!!

The California Attorney General has brought suit to prevent casinos in Nevada. Article 6 of the compact specifically protects gaming in the one mile area adjacent to the Nevada Stateline at both North and South Lake Tahoe. Still the TRPA attempts to intervene.

On February 27th and 28th of this year when the TRPA conducted transportation hearings, there were many expressions to remove gaming from Lake Tahoe. If this change is Nevada's wish, let Nevada do it on its own and not be controlled by California.

The TRPA has become a vast beauracracy. Your original bill called for a maximum budget of \$150,000. funded by the counties. This year their budget is ~~XX~~ \$1,246,000. The staff had a financial study made at a cost of over \$13,000. to see how more fudging could be made available. The only purpose of the report seems to be funding for a super agency.

It is simple - the TRPA has not accomplished what was intended. It should be abolished as some of you and your predecessors so wisely provided in NRS 277.200 Article VII (C) on page 8961.

If you do not see fit to withdraw from the TRPA you must certainly not give up the only protections afforded Nevada in the Act.

1. The dual majority rule is essential for Nevada to maintain its sovereignty.
2. Change the governing board to all elected.
3. Do not increase the size of the governing board. Clark County has only

seven county commissioners. Why is it necessary for TRPA board to be

so large? Is it so the staff can more easily run the show and make a bigger bureaucracy?

Douglas County has no desire to endanger or destroy the environment or ecology in its county as we realize it is one of our most valuable assets. Douglas County feels that its property owners should be permitted to reasonably develop their property; that the area set aside for gaming in the Bi-State Act should be recognized and that we should not be restricted from an orderly development while our California neighbors continue to gain approval for additional developments by a technical staff containing no Nevada representatives.

Roger Swunday

TRPA

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MY REMARKS TODAY ARE DIRECTED TOWARD ENVIRONMENTAL CONCERNS IN THE TAHOE BASIN. LAKE TAHOE CANNOT BE TREATED AS AN ISOLATED POCKET THAT HAS NO EFFECT ON THE REST OF NEVADA OR CALIFORNIA. WHAT HAPPENS IN THE TAHOE BASIN HAS AN IMPACT NOT ONLY THERE, BUT ALSO ON OTHER CITIZENS OF BOTH CALIFORNIA AND NEVADA, AND EVEN THE NATION, SINCE LAKE TAHOE IS ONE OF AMERICA'S GREAT SCENIC AND NATURAL RESOURCES.

CONTINUED GROWTH WITHOUT SERIOUS CONSIDERATION OF ENVIRONMENTAL INPUT ON EITHER SIDE OF THE LAKE COULD CAUSE IRREPARABLE DAMAGE. TO PRESERVE NOT ONLY THE LAND, BUT ALSO THE AIR AND WATER QUALITY OF THE BASIN, A STRONG BI-STATE AGENCY MUST BE IN A POSITION TO CONTROL THE TOTAL ENVIRONMENT.

THE PROBLEM IS GETTING AWAY FROM US. PRESEVATION OF THE ENVIRONMENT CANNOT BE ACHIEVED BY INDEPENDENT ACTIONS. WHAT ONE COUNTY DOES AFFECTS OTHERS; WHAT ONE STATE DOES AFFECTS THE OTHER. THE PRESENT STRUCTURE OF THE COMPACT IS NOT THE MOST EFFICIENT ONE TO PROMOTE TOTAL CONCERN. CERTAINLY THE AGENCY SHOULD HAVE LOCAL INPUT, BUT IN ORDER TO PLAN OBJECTIVELY FOR THE TOTAL ENVIRONMENTAL IMPACT OF THEIR ACTIONS, MEMBERS SHOULD HAVE BROAD REGIONAL CONCERNS RATHER THAN ONLY THOSE OF LOCAL, SPECIAL INTEREST. WITH LOCAL DOMINATION ON THE BOARD, THERE IS NOT ADEQUATE CONCERN FOR STATES' INTERESTS, SUCH AS AIR AND WATER QUALITY WHICH ARE CURRENTLY STATE RESPONSIBILITIES.

THE COMPACT WITHIN ITS PRESENT STRUCTURE, HAS ACCOMPLISHED A GREAT DEAL TOWARD THE PRESERVATION OF THE LAKE, BUT LONG-RANGE PLANNING HAS NOT CONSIDERED ALL THE FACTORS OR ADDRESSED ITSELF TO ALL THE PROBLEMS. THE LAND USE PLAN, FOR EXAMPLE, DOES NOT ADEQUATELY CONCERN ITSELF WITH AIR AND WATER QUALITY FACTORS OF VITAL REGIONAL CONCERN. A RESTRUCTURING OF THE TRPA MAY GIVE IT THE STRONG AND COMPREHENSIVE CONTROL NEEDED TO PLAN FOR, AND THUS AVOID, SOME OF THE ENVIRONMENTAL PROBLEMS WHICH HAVE BEEN ALMOST NEGLECTED TO THIS POINT.

LET ME CITE ONE OR TWO EXAMPLES TO SHOW THAT PLANNING AND ENVIRONMENTAL CONSIDERATIONS ARE REGIONAL AND NOT JUST RESTRICTED TO THE BASIN. THE CONTROL OF THE QUALITY OF THE WATER AT THE LAKE IS IMPORTANT TO TWO RIVERS, THE TRUCKEE BECAUSE THE LAKE DRAINS INTO IT, AND THE CARSON SINCE IT RECEIVES SEWERAGE EFFLUENT. BOTH RIVERS RUN THROUGH SEVERAL COUNTIES IN NEVADA. BECAUSE OF THE HIGH COST OF LAND IN THE TAHOE BASIN, DEVELOPERS ARE BEING DRIVEN OUTSIDE THE BASIN, FOR EXAMPLE, TO NEARBY MARTIS VALLEY IN CALIFORNIA. URBAN RUNOFF FROM THIS AREA GOES INTO THE TRUCKEE RIVER AND, TOGETHER WITH EXPORT SEWERAGE FROM THE BASIN ITSELF, CONTRIBUTES TO THE DEGRADATION OF THE QUALITY OF THE TRUCKEE WATER AND AFFECTS EVERY COMMUNITY DOWNSTREAM.

AT PRESENT THE COMPACT IS ALLOWED SELECTIVITY IN WHAT IT PLANS FOR; FOR EXAMPLE A CURRENT ORDINANCE PROHIBITS INDUSTRIES WHICH EMIT DUST, ODOR, SMOKE OR NOISE OUTSIDE THE IMMEDIATE BOUNDARIES OF THE PLANT. THUS MOST SUPPORT INDUSTRIES, SUCH AS RENDERING WORKS, SLAUGHTER HOUSES AND LUMBER MILLS, ARE NOT

ALLOWED IN THE BASIN. CONSEQUENTLY THEY LOCATE IN NEARBY AREAS, AND THE BURDEN OF THEIR MAINTENANCE IS PLACED ON COMMUNITIES OUTSIDE THE BASIN, WITH RESULTANT WASTE DISPOSAL PROBLEMS. 225

THE TAHOE CASINOS EMPLOY APPROXIMATELY 5,700 PEOPLE, MANY OF WHOM CANNOT AFFORD TO LIVE AT THE LAKE. THEIR NEED TO COMMUTE RESULTS IN INCREASED TRAFFIC AND INCREASED AIR POLLUTION.

A MASS TRANSPORTATION SYSTEM IS NEEDED; HOWEVER, WHEN THE CARSON RIVER BASIN COUNSEL OF GOVERNMENTS REQUESTED A MASS TRANSPORTATION SYSTEM STUDY FROM THE HIGHWAY DEPARTMENT, CARSON CITY AND DOUGLAS COUNTY DID NOT ACCEPT THE RESULTS OF THE STUDY.

THESE TYPES OF CIRCUMSTANCES SPEAK TO THE NEED FOR A STRONG BI-STATE COMPACT WITH THE ABILITY TO ADDRESS THE TOTAL ENVIRONMENT WITHIN THE BASIN AS WELL AS THE ABILITY TO CONSIDER THE ENVIRONMENTAL IMPACT ON THE SURROUNDING AREAS IN THE STATES OF CALIFORNIA AND NEVADA.

SUCH A COMPACT REQUIRES THAT THE STATES GIVE UP SOME OF ~~ITS~~ ^{their} SOVEREIGNTY TO ANOTHER AGENCY. THIS IS A SMALL PRICE TO PAY FOR THE ABILITY TO LIMIT DEVELOPMENT OF THE TAHOE BASIN TO A PACE THE ENVIRONMENT CAN ABSORB.

PLANNING MUST BE BASED ON THE PRINCIPLES THAT THE TAHOE BASIN IS UNIQUE; ITS ENVIRONMENT IS FRAGILE; AND THE PROTECTION OF ITS RESOURCES IS NOT LIMITED BY GEOGRAPHICAL BOUNDARIES.

AIR QUALITY STANDARDS HAVE BEEN VIOLATED IN SOME AREAS OF THE BASIN. I WILL ASK MR. RICHARD SERDOZ, AIR QUALITY CONTROL OFFICER, AN ENGINEER FROM THE BUREAU OF ENVIRONMENTAL HEALTH, TO SPEAK ON THIS AND OTHER AIR QUALITY ISSUES.

RECENTLY TRPA OFFERED TO DO A DETAILED WATER POLLUTION PLANNING STUDY WITH MONIES AVAILABLE UNDER THE WATER POLLUTION ACT. I WILL ASK MR. ERNIE GREGORY, CHIEF OF THE BUREAU OF ENVIRONMENTAL HEALTH, TO SPEAK ON THIS AND OTHER ENVIRONMENTAL ISSUES.

STATEMENT
by
Dick Serdoz
Air Quality Officer
Bureau of Environmental Health
March 11, 1975

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THE TAHOE REGIONAL PLANNING AGENCY HAS DEVELOPED AND ADOPTED A LAND USE PLAN BASED ON LAND CARRYING CAPACITY AS MANDATED BY THE BI-STATE COMPACT WHICH FORMS A SOLID BASE TO EXPAND INTO A TOTAL IN-DEPTH PLANNING EFFORT FOR THE LAKE TAHOE BASIN AND THIS IS A GOOD START. HOWEVER, OTHER AREAS OF THE ENVIRONMENT MUST BE CONSIDERED TO PROTECT THE LAKE TAHOE BASIN FROM FURTHER DETERIORATION, AND THUS PROTECT THE LONG RANGE ECONOMIC PRODUCTIVITY OF THIS UNIQUE REGION.

MY CONCERN, AIR QUALITY, IS DIRECTLY AFFECTED BY TRANSPORTATION, PEOPLE, AND CONSTRUCTION, WHICH ARE BASICALLY LAND USES. MY PRESENTATION WILL DEAL WITH TWO MATTERS THAT MUST BE ADDRESSED THROUGH A STRONG BI-STATE COMPACT IF AN ADEQUATE PLANNING AND IMPLEMENTATION JOB IS TO BE DONE AT LAKE TAHOE - AIR QUALITY STANDARDS AND ENFORCEMENT OF THESE STANDARDS.

THE EXISTING AIR QUALITY IN THE BASIN MEETS OR EXCEEDS THE MINIMUM STANDARDS AS ESTABLISHED BY THE NEVADA ENVIRONMENTAL COMMISSION FOR THE PROTECTION OF HEALTH AND WELFARE OF RESIDENTS AND VISITORS. HOWEVER, IT IS BECOMING INCREASINGLY EVIDENT THAT THE BASIC NEVADA EMISSION STANDARDS MAY NOT BE STRINGENT ENOUGH TO INSURE THE MAINTENANCE OF AIR QUALITY IN THE TAHOE BASIN, AND THAT ADDITIONAL PLANNING DIRECTED AT AIR QUALITY PRESERVATION OR IMPROVEMENT WILL BE NECESSARY. ONCE THE PLANNING PROCESS IS IMPLEMENTED AND A CONTROL STRATEGY IS DEVELOPED THROUGH THE PUBLIC HEARING PROCESS AND INTERFACED WITH OTHER COMPACT PLANS, A STRONG OVERSEEING AGENCY IS NECESSARY.

MAJOR PLANNING CENTERS AROUND AIR POLLUTION GENERATED BY AUTOMOBILES, ASSOCIATED WITH EXISTING AND PROJECTED BUSINESSES AND RESIDENCES. CURRENT PLANNING EFFORTS CAN PRESENTLY BE CIRCUMVENTED THROUGH THE VARIANCE PROCEDURE WHICH MAY PENALIZE OTHER AGENCIES WITHIN THE COMPACT.

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AN EXAMPLE OF THE NEED FOR CLOSER CONSIDERATION OF AIR QUALITY WHILE PREPARING OTHER COMPACT PLANS FOR THE BASIN IS THE PRELIMINARY TRANSPORTATION CONTROL PLAN PREPARED BY TRPA TO MEET CALIFORNIA DEADLINES. THIS PLAN, CURRENTLY IN PUBLIC HEARINGS, IS NOT AS COMPLETE AS THE ADOPTED LAND USE PLAN, AND REQUIRES ADDITIONAL WORK BEFORE A FINAL LONG TERM SOLUTION IS ADOPTED. THE PLAN GENERALLY SPEAKS TO EXISTING CONDITIONS AND NOT THE PROJECTED TRAFFIC WHICH WILL RESULT FROM ADDITIONAL RESIDENCES AND COMMERCIAL DEVELOPMENT IN AREAS CURRENTLY ZONED FOR ADDITIONAL DEVELOPMENT. WHEN THE ZONED LAND USE AND THE RELATED TIMETABLE ARE INCLUDED, A REVIEW OF THE NECESSARY ALTERNATE TRANSPORTATION CONFIGURATIONS AND/OR SYSTEMS COULD BE MEANINGFULLY EVALUATED. THIS IN-DEPTH PLANNING IS NECESSARY IF THE COMPACT IS TO PROVIDE FOR THE TOTAL TRANSPORTATION NEEDS OF THE APPROVED LAND USE PLAN AND PRESERVE AIR QUALITY. A BASIN-WIDE TRANSPORTATION PLAN CANNOT BE APPROVED IF IT WOULD CAUSE A VIOLATION OF THE AMBIENT AIR QUALITY STANDARDS OR IF IT SOLVES A LOCAL PROBLEM AND CREATES AN EVEN GREATER PROBLEM IN ANOTHER POLITICAL JURISDICTION. TRANSPORTATION PLANNING AT HIGHER ELEVATIONS IS MORE IMPORTANT BECAUSE AUTOMOBILES, THE MAJOR PEOPLE MOVER, EMIT MORE POLLUTANTS AT THESE ALTITUDES.

ANOTHER UNIQUE PROBLEM OF THE TOURIST INDUSTRY IS THAT IT DOES NOT OPERATE ON THE TYPICAL EIGHT TO FIVE WORK DAY, BUT MAINTAINS CONTINUAL ACTIVITY OVER A LONGER TIME PERIOD WHICH PROHIBITS SUBSTANTIAL DIFFUSION OF THE AIR POLLUTION DURING THE SLACK PEOPLE-MOVING PERIODS AS IN OTHER URBAN AREAS. WITH THIS EXTENDED EMISSION PERIOD THE LONG TERM HEALTH RELATED AIR STANDARDS ARE APPROACHED AND MAY ALREADY BE EXCEEDED AT CERTAIN TIMES AND IN CERTAIN AREAS OF THE BASIN. THIS PROBLEM LEADS TO THE CONCLUSION THAT A TOTAL BASIN TRANSPORTATION PLAN MUST BE ADOPTED TO PROTECT THE ECONOMIC BASE OF THE TOURIST INDUSTRY.

SEVERAL POINTS SHOULD BE RAISED WITH RESPECT TO ESTABLISHMENT AND ENFORCEMENT OF REGULATIONS TO COMPLY WITH AIR QUALITY STANDARDS FOR THE BASIN:

1. PROVIDE EQUAL TREATMENT FOR ALL PERSONS AND DEVELOPMENTS WITHIN THE BASIN, IT IS IMPERATIVE THAT SUCH REGULATIONS BE DEVELOPED BY THE BI-STATE AGENCY AND UNIFORMLY APPLIED THROUGHOUT THE BASIN.

2. DATA DEVELOPED IN PAST YEARS HAS SHOWN THAT BECAUSE OF THE FRAGILE NATURE OF THE NATURAL LAND COVER, SUSPENDED PARTICULATES (DUST), WHICH IS A PREVALENT CONSTRUCTION RELATED POLLUTANT, CAN EXCEED ESTABLISHED HEALTH AND WELFARE RELATED STANDARDS UNLESS CONSTANT ON-SITE INSPECTIONS INSURE THAT REGULATIONS ARE MET.

3. BECAUSE OF THE UNIQUE NATURE OF THE LAKE TAHOE BASIN, AMBIENT AIR AND EMISSION STANDARDS WHICH ARE MORE STRINGENT THAN THOSE ADOPTED BY THE ENVIRONMENTAL COMMISSION MAY BE NECESSARY IN ORDER TO MAINTAIN THE AIR QUALITY OF THE BASIN. ONE AREA OF EMISSION STANDARD WHERE THIS MAY OCCUR WOULD BE IN THE TYPE OF ENERGY USED IN COMFORT HEATING OF PRIVATE AND COMMERCIAL BUILDINGS.

4. BASED ON THE LIMITED AMBIENT AIR QUALITY DATA FOR THE AUTO RELATED POLLUTANTS WITHOUT SUBSTANTIAL PLANNING HEALTH RELATED AMBIENT AIR STANDARDS WILL BE VIOLATED. THIS CAN BE HEADED OFF WITH THE ADOPTION BY THE BI-STATE AGENCY OF A SCHEDULE FOR THE COMPLETION OF THE NECESSARY PUBLIC AND PRIVATE SERVICES AND THEIR OVERSEEING THE ALLOWABLE GROWTH RATE WHICH WOULD NOT OUTSTRIP THESE CONSIDERATIONS.

I BELIEVE THAT ENFORCEMENT OF THE ESTABLISHED REGULATIONS SHOULD BE LEFT UP TO LOCAL GENERAL PURPOSE UNITS OF GOVERNMENT. PROVISION SHOULD ALSO BE MADE FOR THE RESPECTIVE STATES TO INTERCEDE IF IT IS DEMONSTRATED THAT LOCAL GOVERNMENTS ARE NOT DOING AN ADEQUATE JOB OF ENFORCEMENT. ANY VARIANCE FROM THE ADOPTED BI-STATE PLANS OR REGULATIONS SHOULD REMAIN WITH THAT AGENCY BECAUSE IF A VARIANCE IS GRANTED THE LEAD AGENCY MAY HAVE TO REDUCE OR MODIFY OTHER APPROVED ACTIVITIES TO MAINTAIN THE ENVIRONMENT.

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STATEMENT
by
E. G. Gregory
Bureau of Environmental Health
March 11, 1975

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I would like to present a short statement, giving a brief setting of where we are in water pollution control in the Tahoe Basin, and discuss the problems remaining.

The 1966 'Conference in the Matter of Pollution of the Interstate Waters of Lake Tahoe and its Tributaries', a conference called by the Federal Water Pollution Control Administration as an enforcement action under the provisions of the then existing Federal Water Pollution Control Act, determined there were three principal sources of pollution threatening the clarity of the waters of Lake Tahoe. These were, in order of importance, sewage, siltation and urban runoff and garbage, being disposed of in the Basin. The findings of this Conference provide the objectives for both Nevada's and California's water pollution control programs.

One finding of the Conference required all garbage to be exported from the Basin. This is being done on the Nevada side and to the best of my knowledge on the California side.

A second finding required the export of all sewage from the Basin by 1970. While the 1970 goal has not been met mainly because there was not a strong lead agency initially, virtually all sewage within a short period of time, will be intercepted, treated, and exported. Five major wastewater systems are or will soon be in operation to serve this purpose.

This program has not been accomplished without creating additional problems. The exported effluent has and will continue to impose additional pollution burdens in the Truckee and Carson Rivers. Export of sewage from the Basin with discharge to the upper reaches of the Truckee along with control of siltation and urban runoff resulting from the development occurring in the Martis Valley area will require extensive detailed water quality planning and management by California and Nevada to protect this drinking water source for downstream users.

Addressing the problem of siltation and urban runoff, further findings of the Conference were:

1. Basin-wide objectives and standards for development and use of the lands and waters must be established within a framework which includes positive enforcement provisions covering not only the waters of Lake Tahoe, but its shoreline developments, and the total complex of lands and waters that make up the Basin; and

2. A basin-wide agency be established with adequate powers to prohibit development that would have an adverse effect on the quality of the waters of Lake Tahoe.

Growth in the Basin has continued to outstrip our technical and jurisdictional capability to cope with problems resulting from land development. Existing systems for managing surface runoff are inadequate. Detailed plans must be developed to resolve existing surface runoff and to assure against problems from future development.

Recognizing TRPA has the authority to develop and implement necessary land use controls and require implementation of management principles for surface runoff control, Nevada and California, as provided for under Section 208 of the Federal Water Pollution Control Act, jointly identified the Lake Tahoe Basin as an area of substantial water quality control problems and designated TRPA as the agency responsible for developing an effective areawide waste management plan for the area. The U.S. Environmental Protection Agency has approved this designation and recently awarded a grant of \$650,000 to TRPA to develop the plan.

In the process TRPA will have to develop a plan which will result in:

1. A regional program for management of erosion and urban runoff.
2. A definition of all physical improvements which may be needed.
3. Recommended general plan amendments if needed to assure protection of water quality.

and establish priorities based upon:

1. Those problems which exert the greatest influence on water quality; and
2. The cost-effectiveness of alternative solutions.

Implementation of the plan will be difficult principally due to jurisdictional factors. One problem is the diversity of land ownership and enforcement responsibilities. Properties are owned by private individuals, county and state governments and the U.S. Forest Service. Recognizing watershed boundaries are not consistent with land ownership and regulatory responsibilities we do not currently have a uniform approach to water quality management.

Another problem is the reluctance of political or quasi-political jurisdictions to assume the responsibility for implementation. We are faced now with this problem in the casino core at South Tahoe.

Our reliance on TRPA will be heavy for:

1. The development of an innovative, effective, areawide waste management plan; and

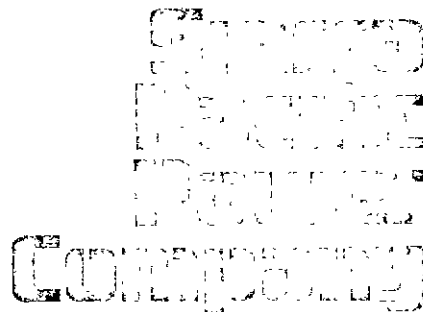
2. For a substantially improved system for plan implementation - a system that is based on informed decision making in accordance with that plan.

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ANALYSIS OF SB-254

Tahoe Regional Planning Agency Revisions



WALTER E. MACKENZIE
MANAGER/PUBLIC INFORMATION
702/789-4345

Article III, Sec. (a)

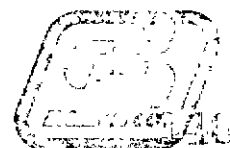
This speaks to a new obligation under current districting of county commissioners/supervisors. The revised language commits the commissioner embracing the lake basin district to be the TRPA representative. This brings county representation a bit closer to the people most directly affected by the actions of the agency.

The section is moot in one important area. Having specified who shall represent the county, it then defines a vacancy. The conditions of appointment are such that should the elected/appointed representative choose to vacate the TRPA office, it is possible that no new appointee could qualify.

The section also is ambiguous in that it can be interpreted that only a governor's appointee in this section is subject to the vacancy condition.

Further, while an appointee is required to disclose his economic interests in the lake basin after appointment there is no provision for economic or conflict of interest disqualification.

I approve and endorse the addition of two new members to the Tahoe Regional Planning Agency. I have experienced too much selfish county interest on the



board in four years to want to see that pattern continued.

I have no quarrel with the procedure proposed for selection of the additional members, as it is as fair as any I know and allows the seventh man to be selected for his interests in Lake Tahoe and not on a geographic basis.

I do note that only the county representatives can be disqualified for non-attendance and have to assume that governor appointees can be replaced by the governor for non-attendance. How does one dispose of the seventh man, should he decide to become inactive?

Also, for purposes of expenses Sec. (b), does the seventh man represent the state?

I wholeheartedly endorse Sec. (g) based on my four years as a member of the Tahoe Regional Planning Agency and 13 years involvement in Tahoe planning. The machinations which went on convinced me that the original Act did a great disservice to the lake basin, to its residents and to those throughout the nation interested in Lake Tahoe's future.

I realize that, in a sense, this revision could pit state against state. My fervent hope is that all agency members will act as individuals and men of principal and that the state vs. state battles never come to pass. One of my guiding philosophies while a member was that I was there to do my best for the entire lake basin, not "for Nevada" or "against California;" though many times I was accused of voting either that way or the reverse.

Regarding Sec. (h), I approve of the revisions of the Advisory Planning Commission membership. I suggest that rather than struggle, as we did, over determining the "lay" membership, that "lay" be defined in the Act.

I further suggest that removal for non-attendance provisions be incorporated here since one of the operating problems of the APC as I knew it was non-attendance or non-participation.

I believe it is proper to remove the TRPA executive officer from the touchy position as chairman to a position where he is more functional. I note, however, that the bill contains no provision assuring or providing executive officer or staff assistance to the APC. While this may be considered an administrative matter, I believe it should be spelled out in the Act.

ARTICLE IV

Thanks for Sec. (d), but it comes too late to do me any good.

ARTICLE VI

Sec. (d) covers state agency actions better than the original wording but it still is not strong enough. It should read "...as to the project's compliance with the regional plan (or interim plan) and the agency's ordinances, rules, regulations and policies." This deletes the interim plan qualification which no longer is applicable and adds those other agency standards (underlined) which bring state actions in line with standards applied to owners of private land within the basin.

Sec. (k) reiterates the rejection process which I previously endorsed. I don't feel qualified to speak out on the actual legal process (mandamus) proposed but since it only requires the agency to "vote" I cannot see where it does the

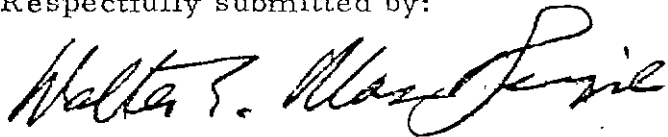
planning process at Lake Tahoe any harm.

Sec. (1) is a needed and welcome addition to the Tahoe planning process.

ARTICLE VII

Recognizing the problems of agency finance during my term of office, 1970-74, the provision for state assistance is a welcome addition to the TRPA Act and I recommend its approval. State law cannot compel federal participation so I suggest that the Nevada Legislature memorialize Congress to match those funds provided from state and county sources since there is a generally accepted thesis that "Lake Tahoe" belongs to all the people of the nation."

Respectfully submitted by:



Walter E. MacKenzie
Member, Tahoe Regional Planning Agency 1970-74
Vice-Chairman Tahoe Regional Planning Agency 1974



FOUNDED IN 1892

SIERRA CLUB

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Toiyabe Chapter - Nevada and Eastern California

Statement of Dave Boroughf, Conservation Chairman for the Toiyabe Chapter, Sierra Club concerning S.B. 254 relating to the Tahoe Regional Planning Compact, before the Senate Environment and Public Resources Committee, March 11, 1975.

Lake Tahoe is one of the world's most spectacular lakes. Its value to science is overwhelming and as a scenic and spiritual resource it ranks high among our natural wonders. Like the Grand Canyon or Yosemite Valley, it is the living symbol of all the life it sustains. And like most natural treasures, it is being destroyed by run-away development.

The importance of preserving Lake Tahoe's natural environment was recognized in 1969 under terms of the bi-state regional compact. Federal, state and local governments agreed that a regional agency was needed to plan for, monitor, and enforce restrictions on development in the basin. Most important is that local government surrendered much of its power to regulate development to a body with broader public interests.

The problems of Tahoe are harbingers of problems which soon will or already confront other attractive resort-type areas. Federal involvement has resulted in the expenditure of millions of dollars for research and demonstration projects in the basin for pollution control and all aspects of land use planning. The test of traditional concepts about private property rights has been exhaustive; and after six years, it appears that a property owner's "bundle of rights" are just as secure as ever.

The Master Plan for Lake Tahoe was developed after extensive research and with painstaking care to balance the rights of citizens with the needs of the environment. Although it allows significant development to proceed, toward an ultimate projected population of 280,000, much local clamor exists because the Plan threatens development schemes and property speculation prematurely made. They consider the problem to be one of excessive regulation by the TRPA. We feel the real problem is in assuring that all the interests of all the public, as well as the rights of the lake itself, are recognized before they are destroyed.

Lake Tahoe is of national interest; existing development does not change that fact. It should be under jurisdiction of an agency which represents that interest. The original makeup of TRPA was designed to do this. But pressures on the agency for favorable action are enormous. Influence of local interests on the agency, through county representatives, make it impossible for TRPA to fairly consider the stakes.



FOUNDED

IN 1892

SIERRA CLUB

Toiyabe Chapter - Nevada and Eastern California

The county representatives of which I speak are not derelict or corrupt. But they are bound by the desires of a limited constituency, and are notoriously under the control of powerful vested interests. County and local governments are, by their very nature, sympathetic to the needs of residents and businessmen, and, as in the case of Douglas County, are easily influenced by large fortunes involved in casino operations. Furthermore, it must be remembered that manmade changes at Tahoe effect a larger area than just the five counties within the basin, and we have yet to balance the values of private property rights at the Lake with the rights of, say, the Pyramid Lake Paiutes or agriculture in Lahontan Valley. That is one reason why representation on TRPA should be weighted toward state-wide interests, so that no single county or local entity has disproportionate power.

In conclusion, we believe the overriding concern of this Legislature must be to support the findings and declarations of policy in the bi-state compact. Our feeling is that the changes suggested in S.B. 254 are needed to strengthen the influence of the public at large. TRPA must have a more equitable makeup and operating procedure. We support the changes in representation as outlined and especially support the provision which allowed a lower authority's decision to prevail by Agency default. S.B.254 does not mean that TRPA now assumes power to ignore the findings of its staff or the will of the public. It merely means that before this priceless wonder is buried beneath more concrete and asphalt, the voice of those who respect the lake's natural environment and wish to keep the remaining open spaces inviolate will be heard.

TAHOE REGIONAL PLANNING AGENCY

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I am Elmo J. DeRicco, Director, Department of Conservation and Natural Resources.

During the past four years I have served as a member of the Tahoe Regional Planning Agency (TRPA) Governing Board. As one of the two who has served continuously as a member of TRPA since its inception, I believe that I have a unique perspective of both the positive and the negative aspects of TRPA's progress towards realization of its compact goals.

Positive steps by TRPA include a Regional General Plan which establishes land uses and development intensities according to the capacity of the land for development. The stronger the land the more intense the permitted development. Other positive accomplishments of TRPA include its adoption of six ordinances implementing the regional plan and the commencement of studies to develop plans to deal with the continuing threats to the environment of the Tahoe Basin.

However, these positive aspects have been achieved only after long, grudging, arduous effort. That effort has been characterized by compromise after compromise. Each compromise watering down and softening the environmental objectives in favor of what is, I believe, erroneously seen as the local county interest.

The principal environmental dangers facing the Lake Tahoe Basin have been detailed by previous speakers. The only existing body that can address those dangers is one that transcends local boundaries. TRPA is the best available vehicle. But as long as

local county interests in increasing tax base continue to be permitted a dominant voice on the TRPA Governing Board, those environmental dangers will remain and grow.

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In short, gentlemen, you have in TRPA the vehicle to begin solving those environmental risks. But, the present mechanics of TRPA are inadequate to meet the goals of TRPA's compact. Other speakers have already addressed the absurdity of the present dual majority requirement. It simply makes no sense to allow a project to proceed based on seventy percent of the voters' recommending denial of the project. Yet that is precisely what has occurred under the present dual majority system.

Another substantial part of the problem with the present mechanics of TRPA is the overbalance of the TRPA Governing Body in favor of local county rather than regional representation.

The preservation and orderly development of the Lake Tahoe Basin are not merely matters of local concern. Nor is the future of TRPA and the Tahoe Basin merely a matter of county concern. The Basin and the Agency responsible for its environmental preservation are matters of regional, state and federal interest.

In the past decade the State of Nevada has invested \$11,393,967 in State funds to preserve the delicate balance of Lake Tahoe's environment. That \$11 million did not come from the Basin or the counties. It came from the general fund of the State of Nevada. That means \$11 million from the citizens of Las Vegas, Elko, Tonopah, Yerington -- in short, from all parts of this State. The citizen of Clark County has as great an interest in the preservation of Lake Tahoe Basin as does the resident of

Carson City. Indeed, in terms of a purely financial interest, the Las Vegas's interest is even greater.

But even that \$11 million does not adequately reflect the interest of the State in the Basin. Countless expenditures of time and money by departments of the State have been made and continue to be made in implementing state mandated programs in the Basin, and in working with other Basin public agencies.

Figures on the interest of the public at large in the Tahoe Region are even more impressive. In the past decade the federal government has invested approximately \$86 million in the Lake Tahoe area. Of that \$86 million, nearly \$65 million has gone toward the acquisition of park lands and in sewer export facilities. The federal government has become by far the largest property owner in the Tahoe area. Nearly two-thirds of the property in the Basin is now in state and federal ownership, yet minority county interests are permitted a majority vote on TRPA.

State, federal and tourism expenditures at Tahoe are many, many times greater than what the counties have invested. Yet, the TRPA compact preserves an antiquated 6 to 4 imbalance in favor of local government.

Lake Tahoe is at least as much an asset of the State of Nevada as it is of the two counties and one city, a portion of

4 - TRPA

whose boundaries happen to form a portion of the Basin. At the bare minimum, Nevada's interest at Tahoe should be equal with the local jurisdictions. It is time that the TRPA compact recognize that fact by increasing state representation on TRPA.

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March 11, 1975

As a Nevadan who owns no property at Lake Tahoe, but who recognizes it as a uniquely beautiful area for all Americans to enjoy, I would like more equitable representation in the Tahoe Regional Planning Agency.

So far, the T.R.P.A. has been totally unable to cope with the influences of the local counties surrounding the Lake. Permits for casinos, hotels, condominiums and shopping centers have been allowed because those counties with special economic interests control the voting.

S.B. 254 would give Nevadans from other areas in the state greater representation in making decisions in the Tahoe Basin and hopefully, the larger issue of Lake Tahoe's preservation as a natural scenic area would take precedence over the selfish economic interests of a few.

Lenore M. Kosso

Lenore M. Kosso
60 Anson Drive
Reno, Nevada

March 11, 1975

Senator Thomas Wilson
Chairman Environment and Public Resources
Nevada State Senate

Senator Wilson:

Because I feel the public must have a stronger voice in planning at Lake Tahoe, I support Senate Bill 254. It is essential that the agency have as rounded a voting membership as possible. I also support the provision to eliminate 'approval' when no majority vote has occurred.

The Secretary of the Interior of the United States thinks the Tahoe Regional Planning Agency is needed to plan Lake Tahoe's future, and so do I.

Sincerely,

Dennis Ghiglieri
880 Kirman Ave.
Reno, Nevada 89502

Dates of Bonds Indebtedness

64-1 - 7/1/64

65-1 4/30/65

65-2 #1 "

#2 "

#3 "

65-3 9/25/65

66-1 #1 3/8/67

#2 3/8/67

66-2 3/1/67

Amount of Bonds Indebtedness

On Properties formerly owned
 by B. Neal 2,377,500
 Principal still owing 2,050,000
 327,500 Paid

Amount Delinquent:

208

Principal	1,025,000
Interest	485,000
Penalties	180,000
Total	1,690,000

We are delinq. # 1,226,000 plus interest
to bondholders.

500 Tax Exempt - 5 years, 11 1/2% 70/70
(70/70 - 71/72 - 72/73 - 73/74 - 74/75)

Put from General Fund of 16,500,000

SENATE

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE

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March 17, 1975

The meeting was called to order in Room #213 at 1:00 p.m. on Monday, March 17, 1975. Senator Thomas Wilson was in the chair.

PRESENT: Senator Wilson
Senator Bryan
Senator Blakemore
Senator Neal
Senator Sheerin
Senator Dodge

Senator Wilson explained that Mr. Fran Breen's testimony had to be postponed to this date because of the necessity of vacating the hearing room on March 11, 1975, by 7:30 p.m. and that the Committee had provided Mr. Breen the opportunity to appear this day.

Mr. Fran Breen, 232 Court Street, Reno, Nevada, states that he is appearing for the first time since 1949 as a non-paid witness, and that, in practice, he represents Oliver Kayle and the Bourne Interests. However, Mr. Breen states that he is definitely not appearing today to represent Oliver Kayle. For the record, he says he supposes it could be said that he represents Mr. Bourne but he is actually representing no legal clients at this hearing. Mr. Breen states that he is speaking in reference to S.B. 254 and S.B. 44 and submits that there are some real objections to the bill. Mr. Breen further states that there is no need for this particular bill and that it will probably make matters worse. For all practical purposes, at the present time the sewage problem at Lake Tahoe has been solved. Effluent will be transported out of the basin in the near future. Mr. Breen comments that there is much federal legislation that applies to the Tahoe basin; i.e. Clean Air Act, Clean Water Act, Rivers and Harbors Act of 1898 which is now being used, National Environmental Protection Act, California Environmental Quality Act, California Tahoe Regional Planning Agency, and Nevada Tahoe Regional Planning Agency. If the bill passes, it will: a) give control to the other state, and with particular reference to Public Works, California will be able to stop any road plan that Nevada wants to put in, and b) give California the power. Mr. Breen feels that testimony taken at the hearing that was in favor of the bill were paid employees of federal or state government. Mr. Breen refers to Roger Trounday's statement that his agency needs this power; Mr. Breen feels that there is enough power in the Clean Air Act and the regulations promulgated under the act in this State to control any air pollution problem.

Mr. Breen feels that when the interests of developers join together with the League to Save Lake Tahoe in the same complaint that TRPA has failed to follow the act, there must be some merit to the Complaint. When Section 4.31 and Section 4.32 (Land Use Ordinance) was adopted, all these matters before the TRPA have to come to

Environment and Public Resources
Minutes of Meeting
march 17, 1975
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public hearing for a vote. Mr. Breen feels that the plan itself is incomplete. Mr. Breen refers to various maps, i.e. the general plan map, the environmental constraint map, and also the narrative brochure entitled "The Plan for Lake Tahoe". Mr. Breen advises that the general plan map, which seems to be the only one ever made, was evidently left on the wall during a meeting on August 25, 1971. Mr. Breen advises that with respect to the map that TRPA actually adopted, it is not possible to find any member of TRPA who will tell you specifically the map that they have.

Senator Wilson asked if the general land use map was not of public record; Mr. Breen replied that there was one adopted, but the question is which one.

Mr. Breen referred to the summary and findings which were adopted on December 22, 1971 and advises that Exhibit B contained therein did not exist at that time and that it probably does not exist today. Senator Wilson asked if the summary and findings are Exhibit B to the Ordinance; Mr. Breen replied in the affirmative.

Mr. Breen advised that on February 26, 1975 they tried to find out where the map was from Mr. Richard Heikka. Senator Wilson asked where this information could be found, and Mr. Breen replied that it appears in a deposition taken on Borhan vs. TRPA (2/26/74).

Mr. Breen advised that 12/16/74 is the date on the document that was later identified by Mr. Heikka as Exhibit B. They asked him to initial this, and he refused to do so. During a discussion on February 26, 1974 between Mr. Hanna and Mr. Heikka, Mr. Breen quotes Mr. Hanna as saying "the counsel and the witness are not in accord on this point". On March 4, 1974 Mr. Breen advises that deposition of Mr. Stuart (Calif. representative of TRPA) was taken, and at that time Mr. Hanna was again asked for Exhibit B. They were at that time told that the secretary had been unable to find it.

Referring to the foregoing exhibit to this hearing, Mr. Breen stated that it was obvious that this could not have been Exhibit B, but that it represents what the TRPA had adopted. They were missing Exhibit B and there was considerable question about the large map.

Mr. Breen stated that the General Plan consists of a land capability map and a map showing various capabilities of the Tahoe Basin. Also, since passage of the General Plan, various ordinances have passed. Mr. Breen explained the different types of maps used in the Bourne case and the necessity of superimposing one type of map over another in order to find use of a piece of property. Mr. Breen asked members of TRPA if they could tell what these maps which are used in this manner mean; various members of TRPA stated that they would require a team of experts to read maps.

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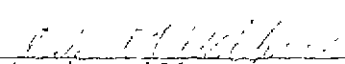
Mr. Breen stated that at a hearing on December 21, 1971, there was a recommendation as to the Bourne properties. They objected because it cut the buildings they could put on their property down considerably from Douglas County.

Upon conclusion of testimony, Senator Wilson asked Mr. Breen if he wished to make the maps a part of the record. Mr. Breen replied that he did not wish to make the particular maps he had with him a part of the record.

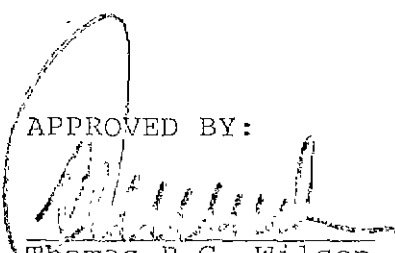
Senator Sheerin commented that the representatives of the State Highway Department were present with a film-slide presentation of South Lake Tahoe. Senator Wilson advised that they could return to Room 213 to view this presentation following the day's session.

Being no further business at this time, the meeting was adjourned.

Respectfully submitted,


Jessie Wilber, Secretary

APPROVED BY:


Thomas R.C. Wilson
Chairman

March 18, 1975

Thomas Wilson, Chairman
Senate Environmental and Public Resources Committee
State Capitol Building
Carson City, NV 89701

Dear Senator Wilson and Committee Members:

We again wish to express our deep concern over the adverse effects should Senate Bill 254 be passed.

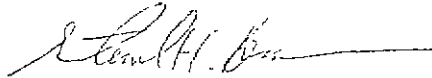
Should this legislation be passed, and the "dual majority rule" be approved, Nevada would surrender her sovereignty rights to California.

I also feel it is imperative that a committee which performs regulatory and legislative functions such as the Tahoe Regional Planning Agency be composed of elected officials rather than appointed officials. Senate Bill 254 would increase the appointed members and thus a majority of the committee would not be answerable to the residents of the Basin. Thus, Basin residents would not have a strong voice in their government.

My family has been property owners and residents of Lake Tahoe for several years, and we are deeply concerned over the future of the area; however, the passage of Senate Bill 254 will do more to destroy this area than to save it.

We respectfully urge that this bill be defeated.

Sincerely,



Mr. and Mrs. Stephen H. Bourne

cc: Richard Blakemore
Richard Bryan
Carl Dodge
Mary Gojack
Joe Neil
Gary Sheerin

From the d. 3. 10. 11.

to the d. 3. 10. 11.

17 1874

[Faint, illegible handwriting]

[Faint, illegible handwriting]

1874

The Honorable Thomas R. C. Wilson
Nevada State Senate
Carson City, Nevada

278

March 17, 1975

Dear Sir:

I would like to express my opinion as a resident and registered voter of Douglas County.

I approve of your co-sponsored S.B. 254, especially that portion under Article VI (k), dealing with clarification of the 60-day rule.

Since local governments have not seen fit to comply with Agency ordinances, I believe additional membership as addressed in Article III is essential if the Agency is to be effective. It would seem to me that the Forest Service, which actually owns over half the lands in the Basin, should have a vote on the Governing Body. They certainly have more concern than Carson City's interests.

Along with that vote, I feel that they should also be subject to project review, and should be included in Article VI (d) line 41: "All public works and U.S.F.S projects shall be reviewed ----- and approved ----".

I have followed the developments in TRPA since I was Editor for the technical reports and plan under J.K. Smith, and am currently Chairman of the South Tahoe Citizens' Committee, although I speak here as a private citizen.

Sincerely,

Dorothy W..Boyd

P.O.Box 362
Zephyr Cove, Nv. 89448

The Honorable Thomas R. C. Wilson
Nevada State Senate
Carson City, Nevada

276

March 17, 1975

Dear Sir:

I would like to express my opinion as a resident and registered voter of Douglas County.

I approve of your co-sponsored S.B. 251, especially that portion under Article VI (K), dealing with clarification of the 60-day rule.

Since local governments have not seen fit to comply with Agency ordinances, I believe additional membership as addressed in Article III is essential if the Agency is to be effective. It would seem to me that the Forest Service, which actually owns over half the lands in the Basin, should have a vote on the Governing Body. They certainly have more concern than Carson City's interests.

Along with that vote, I feel that they should also be subject to project review, and should be included in Article VI (d) line 41: "All public works and U.S.F.S. projects shall be reviewed and approved".

I have followed the developments in TPPA since I was Editor for the technical reports and plan under G.N. Smith, and am currently Chairman of the South Tahoe Citizens' Committee, although I speak here as a private citizen.

Sincerely,

Dorothy W. Boyd
Dorothy W. Boyd

F.O. Box 352
Zephyr Cove, Nv. 89448

cc: Hon. Gary A. Sheerin

SUMMARY OF COMMENTS INTRODUCED INTO THE RECORD AT AGENCY*continue here →
next page*

COMMENTATOR

COMMENT

GENERAL AREAS

1. Roy Robinette
(Letter dated 10/6/71)

1. Area southeast of Fallen Leaf Lake to be placed in General Forest category. Now shown Low Density. Area at Rubicon Bay shown in Low Density should be General Forest category. This property presently shown as medium density on proposed plan. Density requirements should comply with land capabilities if higher use is granted by Washoe County. 3. Old Whittell Castle now shown as Rural Estates should be placed in General Forest. 4. Glenbrook area should be placed in Recreational category. Hotel now operated, could continue privately owned and operated or acquired in the future by private foundation funds. 5. Area North of Zephyr Cove south of Skyland Subdivision now shown Low Density should be placed in Recreation category, as far south as the presently subdivided areas at the Point. 6. Areas adjacent to Mr. Rose Road above Incline Village shown either Rural Estates or Development Reserve should be placed in General Forest category. 7. Residents in general in the Incline area do not want any additional hotel/casino complexes and would prefer the existing hotel/casino operation be discontinued. 8. Area south of Zephyr Point, Douglas County, should be completely re-examined in view of the land capability.

over

HEARINGS AND BY VARIOUS COMMUNICATIONS

cont'd.

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RECOMMENDATIONS

The decision on Fallen Leaf Lake is a policy question and should be discussed and answered by the Governing Board. The consensus of the planners was to allow development based on the extent of development now in the area, and stability of that development, length of time subject development has been associated with Fallen Leaf Lake. Same general condition prevails in the case of Rubicon Bay. There are further identifications of land capability that indicate that development should reasonably be retained without damage to the environment. It should be recognized that in the case of 1) and 2) that development is being restricted to its present boundaries. 3. Agree. This poses no major problem and the subject property could continue in a non-conforming status. 4. This is again a policy question for the Gov. Body in the case of Glenbrook. It should be pointed out that the Land Capability map was restudied for this area and indicate a land capability of 5, which was not identified at the time original plans were made. 5. Area south of Skyland to remain as low density. 6. To be reviewed by Dick Allen. 7. No comment. 8. The area below Zephyr Point, Douglas Co., does identify some problems

COMMENTATOR

COMMENT

RECOMMENDATIONS

. Continued

associated between land use plan and land capability. Provisions in the ordinance, however, recognize the existence of such conflicts and makes provision for restriction of land use, unless land capability can be shown to be satisfactory to allow for development.

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General 2.

COMMENTATOR

COMMENT

*Continue
here →
next page*

LOCATION: CITY OF SOUTH LAKE TAHOE

1. Evelyn E. Kuraisa
(Letter dated
August 21, 1971) Request change of zoning of her 5.33 acre parcel to R-M category. Property located in South Lake Tahoe.
2. Gerald Martin
Dec. 15 Sub-
Committee meeting City of South Tahoe, presently zoned R-T. Regional Plan shows Medium Density. Would request it to be High Density.
3. Larry Hall
Dec. 15 Sub-
Committee meeting 16 acres being Lot 3 of Tahoe Valley Center Unit 3. Request Plan show Commercial instead of Medium Density.
4. Ed McCarthy, Pres.
Sierra Nevada Realty
Letter dated
11/11/71 I and four others are involved in preparing a project for the development of lots 1 through 8 in Heavenly Valley Village subdivision. The property is currently zoned R-T. We have learned that you have thrust our property into land capability zone 2, making it undevelopable. This is not entirely satisfactory to us and we would like the opportunity to review with you what our planning proposes and we want to learn from you what the true facts are.
5. Jack Van Sickle, rep-
resenting self and Van
Sickle Enterprises See El Dorado County, item 19

OVER

cont'd.
←

5 287

RECOMMENDATIONS

Should be medium density. Recommend
Plan reflect the same.

Agree. High Density would be accept-
able with its relationship to the
adjacent areas.

Commercial would not be appropriate
Land Use, however Committee agrees
to placing parcel in High Density.

These properties have a developable
status according to the present
Regional Plan and ordinances.
Recommend it remain as is.

South Lake Tahoe 1.

COMMENTATOR

COMMENT

Continued
here →
next
page

PLACER COUNTY

1. Al Fiske
Agency Meeting
August 25, 1971

Request that the Homewood Ski area master plan be the guide to development and that the General Plan reflect the same.

2. Bill Chidlaw
Agency Meeting
August 25, 1971

Request that the Star Harbor project be placed in a developable use area rather than the plan designation of Recreational Use.

3. Don Beck
Agency Meeting
August 25, 1971

Request that Unit #2 and #2B of Kingswood West Subdivision on the Truckee shortcut be placed in a Medium Density classification per General Plan, to coincide with their development densities.

4. Albert E. Schlesinger
Letter dated August 31, 1971

Requesting the 24 acres across Highway 28 from the north shore be retained as Commercial zone instead of recommendation for acquisition.

5. Warren E. Evans, President
Blueridge Development Corp.
Letter Dated 8/28/71

Our property, located 1 mile NW of Kings Beach on State Highway 267, is under a master plan showing approx. 9 acres of our land High Density, approx. 6 acres General Commercial, and remaining 65-1/2 Acres in Low Density Residential. General Plan indicated entire property as low Density Residential. We request that the

RECOMMENDATIONS

It is recommended that the Homewood Ski area master plan be reviewed by Placer County as the Regional Plan certainly identifies it as a ski area. The details of the plan, however, would be the responsibility of Placer County working with the developer after the appropriate ordinances and plans have been adopted.

Disagree with commentator on basis that complete study should be made after plan is adopted and after all ordinances are developed. Ordinances as now proposed will provide for redress from the Land Capabilities Map, which is the basis of staff opinion.

Recommend that any development that is proposed above the upper level highway, as recommended on the plan, be seriously considered for General Forest designation.

Recommend that the local agency make findings on this request with the 400 scale maps.

Recommend the General Plan reflect the development's approved master plan re: higher use. However, where development plan conflicts with constraints area, capability map to supersede.

Placer 1.

COMMENTATOR

COMMENT

Continued
here next page

5. Continued

Tahoe General Plan regard our present zoning and incorporate it in your final consideration.

6. William H. MacLaughlin
Letter Dated 9/24/71

Request that the Homewood Ski area and all ski areas located immediately adjacent to the Lake where drainage surface runoff is closely related refrain from further expansion.

7. George H. DeBacker
Letter Dated 9/17/71

Trimont Land Company, located in Placer County requests that approximately 40 acres of their ski complex be designated Tourist Commercial between the ski area and the adjacent Low Density Residential Land Use. They request this on the basis that other ski complexes in the Basin have similar commercial value related to the ski complex.

8. Graham and James, Attorneys
Letter Dated 9/18/71

On behalf of the 207 families who own homes at Tahoe Tavern and Tahoe Tavern Shores, urge you prohibit development or use of any kind of the 64 acres of property adjacent to these communities, said parcels owned by the Federal Government.

9. Paul J. Meyer
Letter Dated 9/17/71

Request that the entire Powder Bowl Ski area be shown on the General Plan as it now exists. Evidences are that the ski area as shown now does not adequately cover said area.

RECOMMENDATION

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Agree that high standards must be maintained in the case of all surface runoff. Homewood Ski area is only ski area immediately adjacent to Lake. Ongoing programs and under way and should be continued to be monitored in order to guarantee that no deleterious effects on Lake Tahoe be generated from the ski area.

Staff believes that subject request is appropriate and was not designated specifically on the Plan in that there was at that time question of ordinance interpretation of accessory use to a ski area. This would remove any confusion about the existence of a ski basis solely in connection with this ski area.

The specific disposition of use of the 64 acres, while in Federal ownership, should be referred to the Regional Agency for appropriate determination of public use before disposition. The Compact decided that the Federal Government will cooperate with the Regional Government in such matters.

To allay the fears of the Powder Bowl Ski area, the plan shown is general in nature. Details of the ski area would principally be the responsibility of identification by Placer County. This is an existing facility and we generally agree with the retention of this ski area. Placer 2.

COMMENTATOR

COMMENT

10. Leo Wyrsh
Letter Dated 9/18/71

Request our parcel located in Section 10, Township 16N, R17E, containing 80 acres, Assessor's Parcel #87-060-06, remain in its present zoning status of two residences per acre. General Plan at this time does not reflect these densities.

11. James P. English, M.D.
Letter dated 9/16/71

Request that General Plan designations of Public Beach between the Homewood and Placer County-El Dorado County line be clarified inasmuch as many of the areas shown thereon are not the most desirable for public access.

12. Graham and James, Attorneys.
Letter Dated 9/18/71

Request that properties held by Moana Development Corporation retain their zoning status as property was purchased. Properties in question: 150 acres at Dollar Point, North Lake Tahoe (Chinquapin); 10 acres of property known as Cedar Point on the west shore, one mile south of Tahoe City; 13 acres of Commercial zoned property, Highway 89 across from Tahoe Tavern Properties; 5 acres of land adjacent to Tahoe Shores in Tahoe City.

13. H. H. Grundfar
Letter dated 9/17/71

We are owners of Lot 45, Blk R, Highland Greens #2, Assessor's Parcel #93-350-03. Our present zoning is TR3 allowing five units per acre. We specifically request that this zoning status remain and so designated on the General Plan.

RECOMMENDATIONS

This area in the General Forest category and looks to be divided by the upper level highway proposed on the Plan, recommendation is to remain as on Plan with ultimate acquisition.

Explanations at public hearing have said the public beach symbol is meant only to concentrate at specific locations shown.

Recommend the 180 acre shoreline parcel stay in recreation with some allowance to other area for density. The other subject request should be directed to Placer County relative to the question of specific zoning for specific property within the framework of the General Plan.

Due to the scale of the Regional Plan, the details of a lot-by-lot verification of zoning must be the responsibility of local government. The question of the density of subject property has the flexibility within the framework of the broad densities of the General Plan.

Placer 3.

COMMENTATOR

COMMENTS

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14. Charles M. Crawford
Letter Dated 9/20/71

That the public Beach designation on the General Plan running from Homewood south recognize the property owners' association of Moana Beach, extending approximately 1000' south of McKinney Creek will remain under association status and comply with the General Plan.

15. Tahoe City Disposal Co.
Letter Dated 9/19/71

Assessor's Parcel #94-010-02 and 94-010-12, located in Section 6, T15N, R17E. This property has been zoned C4 in Placer County for quite some time. We strongly oppose being placed in a General Forest category and would respectfully request to maintain our Commercial status.

16. Powder Bowl Ski Area
Letter Dated 6/12/71

Request that the north half of section 3, T15N, R16E, be changed from General Forest to a Limited Resource zone.

17. M. F. Jones
Letter (undated)

We have 80 acres located in Placer County, Section 10, T15N, R17E, adjacent to Agate Bay Development. Property presently zoned TR-1-V-20-LUI. Your plan refers to General Forest on this parcel. We request that present zoning be acknowledged.

18. McKinney Bay Improvement
Association. Letter Dated
9/14/71

The proposed population density of the Lake Tahoe Basin be held to the original plan calling for 134,000 people. Any additional casinos called for on the Plan do not meet the objectives of the Basin. Respectfully request that these be considered strongly and related to.

19. Dave Tucker, Perini
Properties. Letter Dated
9/3/71

We are concerned about our density reduction from 300 units to 0. Request sufficient density be picked up in our foothill area west of the highway and that our plans call for quasi-public beach and recreational area adjacent to our property be in conformance with the GP.

OVER

RECOMMENDATIONS

General Plan and symbol of beach account for this which would include quasi-public. Agree with commentator.

A suggested adjustment providing for a Service Commercial use is warranted for this location.

Same comment as Item 9.

Same as Item 10 - Recommend this property be considered in acquisition program.

Population will be as determined by areas calculated on finalized GP. Gaming is now covered by previous agreements made under Bi-State Compact and will be controlled thereby.

Suggest this development submit additional data for density increase based on GP and Land Capability. Recommend the quasi-public beach in this area be accepted as conforming to GP.

Placer 4.

COMMENTATOR

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20. Joel A. Shouse
Letter Dated 8/31/71

21. Joseph Trianhero
Letter Dated 9/18/71

22. Lake Tahoe Gold Mining -
Company by Finley J. Gibbs
Letter dated 9/8/71

23. Howard M. Turner
Letter dated 9/8/71

24. Property Counselors, Inc.
Telegram dated 9/21/71

over

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COMMENTS

RECOMMENDATIONS

Layton-Tahoe properties, 80 acres, Assessor's Parcel #94-010-01 and 94-010-10, located in the NW1/4 of Section 6, T15N, R17E, be regarded with its present zoning of TR-1 (LUI 310). Plan indicates these properties in an acquisition area. Letter refers to Achiro-Giannini properties. Comments covered by Tahoe Disposal Company herein above.

As owners of Parcel #87-060-06, the S1/2 of Section 10, T16N, R17E. I firmly believe it should remain the same as it was in the past, two families per acre.

We have been advised that our property, namely in Section 13, T14N, R18E, in Placer County and the old Tahoma resort property located in Section 8, is in conflict with the proposed CP. We wish to protest any change of our densities and would hope that the final plan would reflect the densities already existing in reference thereto.

We question the application of Recreational Use in the Homewood area. We have felt that the low density residential will remain on the Homewood shoreline.

General Plan should reflect Master Plans for Kingswood 2B and portion of Kingswood 2 on property owned by this company on Highway 267. We respectfully request that these changes be made.

See Item 15 for Tahoe Disposal Co. Layton-Tahoe properties are recommended for low density residential.

Same as Item 10.

Portion of property located in Section 13 is in Low Density Residential and the Tahoma resort property is designated Commercial on the Plans. We request the plan stay as is.

Generally agree with comment provided, however, that specific locations for quasi-public beach access should be made in Homewood area.

See recommendation for Item 3.

COMMENTATOR

25 A. G. Rutsch
Wildlife Conservation
Board. Letter dated
8/19/71

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Continued here
next page

26 Donald Araldi
Letter dated
9/2/71

27 Haskell Berry, Jr.
Letter dated
9/25/71

28 Richard F. Elan
Letter dated
9/21/71

29 Ralph Pausche
Agency meeting
8/25/71

over

COMMENTS

RECOMMENDATIONS

With reference to Star Harbor Development, work which has been associated by our Board with this development on providing breakwater protection would be severely hampered if this development were not allowed to continue. We hope consideration is given to this development for the continuance of our program.

I have a lot in the Lake Tahoe Park Subdivision known as Lot 45, Highland Greens Unit #2, presently zoned TR-3. I would like to have this zoning retained and would be opposed to any change in its use.

In behalf of the Fenech property, located on Hiway 28 south of Lake Forest Drive, Tahoe City, Assessors Parcel #93-020-11 and 93-020-13 and 94-140-12, I respectfully request that the many conflicts in reference to this property be resolved as follows:

1. Request to permit retention of entire site.
2. To permit an improvement density of 4 dwelling units per acre.

My property is Lot 9 through 12, Tahoe Vista Re-subdivision of Cal-Neva, 100 ft. from Cal Neva Lodge, presently zoned R-4-D. It appears to be designated General Forest under the General Plan. I strongly oppose this Plan and would hope my present zoning would be continued.

Lots 142 and 143 Lakeside Subdivision, Homewood and Lots 238, 239 and 240 Sans Souci Terrace, Homewood wish to retain C-1 zoning, plan shows low density

Disagree. Breakwater separate from development and should be considered separate.

The details of this specific zoning will of necessity have to be worked out with Placer County. It is entirely probable that the request can be acknowledged.

Subject area is in a high hazard land capability classification. Disposition of property as for the balance of the area is suggested for either recreational or General Forest use, probably requiring ultimate acquisition.

It appears subject property is part of the Tourist Commercial complex at the north state line, and that the property is not a part of the greenbelt, but a part of said Tourist Commercial area. A more definite determination will be made by local zoning.

Recommend that the Local Agency make findings on this request with 400 scale maps.

COMMENTATOR

COMMENTS

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30. Harold Parichan
Public Hearing
12/8/71
Representing James Viso & Associates, owners of Eagle Rock and Fleur Du Lac. Request present zone be retained on each parcel. Plan now shows recreational.
31. Mrs. Edward D. Patton
Letter dated
11/16/71
I wish to protest the rezoning of my property on the Truckee River below Tahoe City from C-3 to Greenbelt
32. Martin J. Spitsen
Letter dated 10/26/71
I own Placer Co. parcels #94-180-23 and 95-110-10, known as Tahoe City Lumber Co., on the Lower Truckee. The property consists of 5 acres and is zoned C-3 and I object to the General Forest designation.
33. Floyd V. Carnell and
Bihla V. Carnell
Letter dated
11.18.71
We own Placer Co. parcels # 95-110-08 and 09, located on Highway 89 across from the Tahoe City Lumber Co. Our property is zoned C-1 and we oppose the designation of General Forest.
34. Joseph Q. Joynt, Attorney
representing Herman
Schaefer, etux
Letter dated
11/23/71
Mr. and Mrs. Herman Schaefer own Placer Co. Parcels # 95-110-06, 07, 11 and 12. These properties are downstream from Lake Tahoe on the Truckee River. The first parcel is the Schaefer residence, the third parcel is the Pfeifer House Restaurant. Please protect the vested interests of my clients.
35. Adolph Meskovitz, Attorney
representing Paul Nave and
Paul Lawrence, etux
Letter dated
12/2/71
My clients won approximately 30 acres of land at the intersection of State Hwy 28 and Lake Forest Drive on the south side of State Hwy 28 and on the east side of Lake Forest Drive. The land is zoned by Placer Co. as SC-DS (Shopping Center with design control). It is shown on the proposed Plan as General Forest. We request present zoning be maintained

over

RECOMMENDATIONS

Eagle Rock Plan is proposed for Recreation and recommend it remain. Fleur De Lac Development meets capability requirements and would comply with land use, recommend low density.

Recommend property remain in General Forest. Existing use will be continued as non-conforming, with ultimate acquisition.

Recommend property remain in General Forest. Existing use will be continued as non-conforming with ultimate acquisition.

Recommend property remain in General Forest. Existing use will be continued as non-conforming, with ultimate acquisition.

Recommend property remain in General Forest. Existing use will be continued as non-conforming with ultimate acquisition.

Area for the most part is in a high hazard capability, that portion which is in a medium to low hazard should be considered by Placer Co. as to ultimate use. High hazard property should remain in General Forest, for ultimate acquisition.

Placer 7.

207

COMMENTATOR

COMMENT

LOCATION: VASHOE COUNTY

1. Alvin Zilver
Letter dated
August 17, 1971

Representing the Heller family, owners of approximately 13.95 acres on Lakeshore Blvd. at Incline Village, which is requested to be shown on the General Plan as Low Density Residential category rather than Recreational Area.

2. Don Steinzev
Letter dated
9/2/71

Our properties, Brockway Springs and Mountain Shadows are shown in Medium Density and they should be Maximum Density of up to 15 units per acre. We request the appropriate changes be made prior to final adoption.

3. Irwing Bliss
Letter dated 9/24/71

I am an owner of approximately 7 acres which lie south of Village Blvd bounded on the west by Third Creek and on the east by Kings Castle Way, and it is divided by Anderson Drive. Our property is presently zoned R3 and we wish it to remain.

4. W. W. White, General
Manager, Incline Village
GID. Letter dated
9/7/71

To request recognition of certain areas not clearly designated on the General Plan and to request that a clear statement be made as to constraints of the land capabilities and to request that ordinances related to the Tahoe Regional Plan be adopted prior to or together with the General Plan. It is felt that the economic status of the district is in jeopardy by virtue of the many programs relating to the General Improvement District

over

RECOMMENDATIONS

Disagree, recommend this area be included in the overall Recreation Plan and be itemized as an acquisition parcel.

Agree. This was an error on the map that should have been acknowledged as development has progressed to almost 50% of completion at the density in question.

Recommend Medium Density Residential

Agree regarding preparation of ordinances and plans. A separate economic impact analysis has been prepared regarding problems associated with special districts.

Washoe 1.

COMPLAINANT

COMMENT

5. Larry M. King for
Tennis America
Letter dated 9/19/71
9/19/71

We wish to protest the proposed zoning change for the Van DerKear-King Tennis Camp, 977 Tahoe Blvd. Incline Village. This plan would apparently prohibit the school from building adequate housing for its students. We wish to state that any zone change that directly influences our future plans be revised.

6. Norman Tuttle
Letter dated
9/14/71

Request confirmation on a designation of Public Beach in front of the 35 private homes between Shoreline Circle, just east of Burnt Cedar Beach and Incline Beach at Incline Village.

7. Leonard E. Bowser
Kaiser-Aetna
Letter dated
9/14/71

As owners of a three-acre parcel located on Southwood Blvd. at Incline Village, we find the General Plan designation of Medium Density Residential. As per Washoe County Commissioners, this property has been zoned High Density Residential and we feel it is rightfully zoned and would respectfully request the same be acknowledged.

8. Leonard E. Bowser
Letter dated
9/16/71

The General Plan appears to place my property in a single family designation. My present zoning by Washoe County is C1, or local commercial. I request that this property remain in its present zone status. Location is on Tahoe Blvd. and Incline Village at its intersection with Northwood Blvd. at the Northwest corner thereof.

9. Merle C. Anderson
Letter dated
9/9/71

My property, Lot 3, Block 14 of Crystal Bay Park, Washoe Co. appears to be located in an Acquisition area. I wish to go on record as protesting this action of the TRPA

over

RECOMMENDATIONS

Any additional use for this property regarding adding building will have to comply with capability map. Student housing to be determined by Washoe County.

To remove any question regarding subject area, there is no intent by this Plan to propose that the 35 private homes between Shoreline Circle and Incline Beach be acquired or used for public or quasi-public use.

Agree this was not definable on our small scale map and is in an area which is conducive to high density in its relationship to commercial.

Agree. This is a detail for Washoe County to resolve.

Shown as General Forest. Could continue to be used as non-conforming lot. Might not be acquired for many years.

Washoe 2.

COMMENTATOR

COMMENT

301

10. E. K. Brown, Co. Clerk
& Clerk of the Board of
County Commissioners,
Washoe Co. Nevada
Letter dated
9/16/71
- At County Commissioners' Meeting in Washoe
County held on 9/15/71, the following order
was made, to wit: Resolution, Coe Swobe,
State Senator, appeared before the Board
of Co. Commissioners and presented a
Resolution citing problems and asked that
the area located above 7000 feet level at
Incline be designated in General Plan as
Recreational until various problems were
resolved.
11. Donald L. Carano
Letter dated
9/14/71
- I am the owner of a 1 acre parcel located
on Kings Castle Way, immediately adjacent
to existing townhouse development of Cary
Castle. It is my request that this
property be zoned so as to allow up to
8 units per acre.
12. David C. Cary, Gen.
Mgr., Incline Village,
Letter dated
9/14/71
- There are several areas within our core area
as defined as property line southeast of the
Kr. Rose Highway and Southwest of Kings
Castle Way and bounded on the south by the
Lake. The many conflicts between the existing
zoning and the proposed General Plan are hard
to define. Understanding the scales we are
working with, simply stated, this core area
should be retained under its present zoning
status. We oppose the Plan's use of develop-
ment reserve as a land category. We oppose
the Plan's total prohibition of the right to
develop Units 6 and 7 of Incline Village.

over

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RECOMMENDATIONS

The Regional Agency certainly would not want to preclude local government establishing more restrictive standards than in the case of the Regional Plan. This appears to be the case and if this is the desire of Washoe Co. then they may establish this. It should be recognized that the 7000' level at Incline runs through several existing subdivisions that are completely constructed. This could pose severe problems for those property owners in these areas.

This request appears to be reasonable; however, the details of the zoning will be the responsibility of Washoe County.

In the case of the core area at Incline, the details of the zoning and interpretation of the Plan are being worked out at 400 scale in concurrence with the Washoe Co. staff people. In reference to the use of development reserves, the regional intent was to provide an opportunity to review problem areas such as Units 6 and 7 of Incline Village. In view of the attitude of Washoe County and the land capability studies, it appears that subject area should be identified as General Forest and that the development reserve category be dropped from consideration in both this area and Glenwood. Therefore, disagree with the development on Units 6 & 7 and point to the past denials by the local agency as evidence of local government's not desiring to allow this development to proceed.

Washoe 3.

205

COMMENTATOR

COMMENT

13. Ray C. Robinson
Letter dated
7/5/71
- Request that our six-acre parcel, referred to as Parcel 12626311, Area 122, located on the U of the Old Mr. Rose Highway, be left in a Medium Density Residential zone as per existing zoning (property is now in a General Forest area on the General Plan)
14. Ray C. Robinson
Letter dated
7/6/71
- I have two commercial properties identified as Parcel 12226306, Area 122, consisting of .627 acres located on the corner of Village Blvd. and Southwood at Incline Village, purchased from Crystal Bay Development Co. in 1965 as commercial. I have another parcel #12416305, Area 122, consisting of 1.87 acres located on the corner of Northwood Blvd. and Fairway which was purchased from Crystal Bay Development Co. in May of 1964 as a commercial piece. I request that these two parcels be continued in their same use on the General Plan.
15. Roger Steele
- Requests property be placed in Rural Estates, now shown as Recreational on the General Plan.
16. David Hawley
- Eight acre parcel Incline Village East side of Fairview Drive just North of intersection with driveway. Request to have Low Density applied to parcel.

Over

604

RECOMMENDATION

Recommend Rural Estates

Agree, however, this is a detail being worked out with Washoe County. Our small scale plan was impossible to use in identifying this small of a parcel.

Recommend the Plan stay the same, leaving the property in Recreation.

Recommend that the existing zoning of Washoe County be applicable.

Washoe 4

1111

COMMENTATOR

COMMENT

17. Paul H. Wright, V.P.
Sec-Treas. for Tahoe
Incline Homes, Inc.
Letter dated
11/13/71

We request that the 2.3 acres known as
Incline Crest 3-B be zoned for at least
10 units per acre and that the 5.673
acres just north of and bordering
Incline Crest 3 Subdivision, be zoned
for at least 8 units per acre

18. A. A. Hayman, Jr.
Letter dated
11/13/71

Request that lot 2, Block H, Nevada
Vista Subdivision be retained in its
current R-2 (duplex) zoning.

19. Marvin P. Klassen
representing Dant
Investment Co. and
self. Letter dated
11/9/71

Requesting on behalf of the owners of
record that the Whispering Pines Sub-
division be retained at the present
R-3 duplex zoning

David C. Carey,
Gen. Manager,
Incline Village
Letter dated
12/1/71

Request that not less than 1500 units be
allowed on our 3400 acres of land north
of Incline Village or we are willing
to negotiate a sale or exchange to a
public agency. We are reserving rights
conferred by the Compact, Sec. VI A
as to our panorama point parcel. Further,
we believe that the development reserve
designation is so ambiguous as to be
totally unworkable.

21. Lawrence M. Elliman
Letter dated
12/5/71

My 24 acre parcel, number 122-01-025
located on the North side of Tahoe Blvd.
west of Red Cedar Drive has been down-
zoned from E-1 to A-4, or from 2.9 units
per acre to one unit per 5 acres. I
request that this property be rezoned to
a more reasonable density. Please confirm
TRPA existing zoning of this property.

206

RECOMMENDATIONS

This property is in keeping with the existing zoning as per plan. Density determined by land capability.

This property appears to be in compliance with local zoning and the General Plan.

Recommend that the General Plan remain as is.

Recommend the reduction of reserve in Unit 6 by 160 acres - and add to Plan 70 acres of reserve in vicinity of Unit 7, as land capability determines.

Recommend low density be placed on this property as it is not in conflict with present plan, where capability level is bad, no development should be allowed.

Washoe 5.

COMMENTATOR

COMMENT

59

LOCATION: EL DORADO COUNTY

1. Neil Blackburn
Agency Meeting
8/25/71
Request that the development of Lake Country Estates, located midway between Meyers and South Shore be placed in the developable category inasmuch as they have an Agency approved Master Plan on the total project.

2. Fallen Leaf Lake
Property Owners
Letter dated
8/28/71
Request the present development on the west side of Fallen Leaf Lake be recognized on the map.

3. Robert H. Watson
Letter dated
9-17-71
Request that Cal-Pacific Resources, Inc., property located at Tahoe Paradise, specifically Tahoe Paradise Unit #34 (present zoning, R2 - shopping center site), present zoning CP, Tahoe Paradise Unit #7 (present zoning R2), Tahoe Paradise Units #6, #7 and #8 (present zoning high density commercial and industrial), Hot Springs site (present zoning R2). These units all appear to conflict with their status on the General Plan and that they request that the Agency consider their present zoning status and recognize it on the General Plan.

4. Robert Zang
Letter dated
9/2/71
Requesting Lot 3, Tahoe Hills Unit #1, be considered a buildable lot and so designaged on the General Plan.

Over
JW

RECOMMENDATIONS

308

Recommend to place this property in Development Reserve only in areas not clearly identified as meadow or marshlands and/or below the 100 year flood plain.

Disagree on basis of Plan proposal to create a major greenbelt area in the southwest portion of Lake Tahoe. Property owners could be phased out either under Life Estate or Long-Term Acquisition, thereby preserving reasonable and equitable rights to use of property.

Recommend Unit #34 remain as Low Density per Plan. Recommend Commercial be determined by County. Recommend Unit #7 presently zoned R-2 be left in General Forest as shown on Plan. Hot Springs site presently zoned R.T. be a determination by County. Tahoe Paradise Addition #6, #7 and #8 presently commercial and Industrial to be placed in General Forest instead of Low Density as shown on Plan. Area North and West of Unit #34 be placed in General Forest instead of Low Density as per plan.

The subject area again is in proximity to the west shore General Forest and greenbelt area, also identified in a high constraint land capability classification. Present lots would be allowed to be grandfathered under current ordinance proposal, thereby allowing reasonable and extended use of property until acquired.

COMMENTATOR

COMMENTS

- 5. Thomas E. Flowers
Letter dated
9/3/71
Western Urban Development Investment Corp. requests that their 47 lots in Tahoe Hills Subdivision, Meeks Bay, is in an acquisition area and that the present General Forest area. Specifically, they would like the Plan to show and reflect their area as Residential.

- 6. Max Hoff
Letter dated
9/20/71
Request that Glenwood Park, located near Meeks Bay, be shown as a residential area or if acquisition program is set up to have reasonable assurance that money will be allocated for purchase of this area.

- 7. Brigg Ebright
Letter undated.
That Cascade Properties have not exploited Tahoe Basin. Therefore, they should not be placed in an area that would be detrimental to their investment. Cascade Properties are now shown in General Forest.

- 8. William R. Mackey
Letter dated
9/21/71
Request that 37.6 acre parcel adjacent to southern boundary Sugar Pine Point Park, owned by the Lazard family, be recognized as a developable area inasmuch as this family was the original owner of approx. 2,000 acres now comprising the Sugar Pine Point State Park. The family was assured that their rights would be retained to enable reasonable development of such 37.6 acre parcel by the State.

RECOMMENDATIONS

The subject area again is in proximity to the westshore General Forest and greenbelt area, also identified in a high constraint land capability classification, Present lots would be allowed to be grandfathered under current ordinance proposal, thereby allowing reasonable and extended use of property until acquired.

(Same recommendation as for Thomas E. Flowers.

The subject Cascade Properties, while having provisions for some development under the Land Capability Map, by virtue of location on the west shore, an opinion of staff should be set for priority acquisition in connection with the land concept of removing private land and development opportunities from the southwest quadrant of the Lake.

Staff is unaware of commitments made between State of California and respondent. The plan suggests that the area be included as a part of the westshore open space and recreational complex; therefore, must disagree and if appropriate problems are identified relative to State agreements, then State of California should be asked to review this for possible equity.

El Dorado 2.

001

RECOMMENDATIONS

There is no area shown on General Plan adjacent to Meeks Bay for High Density residential. We, therefore, cannot concur with commentator's statement.

Staff disagrees as the subject lake is certainly part of the watershed of the Lake Tahoe Basin. Purpose of the ordinance while not totally applicable to Fallen Leaf Lake, certain parts dealing with shoreline construction and appearance and aspects dealing with water degradation are applicable and should be included. Agency should consider the drafting of separate shoreline ordinance for Fallen Leaf.

These properties should remain in general forest for plan continuity. A program will be introduced in order to protect lot owners.

These properties should remain in general forest for plan continuity. A program will be introduced in order to protect lot owners.

COMMENTATOR

COMMENT

9. Walter Bray
Letter dated
9/8/71
- Realizing that building must be controlled to save Lake Tahoe, would request that High Density Development now shown on the General Plan adjacent to Tahoe Hills at Meeks Bay be reduced in density as the Tahoe Hills Sub-division is shown in General Forest. They feel this is discriminatory and unjust.
10. H. D. Pischel
Fallen Leaf Lake
Protection Ass'n
Letter dated
8/18/71
- The Fallen Leaf Lake Protective Assoc. requests that Fallen Leaf Lake be eliminated from the proposed Shoreline Ordinance covering the Tahoe Basin, and propose separate ordinance to relate to their situation.
11. Donovan C. Davis
Letter dated
9/13/71
- As a property owner at Meeks Bay Vista, I am concerned of being placed in a General Forest category for future acquisition, and feel that it is discrimination to see that other areas in the Basin are marked for expansion and higher densities. I sincerely recommend that this aspect of the Plan be reviewed and modified.
12. Harold R. Ebright, Jr.
Letter dated
9/15/71
- Regarding Cascade Lake Properties, have been paying property taxes for the last 15 years. We object to the zoning of the area which would limit possible sale to anyone but the government.

COMMENTATOR

COMMENT

- 13 Jos. T. White Jr,
attorney, representing
Mr. Giambroni and self.
Letter dated
12/1/71
- Mr. Giambroni and I have invested money in land belonging to Jos. T. White, located in S18 T14 N, R17E, parcel number 14-021-02. This property is presently zoned residential and is within the sewer district. The preliminary General Plan indicates that virtually all the property has been excluded from residential development. We would appreciate learning the basis for the agency excluding this property from development and would like an opportunity to satisfy the agency that this property is capable of low density residential development.
- 14 Larry Hall
Dec. 15/71
Sub-Committee
- Request 130 acres around Saw Mill Flat parcel in El Dorado County be put in low density.
15. Larry Hall
Dec. 15/71
Sub-committee
- Request some developable category on 40 acres located in El Dorado County along and North of Upper Truckee River being divided by Angora Creek
- 16 Gerald Martin
12/15/71
Sub-committee
- 27.0 acres in County of ElDorado, Old Saw Mill Flat (West property) about one-half of property is in low density and one-half in General Forest. Request all be placed in low density.
17. Larry Hall
Dec. 15/71
Sub-committee
- Request that 3.5 acre property now zoned commercial located Northside of Highway 50, west of Meadow Vale Drive be classified commercial on Plan instead of General Forest.

over

204

RECOMMENDATIONS

Recommend this property remain as on the Plan. If owner wishes to challenge land capability with additional soils studies, he may do so.

Agree, however that which is shown in General Forest be placed in Low Density. Land capability should control.

Agree to place reserve on part of property west of Angora Creek. Balance of property to remain in General Forest for ultimate public ownership.

Agree, however, that which is shown in General Forest, if placed in low density, should be controlled.

Disagree. All other freeway oriented commercial in this area has been classified general forest and proposed for ultimate acquisition.

El Dorado 4

100

COMMENTATOR

COMMENT

- 18. Charles Vogel
12/15/71
Sub Committee Meeting
Request that 120.2 acres formerly Ledbetter property, located adjacent to and south of the Tahoe Airport be placed (in its entirety) in low density.

- 19. Jack Van Sickle,
representing self and
Van Sickle Enterprises.
Letters 12/13/71 and
12/15/71
Object to the proposed plan that shows only a small part of my property in medium density residential

- 20. Hardy C. Setzer
Letter dated
12/10/71
Request residential zoning on SW¼ of the SW¼ of Section 30, T12N, R18E.

- 21. George Wardwell
Verbal request on
12/14/71
Request present R-2 zoning for property located Country Club Heights #2, 35,000 square feet, SWcorner of ARapahoe and Highway 50. Plan shows low density residential.

RECOMMENDATIONS

Disagree, as portion of this property now has some low density with land capability the primary consideration. If owner wishes to challenge the capability with some success a re-classification could be considered for added low density.

Recommend that the existing zoning by local jurisdiction be retained.

Leave in General Forest. Present zoning is Agriculture and area is ultimately to be acquired.

All surrounding area is now shown as low density residential, therefore this should remain in low density.

El Dorado 5.

COMMENTATOR

COMMENT

1. Paul Bible
Agency Meeting
8/25/71
Request that the High Sierra Development Corp. property containing 160 acres, located in the Cave Rock area, be held to its present zoning status which would allow continued development under Douglas County standards, and that they be removed from their present General Forest classification to a Development classification.
2. Lucille K. Delaney
Letter dated
9/20/71
Property located on Kingsbury Grade, consisting of 10 acres located in the northwest quarter of the northwest quarter of the northwest quarter of Section 25, T13N, R18E. Property presently zoned 1/3 acre per dwelling, but Douglas County General Plan indicates property placed under General Forest area. We strongly protest this action.
3. Milton Manoukian
Letter dated
9/24/71
In behalf of Philip H. Fenn, owner of 5 acres located in the northeast quarter of the northwest quarter of Section 26, T13N, R18E, located in Douglas County. They would like to oppose the General Plan as it conflicts with his existing zone status.
4. Kenneth C. Kjer
Letter dated
9/20/71
The ST Incorporated Company is owner of 10 acres located in Section 25, T13N, R18E, Douglas County. In examining the drawings of the General Plan reveals no further development for this parcel. Please be advised we protest and request that it be changed to regard existing status.

over

RECOMMENDATIONS

Land Capability map would suggest area be maintained in General Forest Classification. Where active land exchanges are pending, provision should be made for protection of existing land values by acknowledgment of existing development right.

Recommend extending low density to include this small area.

Recommend extending low density to include this small area.

Recommend extending low density to include this small area.

Douglas 1.

5. Dale W. Bohmont
Dean of Directors
University of Nevada
Letter dated
9/15/71 and
Bernard C. Downing,
Nevada Youth Leader
letter dated 9/22/71
- With regard to the 4-H camp at Lake Tahoe (just North of Stateline), the designation of Public Beach adjacent to our premises indicates public acquisition of portion of our property. This we strongly protest. This property has been its present form with regard to 4-H activities for many years and purchased with a specific total program of including all beach amenities.
6. Kenneth L. Amundson
Letter dated
9/22/71
- Strongly protest the placing of our properties in a General Forest use area. We own 9.66 acres located in the Northeast one-half of the north-east one-quarter of Section 22, T14N, R18E, and also property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, containing 80 acres. These properties, located in the Glenbrook area, and in both cases preliminary work is being done toward development of low density residential.
7. Gary Edin
Letter dated
9/20/71
- I am making payments on raw acreage in Sections 6 and 7, T13N, R19E, MDB&M (Kingsbury Grade). At this point, my property is placed in an acquisition area known as General Forest and I strongly oppose placement of our properties in this category as it does cloud our title.
8. Louis Leickmeyer
Letter dated
9/21/71
- We own property in the north half of the west half of the northeast quarter of the NE $\frac{1}{4}$ of Section 23, T13N, R18E, in Douglas County. We object to your plan as it does not respect the right of the property owner.

RECOMMENDATIONS

There is no intent by this Plan to suggest acquisition of the 4-R camp. We do believe strongly, however, that this area should be identified as a public or quasi-public beach as this is what it is certainly now being used for.

Disagree. Most of this area is in constraint zone 1-portion in zone 3-some of this property could be developed in Rural Estates with some detail sight plans.

Recommend plan leave this area in General Forest- high hazard constraint area - any existing approved subdivision lots will be accepted as prior right.

Consider Rural Estate based on detailed study of 1" = 400' map.

Douglas 2.

COMMENTATOR

COMMENT

9. Lester H. Berkson
Letter Dated 9/9/71

The impact of the Preliminary Tahoe General Plan on the Kingsbury General Improvement District is, to say the least, extremely sever and financially damaging. Relating to the Preliminary Report of Baxter-McDonald and Company, "This is the only instant found where the Plan might prevent sewer- ing of existing development" It is inconsistent to require sewers on the one hand and to come up with a Plan that effectively prohibits sewer on the other. This district appears to be in seri- ous financial problems unless existing and future development which has been proposed on the pro- jections of costs in the formation of this dis- trict are not adhered to.

10. Nathaniel Hellman
Letter dated 6/15/71

I plan to use every legal means possible to pre- vent any change in the zoning or the proposed use of the following properties: 1. Lots 6, 86, 95, 204, 226, 228, 229 of the Subdivision of Skyland Subdivision. 2. Lot 482A and B and Lot 484A and B, McFall Road, Round Hill. 3. Nevadan Apartments, located on Lot 16, Block 3, Oliver Park Subdivision. 4. Parcel A and B located in the SE1/4 of Section 22, T13N, R18E, shown on the map of Oliver Park. 5. SW1/4 of the NE1/4 of Section 26, T13N, R18E. 6. Lot 204 and 206, Silver, and Lot 217, Gold Hill Castel Rock.

11. F. R. Breen
Letter dated 8/31/71

Unless the Tahoe Plan permits the guarantee of the Round Hill area as provided for in their master plan, the 4.4 million dollar bond issue will be in default and the investors will suffer heavily. We feel that the provisions of the NRS 277.190, et seq., have not been complied with. We respectfully request there be reviewed in depth prior to adoption of this Plan. This re- quest is made in behalf of the Round Hill, Ltd.

over

204

RECOMMENDATIONS

A separate review of the problems associated with the Kingsbury area is now under way.

These properties are considered in the ordinances and as recorded lots will be covered for prior use as residential.

The proposed master plan does not allow for the total development as originally envisioned for the Round Hill area. It does make provision for substantial development recognizing, however, that there are serious land capability problems associated with the area and there will be a responsibility on any future developer to show how these problems

Douglas 3.

COMMENTATOR

COMMENT

11. Continued

and the estate of A. J. Bourne, deceased.

12. Daniel R. Walsh
Letter (undated) received
by Agency 6/15/71

In behalf of Doris T. Rohrer, we wish to submit our protest and objection to the following: Property is located and being part of the N1/2 of the NE1/4 of Section 26, T13N, R18E. and portion of the N1/2 of the NE1/4 of Section 26, T13N, R18E. This property is being designated as part of a conservation or recreation area. It contains 54.4 acres and allows only recreational uses. This would deprive the owner of the benefit of any development or other use.

13. Milton Manoukian
Letter Dated 9/1/71

Objections are raised for and on behalf of the Douglas County SID #1. This plan will result in the sharply reduced assessed valuations and restrict proposed services in the area, doing great injustice to the District and the taxpayers. We urge this Plan not be adopted until all ordinances and adequate objections have been taken regarding the compensation which will be provided for the 34,000 acres of privately held land involved.

14. Howard A. Jones
Letter Dated 6/30/71

As president of the Corporate Research, Inc., Long Beach, California, our company for many months has planned to acquire the 250 acres at Staxelino, Nevada, known as the Rabe Ranch property. We plan to develop the property to accommodate 750-1000 room hotel/casino complex, high-quality residential development, tennis and beach club and an 18 hole golf course and a supporting commercial complex.

RECOMMENDATIONS

can be handled in connection with any development.

It appears that the Douglas County SID is not affected as originally suspected. An implementation program is being worked at regarding disposition or method of handling the 34,000 acres.

The subject lands have been identified for development along the lines suggested by this letter. There are severe problems with land capability and a question of the gaming aspects are not within the prerogatives of the Agency, but it does appear that subject development could be accommodated on the plan as proposed.

Douglas 4.

COMMENTATOR

COMMENT

14. Continued

Proposed project cost, approximately \$80 million. We wish that this property be acknowledged on the General Plan and that we are protected as per existing zoning and as per the Bi-State Compact.

15. Paul Bible
Letter dated 9/3/71

Refer to Item 1 of Douglas County

16. Peter D. Laxalt
Letter dated 8/26/71

On behalf of my clients, the Glenbrook Corporation, the Bliss family, the Rabe family and others, we would like to make reference to an error in the Glenbrook area. The dark green indicated on your General Plan should have been denoted as a light green, or Rural Estates, classification and that this Rural Estate zone will be extended farther to encompass the Rabe parcel.

17. Andrew MacKenzie
Letter dated 9/17/71

As representative for Mr. Paul Bitler and on behalf of the property listed under Jessie C. Bitler, said property located at Elk Point, has been utilized for residential and cabin rentals for a considerable number of years, any classification in zoning use whereby the property can no longer be utilized as income-producing property will be considered by our client as a taking of property without due process of law. We respectfully request that your plan reflect the existing use.

18. Darrel U. Bronsena
Message undated. Received
by Agency 9/14/71

We have four undeveloped lots paid for in the Kingsbury Palisades on Kingsbury Grade. The present status being in your zone prohibiting building and we strongly oppose this plan. Extreme economic hardship would be placed on us.

over

110

RECOMMENDATION

See Recommendation Item 1 of
Douglas County.

Agree.

Area proposed for ultimate acquisition
will allow existing use and consider
it non-conforming.

These lots (though in General Forest)
have building rights under prior es-
tablished subdivisions.

Douglas 5.

COMMENTATOR

COMMENT

19. Milton Manoukian
Letter dated 9/8/71

As representative for properties owned by Jack and Kathryn Shelley of Zephyr Cove, the description of which is the $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, T13N, R8E, containing 20 acres, we are opposed to the adoption of this plan. The mere fact that it places a cloud on the title of the described property and it places the fair market value in jeopardy, until a more precise plan is shown and adequate public hearings are conducted.

20. Ken Mc Neil

5.49 acres east side highway 50 at Zephyr Cove in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 9, T13N, R18E. Wish to retain existing R-3 and commercial zoning, plan shows low density.

21. Richard Gibson

In behalf of Herman Strecker, owner of "Logan Shoals" property zones commercial and wishes it to be recognized on General Plan.

22. Gerald E. Martin
Letter Dated 12/1/71

We are the owners of lots 1 and 3 in Cave Rock Estates, Unit number 1. These two parcels are zoned C-1. We request that these two lots be placed in high density residential.

23. Jesse Daviton,
Vice President. Letter
Dated 12/3/71

I own the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S25, T13N, R18E. I expect to use this land as it was originally zoned 3 units per acre.

24. Donald L. Carano, attorney
representing Mr. George Cox and
Mr. Leonard Detrick. Letter
Dated 11/3/71 and George Cox,
Letter dated 12/14/71

Misters Cox and Detrick are the beneficiaries under a deed of trust which is presently in foreclosure on the 76 acre parcel which is the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S2, T14N, R18E. We request that this parcel be zoned for a limited number of residential units.

Over

413

RECOMMENDATION

No comment.

Recommend local agency identify on
400 scale map system

Recommend Plan remain and that
existing use be considered non-
conforming.

Agree property presently shown
as residential and continuity
of the area could allow high density.

Recommend property remain in General
Forest and consider for ultimate ac-
quisition.

Property located on relatively steep
side slope above Highway 50, in a high
hazard capability and should remain in
General Forest and considered for ul-
timate acquisition.

Douglas C.

COMMENTATOR

COMMENT

25. Milton Manoukian, attorney
for Estate of Charles Harden
Barber, deceased. Letter
Dated 12/7/71

Request that the property, a portion of the NE1/4
of the NW1/4 of S26, T13N, R18E be classified
consistent with the prior County zoning.

26. Milton Manoukian, attorney
for Jack and Katherine Shelley
Letter Dated 12/7/71

Request that the Shelley property the E1/2
of the NE1/4 of the NE1/4 S23, T13, R18 a 20
acre parcel be included in a development area.

27. Milton Manoukian, attorney
for Earl and Mery Hansen
Letter Dated 12/7/71

Request that the Hansen property the SE1/4 of
S14, T13N, R18E and a 10 acre parcel located
in the NE1/4 of the SW1/4 of S24, T13N, R18E
be included in a development area.

28. Park Cattle Company by
Richard Blackley. Letter
dated 12/15/71

Request that map show tourist commercial, an
area now shown as General Forest inasmuch as
their present zoning is such.

29. Jack Van Sickle, rep-
resenting self and Van Sickle
Enterprises

See El Dorado County Item 19.

RECOMMENDATIONS

Recommend this property be placed in
Medium Density on plan.

Recommend this property be placed in
Low Density on plan.

Same as above.

Agree

Douglas ?

SENATE COMMITTEE ON
 ENVIRONMENT AND PUBLIC RESOURCES

MARCH 18, 1975

The Senate Committee on Environment and Public Resources held a continuation hearing on the Tahoe Regional Planning Agency on March 18, 1975, at 7:00 p.m. in Room #213 of the Legislative Building. This was a hearing on SB 254 and SB 44.

Senator Thomas Wilson was in the chair.

PRESENT: Senator Thomas Wilson
 Senator Carl Dodge
 Senator Mary Gojack
 Senator Richard Bryan
 Senator Richard Blakemore
 Senator Gary Sheerin

ABSENT: Senator Joe Neal

ALSO PRESENT: Mr. Richard Heikka, Executive Officer
 Bi-State Planning Agency, TRPA
 Mr. Gary Owen - Legal Counsel, TRPA
 Mr. George Abbott, Attorney, Douglas Co.
 Many interested citizens from Douglas Co.
 Brennen Riley, Press
 Dorothy Kosish, Press

Chairman Wilson opened the meeting with the following statement:
 We are here tonight at this time and place for the purpose of taking testimony from the TRPA staff and counsel. Mr. Heikka, Executive Officer of TRPA lead off.

MR. HEIKKA: Distributed a prepared statement among the Committee. (See attached.) A question and answer period then followed.

O SENATOR DODGE: What about the Stateline Transportation Plan and Land Use Study, at the southern end of the Lake Basin?

A MR. HEIKKA: The Stateline transportation plan, land use study was prepared under a cooperative arrangement using the Lake Tahoe Area Council as the principle coordinator and certainly a number of the property owners in that area participated in that study which was done primarily by consultants and the use of staff. Now, that study attempted to look at the problems associated with the Stateline. Addressing such issues as employment, housing,

Page two

requirements, resort hotels etc. (See Attachment A.)

Mr. Heikka went on to say that it was the opinion of the staff that there could be up to two thousand hotel groups on the Nevada side in connection with the South Stateline area, provided that: a new system was built, utilities became available, and particular energy requirements were met. The study went on to suggest that serious deficiencies would come into existence if they knew the casino core was allowed to develop in the Kingsbury area at this time.

What they were trying to impress on the agency at that time, and to the citizens, was the need to look at timing in connection with the planning. Certainly they are now faced with serious housing problems, particularly employee based housing in connection with the kinds of facilities that were being discussed. The fact that the staff recommendation was not favorable to the casinos was specifically because of the nature of the plans proposed. They did do an extensive study. The study is on record and he pointed out that it was not adopted. It was very controversial and many of the staff members believe that it was probably the reason for the initial breakdown that appeared between the Douglas County citizens and the agency staff. He said that it was unfortunate, but he felt they had to address the problems associated with the Stateline, regardless of the provisions of the government.

Discussion went into the transportation plan adopted by the agency. They discussed the three way loop system which was predicated on a local population projection by the government of 800,000 people. One of the things they did in the adoption of the plan was to reduce the population building capacity, and local zoning ordinances. In the process they dropped the need for a freeway loop around the basin. "Starting in 1971, we began to address specifically to the transportation plan." He then referred to the map and discussed the cut back in population and the need for the local highway system. He said that the statements made by a witness regarding the uses to depressed lands from development were made with a specific study dealing with the classification of properties to recreation zones -- selected parcels on the Lake front. This was done on the hopes by the agency that the parcels were going to be purchased for public use.

Senator Sheerin asked if this had not been a severe in the building restriction the case of Douglas County.

Mr. Heikka answered that statistics show that this is true in some areas. Some of the statistics will be the result of moratoriums placed by TRPA and by the Executive Board of the State of Nevada as relates to the availability of sewage. This would throw out of

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balance some of the normal building activities over the past three or four years. Problems are now behind them and there are now single family construction units being built. This is virtually throughout the basin.

In the case of the property West of Highway 50, it would take 2 years to obtain knowledge on land capability through the hearing process. The property east of Highway 50 was difficult to identify for specific development opportunities. They do have a system that addresses the amount of land disturbances but unless they know, with some degree of certainty, the kind of development: high or low rise, condominiums, etc., there is no way you could get down to the 4 units to an acre. They have tried to devise a system that would be in keeping with the mandates they have.

Senator Dodge asked if the original map was on file and suggested that some land use ordinances might not be complete because some exhibits were never filed.

Mr. Heikka said that in answer to his first question; it was a problem because the deposition was never completed. In answer to his second statement; there was never the opportunity to review and correct it. Question of them being on file. A plan had been produced in October. The Agency set a great number of hearings to review changes and requests for changes. Wound up in December with the Agency passing a great number of motions agreeing or disagreeing with requests for changes. Many requests were granted. The problem was in keeping an effective record of changes and they were trying to create a composite filing of the adopted general plan. Will ultimately have to go through courts.

Senator Dodge asked about the validity of procedure used?

Mr. Heikka remarked that it was a complex system. There had been a lot of routine development come through the agency advising property owners of opportunities that exist under ordinances. He said that over-all he thought it was running very smoothly.

Senator Dodge then asked if those on the staff were not qualified to evaluate land capabilities, etc.

Mr. Heikka answered that in this connection they juse a development review committee made up almost entirely of specialists from State agencies and registered civil engineers. He said he thought the staff had qualifications and do not hesitate in going to specialists from both Nevada and California University systems to get the date they need to answer questions.

Senator Dodge then asked where they were with the transportation plan.

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Mr. Heikka related that they were winding it up. They were having a public hearing on March 28th. Whether the plan is adopted remains to be seen as they were having controversies with the California legislation, AB 69, which mandates April 1 as the deadline for them to come into the California Environmental Quality Act. He is of the opinion that Nevada will adopt the plan next week but does not think the California agency will as it relates to the California side.

Senator Dodge then asked if the Highway Departments will be in a position to go with their adopted plan?

Mr. Heikka said it is their opinion - yes. One of the difficult problems is addressing financial abilities of jurisdictions to resolve the solution.

Senator Blakemore asked can variances be granted under the 60 day rule?

Mr. Heikka answered yes, but they had to rely partly on counsel to testify here.

Senator Blakemore asked if they had any record of how many variances had been granted.

Mr. Heikka answered that a variance procedure has to have some type of safety valve. Can't write the perfect ordinance to cover all situations. The agency, in developing ordinances, recognized it could not accomplish all conditions that might exist. They did provide for variance procedures if property owner demonstrated where he was deprived. Do have administrative permit procedures that sometimes gets confused with variances and do make provisions of increasing amount of available coverage for land disturbance on findings that alternative mechanical solutions can be obtained. There are performance standard permits which can be granted on discretionary basis.

Senator Sheerin remarks that he wanted to preface his statements with: "Everybody wants to save Lake Tahoe." He said he is trying to find the problems - if any exist- and then find the solutions. He spoke in three areas:

1. Inverse condemnation
2. Regular use of land as presently zoned
3. Area Variances.

Mr. Heikka remarked that in reference to inverse condemnation, that when TRPA came into existence all counties had their own land ordinances and zoning maps. TRPA came along and by mandate of 2 State Legislatures and Congress they came up with their own Regional Plan as to land use. Courts will have to answer whether this additional restriction of land

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use is inverse condemnation. Property owners feel that their land has been taken unjustly prior to regulations. This is a major problem at Lake Tahoe.

Senator Sheerin asked how to solve the problem. Do we solve the problem by changing voting procedures and by adding new members to the board?

Mr. Heikka did not answer. He said it was putting him in a position to go against his bosses as it relates specifically to the merits of the bill. Asked that questions on inverse condemnation be addressed to the Agency Counsel.

Senator Sheerin then asked is inverse condemnation a problem with TRPA?

Mr. Heikka said that Counsel had advised him that it was no longer a problem for the agency.

Senator Sheerin asked Mr. Heikka why he did not want to testify on SB 254?

Mr. Heikka stated because he did not feel he was qualified to answer these questions. That he could answer to what they have done; the activities of the Agency, but was instructed by his bosses not to address the issue.

Senator Sheerin then asked Senator Wilson if the staff cannot answer the questions, could they not ask the ten bosses to come in to testify?

Senator Wilson stated that we can't ask the witness to be an advocate. Just exhaust the witness and go on. If the committee wishes to confer with additional witnesses we could do so.

Senator Sheerin stated that he disagrees with position on inverse condemnation. He thinks it is a serious problem although courts might prove differently. It is still a question of fairness and the landowners should be paid for lands taken.

Senator Sheerin then asked: "In order to get your zoning passed, do you use present plan and board voting procedures in order to obtain the land use ordinances, timber ordinances, land use capability map?" Why can't the present Board, as it is presently composed with its present voting procedures, adequately handle the situation.

Mr. Heikka stated that he could not answer. Would put him in an advocacy position for or against the bill.

Senator Sheerin then asked about variances. Where the land is now

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presently zoned, by your regulations, and a man wants to change those regulations, might it not be better to change the voting procedure as to the variances to provide that he must get approval, through both sides of the Lake in order to have variances granted since it is in this accord with the plans that were approved by a vote of both sides of the Lake?

Mr. Heikka asked variances from height? These variances would have been denied.

Senator Sheerin asked if height was established by the TRPA?

Mr. Heikka answered yes, established by dual vote on both sides.

Senator Sheerin: "If he wants to change from that basic legislation, shouldn't he too have to get a dual "yes" vote from both sides?"

Mr. Heikka: "Yes", "However, again I must refer to counsel on this."

Senator Sheerin then asked if this wasn't one problem we want to legislate? Isn't this the one problem where change in legislation is needed? We can do something in this Senate Committee now, rather than waiting 2 years or 4 years or waiting for the courts to act.

Mr. Heikka said that he could not answer this.

Senator Sheerin then asked if Mr. Heikka could state for him any reason why the make-up of the Board should be extended from 10 to 14? Again, Mr. Heikka could give no answer.

Senator Sheerin then asked if Mr. Heikka could tell him, give him any reason why we should double your budget from \$150,000?

Mr. Heikka said that it was a matter of financing. Two states have, on a year to year basis, been matching appropriation of local governments. We have been getting \$150,000 from the states, \$100,000 from California and \$50,00 from Nevada. The need of getting this into a legislative package is the uncertainty of trying to administer a complex plan with the uncertainty of where you will be from year to year in trying to maintain a qualified staff. There is a need for a basic administrative style, that does the work on a day to day basis.

Senator Sheerin then asked if their budget was doubled two years ago, would their transportation plan have been completed today?

Mr. Heikka answered no, because of problems on the transportation plan. There is a total lack of knowledge about the characteristics of what people do who come to the Lake. Didn't know what vacancy rate was in second homes.

Senator Sheerin asked if he could give the Committee any reasons why

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the voting procedure presently used should be changed?

Mr. Heikka stated that he could give no reason.

Senator Sheerin asked if Mr. Heikka could give him any reason why members of the Advisory Planning Commission within TRPA should be allowed to be residents and the members of the TRPA Commission themselves be non-residents?

Mr. Heikka stated that the whole rule of Advisory Planning Commission was one of uncertainty at the time of the adoption of the Compact. Being one of the members, it actually was envisioned to function primarily as a technical staff more than a truly planning commission in the accepted procedure. I don't think that they were contemplating that this group was going to have the responsibility as a routine citizen Advisory Planning Commission. It was really operating as a group of technicians assisting a limited staff in the preparation of a plan. Were comparing two different kinds of groups.

Senator Sheerin asked why should the Advisory be local and deciders be non-residents? Mr. Heikka said he could give an adequate answer to the question.

Senator Sheerin asked about the California bill, AB 1944, which assigned a \$10 million bond issue in California. Did the bond issue pass? Mr. Heikka said that the money was appropriated to State Parks and Recreation and that \$6.5 million had been set aside for purchase of the Burton Creek State Park and there was still \$3.5 million due, but this was not related to the existence of CALTRPA.

Senator Sheerin asked: "The transportation plans you suggest might be adopted shortly, is it different in any way from the system proposed by Douglas County several years ago?"

Mr. Heikka answered that there are variations to the system but the systems are basically the same. There is a variation of basic loop system. There have been studies and they have been collectively agreed upon.

Senator Dodge then asked if we were talking about the loop system around Stateline or were we talking about a regional system which is a transportation plan to bring people from Placerville into Lake Tahoe, Carson City and Reno.

Mr. Heikka said that this was just one part of that over-all transportation plan. We're addressing on how to get to the Loop System on this transportation plan, be it an up-grading of the Pioneer Trail, the New parkway system, and up-grading of Highway

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50. We often times look at the Loop System as the Transportation Plan. It is just one small part of a total transportation system.

Senator Dodge said that he thought Mr. Heikka said that the Loop system was the Transportation Plan. Mr. Heikka said no.

Senator Dodge asked if the TRPA recognizes the "1 mile limit" around Stateline?

Mr. Heikka remarked that they did not specifically. There is nothing on paper that identifies the "1 mile limit." He agreed that there is zoning in Douglas County extending out approximately a mile. There is a general zoning in Douglas County for resort hotels which extends out approximately a mile, but I know of no specific action or any resolution which identifies a 1 mile limit. There is no ordinance that says they couldn't go into the Douglas County portion of Lake Tahoe and rezone for resort hotels, nor is anyone precluded from asking. Anyone would have the right to ask for reclassification of his property to a resort hotel under Douglas County ordinance.

Senator Dodge stated that when Nevada entered into the Compact, there was a concern about any control or influence from the State or any decision of anyone in California in regards to gaming in that 1 mile area that had been zoned commercial at a prior point and time by Douglas County.

Mr. Heikka - Legal Counsel of TRPA answered that there is a provision that any lands owned as of a certain date in 1968 permitting commercial business licensed by the State may not be tampered with and this pertains expressly to gaming. It also included areas such as panorama point above Incline. There is a lot of areas on the Nevada side that this exemption applies to. It generally is out about 1 mile from the California border in the case of Stateline. Although it is much wider along the highway than most people realize.

Senator Sheerin asked that given the assumption that local government employees are elected or appointed and the TRPA agency and staff -- that all of these people act in good faith -- and the fact that we have TRPA rules and regulations, don't we have sufficient control right now to control Lake Tahoe?

Mr. Heikka answered that he hoped to think we did but it still came down to a question of timing of the public versus private improvements and I think that is the area -- This whole implementation game, I think is the giant area that we really don't have a handle on at Lake Tahoe.

Senator Sheerin related that they had spoke about fairness in land trades. Do you realize that a bill has been introduced in this Legislature to give TRPA the duty to act as some kind of land bank and try to solicit land listings from the Federal Government so the land owners within the Basin can go to your "bank" and try to protect trades. Do you think this is an area where TRPA should be given

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specific duties of working on?

Mr. Heikka answered not if it's going to possibly destroy the intent of the original legislation which created limited powers in land use authority and I think we have to look at in the context of the intent of the original ordinance. Mr. Owen will address this specifically following me.

Senator Dodge said that there were allegations by several witnesses that the whole thrust of your agency was slanted towards whatever sympathies or views that California had, not only from the California membership on the Regional agency, but also 18 out of 20 of your staff people are Californians.

Mr. Heikka said that he didn't know how to answer a question on this. He had a lot of answers and I won't give them. I think most of us live in the region. I don't look at myself as a Californian. I think most of us are concerned about the area. I live in South Lake Tahoe. I concern myself with the problems of the entire basin and the people I work for. I think that we have demonstrated -- our Counsel is a Neveadan. A number of my staff people have lived in Nevada in times past. But, I don't really relate to -- we have regional problems. I think we have tried to address ourselves to the needs of the regional problems. We placed our offices at South Lake Tahoe because that's where the best medical facilities, the best hospital facilities, the best school facilities exist. It could just as easily been at Tahoe City or Incline Village. I suspect that if we had retained the offices in the Douglas County area, that many of those staff people would just as quickly live there because it would be close to the office. Very frankly, if we had our druthers, if we had both of our offices in Nevada, we'd have a heck of a tax break.

Senator Dodge then asked there has been the observation that there is objection to the California members of the TRPA against the Kahle and Jennings' applications and at the same time there has been no restraint on the building of bedrooms on the California side. And these have helped to accentuate the traffic problem. What comment would you make on that?

Mr. Heikka said that we should take the example of the property which is called "Dollar Hill". This property was zoned by Placer County in 1967 for about 4,000 dwelling units. It is one of the most developable pieces of property. It has good land capabilities. Those people have received this last year approval for 100 units on that property. The combination of events of availability of sewage and utilities, a variety of problems caused the bi-state agency to disapprove. That didn't get the publicity certainly that the Stateline casinos got. But, nevertheless, this is the kind of action that has been taken. There have been many, many decisions that have been made denying development in the case of California that maybe have not had the

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publicity. I will submit that the record will show that there is no particular picking on of any local jurisdiction. The one jurisdiction that has had the least development approved is Eldorado County.

Senator Sheerin: "You have just indicated that many programs in both California and Nevada have been denied. Have these been denied under the present voting procedures?" Mr. Heikka: "Yes".

Senator Wilson: You mentioned on a couple of things that I would like to touch upon. I understood that the initial zoning which would accommodate commercial zoning pertaining to gambling would be generally in four areas: 1) the mile limit area at the south end of the Lake; 2) the area at Zephyr Cove; 3) a large portion of Incline Village; and 4) the Stateline area at the north end of the Lake. Am I correct?

Mr. Heikka said that not to his knowledge. He didn't believe there was any zoning at Zephyr Cove. There is a substantial amount of zoning at Stateline at the south end of the Lake; there is a substantial amount of zoning at Stateline at the north end of the Lake; and, there is a very large area in Washoe County, virtually the entire corridor of Incline Village in Washoe County is exempt under the provisions of the Compact. And, then there is a couple of small areas which were zoned commercial prior to 1968 in Washoe County. There are three main block areas; North Stateline, South Stateline and Incline Village.

Senator Wilson asked how much undeveloped area was left at the North Stateline?

Mr. Heikka related that at the North Stateline area, most of the area has been developed, although there are a couple of parcels which could be utilized for commercial development.

Senator Wilson then asked how much land was available in the Panorama Point area north of Incline?

Mr. Heikka said there was quite a bit. Could probably develop 6 or 8 developments the size of King's Castle.

Senator Wilson asked what Mr. Heikka's estimate of developable area zoned commercial was there at the South end - Stateline area?

Mr. Heikka stated that a vast portion of Mr. Park's golf course, if he interpreted the Douglas County zoning maps correctly would permit resort hotels; west of Highway 50 between Kingsbury and Stateline. There is room for 4 or 5 hotels of the size that are up there now. There is a substantial amount of area on both sides of Highway 50 which is zoned for commercial use.

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Senator Wilson then thanked Mr. Heikka. Senator Bryan then asked Mr. Heikka: "You have indicated that you work with 10 people. In your staff relationship with these people, do you meet with the 10 at times to discuss problems with the Agency?"

Mr. Heikka informed Senator Bryan that they have the responsibility of open meeting laws with all jurisdictions. He does have a lot of communication with the individual members but we are very particular in not getting into any closed meetings.

Senator Bryan then asked that in the course of your administrative responsibilities, if there are any particular problems, you report back to the panel as your bosses? Mr. Heikka: "Yes."

Senator Bryan then asked Mr. Heikka if he was at liberty at this time to share with the Committee any recommendations which he had made to his 10 bosses for improvements which he may have found necessary?

Mr. Heikka stated that he felt they had consistently urged support of a program that would put a foundation under the funding sources. We have addressed, with funds, having studies of the nature of financial feasibility. Frankly, it is a hot potatoe because how does a family of collective governments can best fund the necessary improvements which are going to be needed to accommodate people and accommodate the environment. We have made recommendations to them which they have not always accepted. I have not discussed with them the merits or demerits of the legislation here. They have taken the position on the Ad-hoc Committee Report, as an example, that they would take no stand because of the very strong feelings in the collective membership. We have refrained from discussing these areas with them because we felt that the organic legislation was beyond our responsibility.

Senator Dodge asked if they had ever in the past as an agency or as a commission develop any unanimity of thinking about changes in the Compact law.

Mr. Heikka said that he thought he could reasonably say that they have recognized that this has been a pioneering effort; it has been going on for several years and certainly no one could envision at the time of its adoption because there was no agency to turn to and say "How did you do it?" I think we all have recognized the problems that have developed, the need to take a look at the Compact. Hopefully this is what this legislation is doing. It's taking a hard look at where it is in five years.

Senator Dodge asked if they were taking a position about specifics? Mr. Heikka said no, except as an adhoc committee. The Agency ten member governing board has just said "We should ask for these things." when special instances came up, but the feeling was don't try to go in and change a "whereas" in that Compact where we are talking about Legislative action. The feeling was that there was a time that we

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should look at the entire legislation and at the time develop the changes that might be needed.

Senator Bryan asked if the Staff has made any recommendations for any structural changes in the Compact by Legislative action, to the ten members which has not been acted upon?

Mr. Heikka said no, other than the need to build a better foundation and the need to look at means of implementation. It's one thing to plan and another to implement.

Senator Bryan said that he wanted to understand Mr. Heikka's testimony. Did he mean, at this point, the staff is not, aside from 254 and other legislative proposals which we may have before us which may alter the Compact; you have not made any recommendations to your employer or your bosses to change any part of the Compact.

Mr. Heikka said that Senator Bryan was correct, they have not.

Senator Blakemore asked if there were any changes made, then would it have to go to California for their concurrence?

Mr. Heikka said yes it does require identical legislation in the case of California. It would have to be absolute agreement down to the last comma. And, that would have to be ratified by the Congress of the United States, plus signed into law by the President.

Senator Blakemore then asked how long would this take?

Mr. Heikka said this could take two years, could go through another Session of this Legislature. It could happen within a year depending upon how much agreement or disagreement there is. I believe that Compact amendments could occur within one year. It's not likely but it is possible.

Senator Blakemore asked if Mr. Heikka could really see that Nevada TRPA needs any help at this time?

Mr. Heikka said he felt that the concern two years ago was that Nevada took the position that there was an area of exemption that needed to be addressed and namely that the exemption provision in the bi-state Compact should be covered by an Agency. There was a recognition that there was one area between California and Nevada in the Compact that was exempted. We have stated and continue to state that resort hotels and all their attending facilities have a very substantial impact upon almost anything that happens, be it transportation, housing. Housing particularly is critical. 75% of the casino employees live in California that live in the basin. These are regional problems and we have a provision in the Compact that says you can talk about everything, Gentlemen, but you can't talk about this one; then we have some tough times trying to get on with the responsibility of developing an orderly plan for the basin. I think that's one of the tough areas.

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Senator Wilson thanked Mr. Heikka for his testimony and asked if there was anyone else present who wished to testify. Mr. Gary Owen, legal counsel for the TRPA came forward to testify.

Senator Wilson related to the litigation pending with reference to the Federal Court decision which was handed down recently with respect to how the Agency stands on those litigations.

Mr. Owens said that with respect to SB 254, I am not an advocate, I am here, however, to discuss the testimony given here yesterday by Mr. Fran Breen. The issues are all that I will address. Mr. Breen ascertained that the Agency has not followed the Compact and that to this effect, the developers and the League to Save Lake Tahoe have agreed. Nothing could be further from the truth, not that Mr. Breen intended it that way, but it just isn't so. In fact, the developers in inverse condemnation suits, have not challenged whether the Agency has or has not complied with the Compact. They do allege that we have taken the property without due process of law. They do not say that the TRPA has failed to adopt one or more of the elements required by the Compact. What they say is that the Agency is too strict and has gone too far to protect the environment. The Bourne suit which was referred to by Mr. Breen, alleged in one of its Causes of Action that one of the Agencies land capability system was vague and could not be constitutionally applied.. That Cause of Action was dismissed by Judge Thompson as no Cause of Action. So the developers position, members of the Committee, is that the regulations are too strict.

Senator Sheerin asked if Judge Thompson did not give leave to amend.

Mr. Owens stated that there were 2 or 3 Causes of Action not given leave to amend. He did not dismiss one of the Causes of Action dealing with whether or not our regulations were too strict, so the Complaint is still viable with respect to one or two Causes of Action. Again, I must stress, that the developers position is that the Agency is too strict. Now, the League to Save Lake Tahoe and the Sierra Club, on the other hand, say that we are not strict enough. We are right in the middle of a dilemma. I think that is the purpose of the Agency is to try to solve the dilemma; the purpose of orderly development and environment protection. The League to Save Lake Tahoe, in their allegations, say that we have not complied with the Compact because we have not adopted all of the elements. I submit to you that we have adopted the elements, with exception of the traffic plan which is about to be finalized. In short, the developers and the League do not agree. Therefore, they are directly in opposition to one another.

Mr. Breen also said that the TRPA was intended by the Legislature to be no more than a guiding or a planning agency. It was not to be a police agency. I submit to you that that is not the case. The direct reading of the Compact demonstrates the contrary. Article 6-A which is on page 8, lines 23 through 35 in the Bill, requires ordinance

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to be adopted to effectuate the General Plan. To me, ordinance means something more than mere planning. Ordinance is a law. Secondly, Article 6-A of the Compact requires ordinances on a variety of subjects. Refer to line 29 of page 8 of the Bill. The regulations will include but will not be limited to the following: water purity, clarity; subdivision, zoning, tree removal, waste disposal, land fills, excavations, piers, harbors, shore line developments, air polutions, sedimentation controls, to name a few. In short, there are a variety of subjects with which the agency is required to deal, and which it is required to adopt regulations. This is more than just planning.

The third provisions requires the states, counties, cities, and, indeed, the agency to enforce its plan. That is in Article 5-C, page 7, line 45.

The fourth provision under Article 6-B, Page 9, line 14, requires the same enforcement with respect to all ordinances, rules, regulations and policies of the Agency. Again, enforcement is something more than just planning and guidance.

And finally, Article 6-E, Page 9, line 44, it says the Agency shall police the region to insure compliance with the General Plan and it allows it to file a law suit if necessary.

Article 6-F, page 9, line 50 says that a violation of an Agency ordinance is a misdemeanor. That's pretty strong language. I submit then, that the Agency is an Agency with teeth. It's simply not a planning or guidance agency.

I would like to make a short preference to the remainder of my testimony. Mr. Breen referred repeatedly to the Bourne litigation. I submit that his assessment of that litigation was one of an advocate as perhaps mine is tonight. However, I feel that I am an advocate because of the position that he took. He indicated that he would not charge Mr. Bourne a fee. Although, perhaps with his presentation, he could. I would submit that in the weight of the arguments he made you would consider to be irrelevant. I would, at the risk of giving irrelevant testimony myself, try to rebut some of the significant issues that he did raise.

He said that ordinance #3 adopting the General Plan is not valid because the General Plan is not around. We do have in the custody of the Agency the preliminary General Plan Map which is on the wall and adopted the day of the hearing back in December of 1971.

He also stated that there was no Exhibit B to ordinance #3. Ordinance #3 is the adoption of the General Plan. I will indicate to you at this time that there is no Exhibit B attached to Ordinance #3. The summary and findings which Mr. Breen had in his possession were what was designated as Exhibit B. There is no Exhibit B. The summary and findings

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however, are in Mr. Breen's possession. They are set forth verbatim in the ordinance as it appears in the minutes. There is no mystery behind the summary and findings.

Mr. Breen also said that the governing body members testified in their various depositions that they relied upon the staff, and that they could not, in all cases, directly interpret the agency plan and land capability systems. Well, the plan and the systems are complex, there is no doubt about it. But, the circumstances they treat are likewise complex. The Agency has a severe mandate, perhaps a very difficult one, in order to balance environment and development. But, I would submit that many governing bodies, your ordinary planning commission, any regulatory agency which has an appointed or elected body, relies on staff. It's just the situation when people cannot devote their entire time to assessing the applications before them that they have to rely on somebody they presume is acting in good faith. Therefore, there is no problem with a governing body relying on staff. His point in that situation is not well taken. In fact, we have had many projects before us much more complicated than the Bourne situation, or at least as complicated, and we have had no complaints. We have been able to carry them through.

Mr. Breen was also concerned with the land capability system in its relationship between soil and slope. He said there was some vagueness and unconstitutional vagueness in these types of regulations. Judge Thompson dismissed his Cause of Action in his litigation relating to that allegation. There is no mystery to soil and slope, if he had considered the system and considered the deposition of Dr. Robert Bailey who devised it. I recommend that he read it because the answers are there.

Also, apparently, the ordinances are clear enough, for the Board applied for and received a permit in respect to adjustment of land coverage, which solved the very problems which they heard, which Mr. Heikka indicated, while Mr. Breen said they had been trying to work on this for two years, the permit application was received only a few months ago and it was resolved in 20 to 30 days.

Mr. Breen referred to the team needed for review of TRPA development applications, that we needed a variety of experts. Well, I think the Tahoe environment deserves this. I think that there are many considerations apply. This is not just consideration of flat land located some place where there is not going to be run-off, sedimentation and beautification, siltation, and all the possibilities that can occur at Lake Tahoe. So, therefore, it is not a denial of any particular right that you have to have a team to fully explore the ramifications of every development. Besides, all the projects don't need a team of experts of that magnitude; your more complex projects certainly do. The Agency has created a matrix which shows which areas are to be treated specifically.

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Finally, Mr. Breen referred to confidence of the staff to review the applications themselves. I think we must consider, the standards, first of all, were developed by a team of experts; the U. S. Conservation Service, the Forest Service, Dr. Robert Bailey, Dr. Orm, Professional planners, such as Mr. Heikka, Engineers and Legal Counsel. They are reviewed by experts. We have the Advisory Planning Commission, which is composed of nothing but experts except the four laymen. We have the Development Review Committee, in which the developers experts are given the opportunity to provide their testimony. Then we have State, Federal and perhaps local filing or submitting their testimony on the impact of the development. I do submit to you that the standards are specific enough for interpretation and that the staff can adequately with the assistance we have received do that.

Senator Sheerin said that he respected Mr. Owen's expertise, that he wanted to rely on it, he wanted to use it. I would like to get some help in solving the problems -- defining the problems and solving them, by way of legislation. Were you present when I put all the questions to Mr. Heikka. A. Yes

Q If I asked all of those questions of you, you too would simply deny me an answer.

A No Sir, because I believe there are some situations where I can comment. I can't say that I can answer all of them, but I would be glad to give you the answers that I can.

Q Let's start very basically then with what are the reasons for enlarging the Agency membership from 10 to 14?

A You start with a very difficult one. That, as I indicated in my prior testimony to you is strictly a policy consideration. However, as an attorney, I think we can all say - recognize that I can comment on evidence that has been introduced. I am not going to comment on the merits of it. But there was testimony by several witnesses which detailed the reasons or their feeling that the Board should be expanded. Perhaps, because they felt it was now dominated by local interests.

Q I was asking for a reason not someone's opinion.

A Well, what is reason for change, really, except somebody's opinion. I think that is what we are weighing here is somebody's opinion. There is obviously opinion here that says 254 is a bad bill and there is opinion here that says that 254 is a good bill. I am not going to express an opinion. I can point out that there have been opinions here in favor of expanding the Board.

Q Is staff in favor of expanding the Board?

A I can't answer that question, Sir.

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Q What are the reasons for changing the voting procedures?

A I can't answer that. If you will refer to my memorandum, you will find there a discussion of problems we have had with the 60 day rule and the dual majority system. Basically, I think I indicated that as the Attorney for the Agency, under my and Mr. Hanna's administration, we found some problems, with the 60 day rule and the dual majority voting requirement. Regardless of the dual majority voting requirement, the 60 day rule requires a project to be deemed approved if you don't take action within 60 days. Now, what if the information is not complete on the project, but we have something that could be argued could be called a proposal -- the word which is used within the Compact. If that's the case, then there is a dilemma. The staff could go before the Board and say, look, we don't have complete information but we don't have the filing fee and please don't take action. Deny it without prejudice. Well, the fact is, that they could take action or they could refuse to take action, they could approve it or they could not deny it and, therefore, it would be deemed approved, even though there wasn't enough information and even though there hadn't been a filing fee paid.

Q We can solve that problem by expanding the 60 days to 120 days.

A Not necessarily. You can expand the problem -- I think the bill speaks to that problem by saying the 60 days commences to run when the proposal has been submitted in compliance with the rules and regulations. That would solve the problem.

Senator Blakemore: Q Would it be easier just to file the proposal when you pay your fee?

Mr. Owen: A That's a good point, but we have a very detailed matrix a requisite type of information that must accompany each application, and it would be pretty difficult to detail all of that in the law. You could put it in the regulations and then --

Q That, to me, doesn't sound like a very good argument.

A Well, that is some of the dilemma we face.

Q Is that not adjustable within the present --

A I don't think it is. There was some testimony that this was adjustable by modifying applications. Well, I don't read it that way.

Q If this legislation should say that the fee will be filed with the application, would that solve your problem?

A With respect to the fee, yes; but there are other problems and the more significant ones --

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Q Pardon me for interrupting, but you have brought up that fee problem a couple of times and it doesn't seem practical to me to let a guy go around the horn merely for the fact that he didn't pay that fee.

A Senator Dodge asked a very good question in that respect. He asked why the the point has not been litigated? The reason is that we have so much litigation that to litigate a point like that is pretty rough in light of the rest of the burden. But, regardless of the filing fee, the sufficient information question is even more significant. Suppose we get a proposal which doesn't have all the information?

Senator Dodge: Q Well, then it wouldn't be considered a proposal.

A Well, Senator, that's true, you could argue that. But I think you would need a court case to be safe.

Q Somewhere along the way, if I had been in that Agency, I would have gotten some type of definition of a proposal so when it gets to you, it is in the form of a final proposal. Whether you have had time to litigate it or not, I can see personally why there is any great problem. You, as the Agency, as such, right a definition so there are some rules and regulations and standing on them. I'm not sure that you could contest them to that extent. Formulate some ground rules so that people would know what they had to do in order to get the proposal in final form before you.

A I think you have a good point, and I think it could be done. If, I might go on with a few of the problems. Again, these are all in my memorandum; suppose we had the problem of the failure of a dual quorum showing up we needed in order to transact business. A failure of the quorum to assemble renders unconsidered projects approved, 60 days after they are delivered. You can't act on them without a dual quorum. Moreover, if you had a situation where you had a quorum formed and a member leaves and eliminates that quorum you might have some business left to transact that untransacted is deemed approved. In fact, that situation has just occurred. Now, those are just some problems without regard to the dual majority. Now, I have detailed in here the potential abuse of the 60 day rule. Projects being deemed approved, even though they hadn't been reviewed because there is a practical matter which has occurred and I think it is a fair one to state, that the local governments in certain instances have technically applied ordinance standards, made findings, made determinations that the standard has been complied with. But, actually, they deferred to the TRPA, and I think that's fair. They defer to the TRPA for the ultimate action. Now, that's a workable system, except for the 60 day rule. Then, we could get applications

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that possibly could "authorize" an illegal project. And that is where we have reached and have faced a lot of problems. Finally, I feel that dual-majority rule as it deals with the 60 day rule, creates a conflict between what the Legislature intended when the Compact was adopted and what is actually the practice. The Compact itself, appeared to set up an Agency that is to channel development. That is, to actually have a yea or nay say over whether development goes ahead. Now, the practical effect, however, of the dual-majority working with the 60 day rule, interpreted literally, is to work on the inverse fund. If you get by the Federal Government, you are wide open unless TRPA can muster a dual-negative to stop it. Those two things fight one another. It's not resolved in this document, and I think the Legislature could and should decide which way it is going to go.

Senator Sheerin: Q With the voting procedures that you have, you did pass a land-use ordinance, is that not correct. A land capability ordinance; a land-use map; a timber-harvesting ordinance; a grading ordinance; a conservation ordinance. Those, perhaps with others, were passed with the present system. And, the present system was devised to protect Nevada's gaming industry. If we change this system, is somebody wants to go in for a variance, different from your land-use ordinance, shouldn't he have to get a dual-positive vote just as is required to pass all of these ordinances?

Mr. Owen: A That is not how it reads now, Senator. The way it reads now is if the Agency doesn't act within 60 days, the proposal is deemed approved.

Q That's what I'm saying, isn't that an area of change which we might try to legislate?

A It's a possibility, but you still would have the problem of having to deal with the dual-negative as it stands. If you don't deal with the dual-majority system and you leave it as it now stands, you are going to have a system which has been administered that unless you can muster two majorities to stop a project, the project is going to go ahead.

Q Your position is that you would rather have a simple majority rather than the dual-majority?

A No Sir, I'm not taking a position. I'm pointing out to you the problems we have been having. Don't take me lightly, this has been a problem. Your point about the ordinances is right. If you will review those ordinances you will find they are substantial concessions to prior uses. Previous recorded sub-division maps, even though they are in general forest, you can still construct a single family home. That was adopted by the current board, and that was perhaps a balance of orderly development vs. environment. I don't think it is fair to say that because the ordinances were adopted by the same configuration

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of the board that there is now, that there isn't a problem. Because as a lawyer representing the Agency, I have felt there is a problem, because of these two causes, basically, working against each other.

Q How do we solve the problem pertaining to each state and its sovereignty?

A I think each states sovereignty can be maintained and I think this bill does it. The reason that it does, is that it will prohibit any project from going ahead if one state objects to it. Now, the testimony we have heard in opposition to this bill has been that Nevada is giving up its sovereignty; The fact remains that California in this situation is giving up an equal amount. California has almost two-thirds of that basin. If Nevada didn't want to approve a project, the other couldn't cause it to go ahead.

Q And the probabilities that we adopt this law are that both states will stop each other and nothing will be done all to the delight of every environmentalist.

A There is an answer to that. One, if things didn't work out, you call a special session of the Legislature and you disband the compact. Another possibility is I think you must not disregard that the Agency is a public body. It must operate under the standards; it must act reasonably, or it is going to deprive somebody of liberty or property without due process. If it acts arbitrarily, then you can go to court and you can have that action set aside as an abuse of discretion. That's a remedy anytime a public body uses its discretion.

Q A lot of projects, apparently, have been disapproved with the present agency and the present set up. Would you supply us with a list of the projects which have been disapproved?

A I can defer to Mr. Heikka. I don't see any problem there.

Mr. Heikka: Mr. Chairman, in answer to that question, many projects as originally presented and have been approved may have been substantially modified. It isn't a clear denial or approval. The modifications that go in, in many cases, completely change the original project.

Senator Sheerin: Q Well, can you furnish us with some kind of a summary of the denials or the modifications. This would seem to me an indication of how the Compact is working. If you want to stop some project because it is environmentally dangerous, do you have the tools right now to do it. Is there a list of those denials that can be furnished?

A. Such a list can be developed. It will take a few days though, Mr. Chairman.

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Senator Wilson: Well, why don't the two of you confer during the recess and see if there is a practical way of solving it without typing up the staff for a couple of days.

Senator Sheerin: Can we also get a copy of the certified original general plan?

Mr. Heikka: Well, it is a hard-copy colored plan. We would have to reproduce it. It's hard to know what you mean by certified?

Senator Wilson: Is it available to the Committee for examination?

Mr. Heikka: It's available to the Committee for examination on public file within the office.

Senator Blakemore: Q You spoke a while ago about getting a quorum together to vote on certain matters, and sometimes projects have been approved by the 60 day rule because of absenteeism. It sounds like you have an attendance problem?

Mr. Owen: A No, Senator, that is not correct. We had a recent occasion where a governing board member left for whatever reason. My point is, Senator, not that people are playing games, that there is simply a possibility for people to play games and inadvertently people can play games by having to leave and causing a project to be approved.

Q Wouldn't this be personified with a bigger board?

A It's possible.

Q. Well, that seems to be the general rule, in fact we are now in the process of trying to reduce the committees all over the place.

A. Well consider this, when you have a situation at the TRPA. You have five members on each of the Agencies. If you have two not there then your quorum is three. If one of the three doesn't show up or has to depart, your quorum is destroyed. Now, if you have a seven man board, your quorum is going to be four. I suppose the same abuse is there, but I'm not so sure it gets worse by expanding.

Senator Wilson thanked Mr. Owen for his testimony.

Mr. George Abbott from Douglas County asked that a memo from Mr. Roland L. Adams, Douglas County Manager, be entered into the record. (SEE ATTACHMENT B.)

There being no further business the meeting was adjourned.

APPROVED

Senator Thomas Wilson, Chairman

Respectfully submitted,

Molly M. Torvik, Secretary

TAHOE REGIONAL PLANNING AGENCY

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18 March 1975

MEMORANDUM TO: Senate Committee on Environment - Conservation

SUBJECT: Tahoe Regional Planning Agency Activities

The following memorandum is offered in an attempt to correct certain inaccuracies of testimony received by the Committee in connection with SB 254. This memorandum is not an effort to substantiate or provide a staff position on the legislation, but merely to give as complete a picture as possible to the Committee in connection with their deliberations, as to the past activities of the Tahoe Regional Planning Agency.

The following specific points are enumerated relative to testimony of various witnesses:

1. It has been suggested that the Tahoe Regional Planning Agency has never voted for a casino nor never would. The staff wishes to point out the following voting record in connection with resort hotels and casinos in the Tahoe Basin.

a. Harrah's Club - First application was a vote of 8 - 2 by the Agency in favor of the approval of the first 250 units of high-rise and other various additions to Harrah's. Clearly, the vote was a dual majority with both states supporting.

b. A second Harrah's application for the second phase of construction similarly was approved by a dual majority of both states.

c. Harvey's Inn - In the vicinity of Kingsbury Grade was approved by a dual majority of votes of both States in connection with expansion of said facilities.

d. Park Tahoe - Was approved by the Agency on a 6 - 4 vote, however, failed to achieve a majority from both States. The majority of California members voting 3-2 to disapprove.

e. Harvey's Resort Hotel - identical to Park Tahoe in that a majority of the total voting members voted in favor of the subject application, however, it failed to obtain a majority on the California side.

f. Jennings Tahoe Palace - the vote was 7 - 5 for denial of the applications.

g. Kahle Application - identical to that of Jennings's Tahoe Palace, failing to receive a majority vote for denial in both states.

In summary, out of 7 applications related to gaming which have come before the Agency, 3 votes were clearly a dual majority in favor; 2 were a simple majority of the total voting members for approval, but not receiving dual majority approval and 2 were simple majorities for denial, however, not obtaining a clear dual majority from the membership.

This record tends to refute statements to the committee that the Agency never has voted for a casino.

2. Witnesses allege that the Agency has the power to control the water levels of Lake Tahoe depriving from downstream users in Nevada their proper allocations of water from Lake Tahoe. Congress, in granting its consent to Public Law 91-148, the present TRPA Compact, specifically precluded the Agency from entering into the question of allocation of waters of Lake Tahoe. The witness apparently was referring to recent statements made by the Agency in the form of staff comments and Board resolution that suggested that those agencies having proper responsibility for the regulation of Lake Tahoe, take into account the almost half billion dollars in lake front property values in the States of California and Nevada, and regulate the lake in a manner so as to reduce erosion to these very valuable properties. It in no way suggested that the regulation occur in the manner as to reduce available water rights.

3. One of the most common mistatements in the case of a number of witnesses is to exactly what has the Agency done in the past 60 months. Attached is an addendum outlining the specific regulatory subjects and related matters the Agency has addressed and a Matrix of the adopted ordinances of the Agency that speak to the specific regulatory subjects required by the present compact. From this Matrix it is easy to point out that most of the Compact requirements with few exceptions, have been properly adopted by the Agency in its various ordinances. Those ordinances are under the general heading of: Land Use, Subdivision, Grading, Shoreline, Tree Preservation, and Timber Harvesting. As you can see on the Matrix, a variety of regulatory subjects cut across more than one ordinance. Additionally and presently a draft Sign ordinance has been prepared; a draft Sewage Export Ordinance has been prepared; a draft Solid Waste Disposal ordinance has been prepared; Design Guidelines have been prepared; and revisions to the Shoreline Ordinance relating to the Shoreline Plan have been prepared.

4. It has been suggested that only a Land Use Plan has been adopted. The Agency has in fact prepared not only the Land Use Plan and adopted same, but also a Conservation Plan, a Recreation Plan, an Open Space Plan, a Land Capabilities Map, a Land Suitabilities Map and all are adopted and a part of the Agency's correlated plans for the Tahoe Basin.

Specific studies and other elements designed to meet the requirements of the Federal Department of Housing and Urban Development and the compact have also been prepared and in some cases adopted. All such plans and studies and their status are listed separately.

Approximately two years ago, a Stateline Transportation and Land Use Study was prepared under a cooperative arrangement with the Lake Tahoe Area Council, various local governments, and major property owners. This plan specifically addressed the question of the extent of an intensity of land use development within the Stateline area and the likely effects of commercial development on various facilities such as roads, housing, utilities, etc. This plan specifically was alluded to by one witness with the suggestion that collusion existed between the existing Stateline clubs and the Agency in the preparation of that plan. It should be pointed out that this study which was coordinated by the Lake Tahoe Area Council included substantial funding from both the City of South Lake Tahoe and Douglas County. The study addressed the need for a loop highway system, and recognized that a properly designed loop highway system, constructed with pedestrian overcrossings could allow for up to 2000 hotel rooms in the immediate Stateline area. The proposal also pointed out that serious deficiencies would exist in highway systems and housing accommodations and utility facilities if a new casino core was created in the vicinity of Kingsbury area. This report probably led to the breakdown in communications between Douglas County and the Agency even though it was Douglas County who issued the initial approvals for the intensive additional casino and hotel development in the vicinity of the immediate South Stateline. The study was never adopted by the Agency by the way.

5. There has been substantial discussion about the Transportation Plan for the Agency. It should be pointed out that the Agency, in its past 5 years, has generally reduced land use holding capacity of the basin from about 800,000 people which was the local zoning allowance, to approximately 300,000 which is in line, in the opinion of the Agency, both with the environmental limitations and such very specific allocations such as water. The result of that reduction and available land use for which there was no water or many utilities, was to effectively remove the need for a second freeway system looping the lake. In essence, this Agency spoke dramatically to the Transportation implications in its Land Use Plan in 1971.

Since that time, an extensive Transportation study in cooperation with both States has been underway and is eminently close to adoption - probably within the next 30 days. This plan will address the needs of the Stateline area as well as the entire Lake basin. It will basically provide for limited additional highway improvements to bring up to minimum standards, those presently overloaded highway systems. A transit study funded by Federal agencies is also underway and will be completed within four months.

6. Mr. Abbott, representing Douglas County attributed to the Executive Officer of the Tahoe Regional Planning Agency, statements that zoning could not be used to depress or withhold lands from development any longer. What Mr. Abbott failed to point out to the committee is that those comments were made in connection with a specific review of several selected recreationally zoned properties along the lake front that for various reasons were considered in the early phases of planning to have substantial potential for public recreation purposes. Because it did not appear eminent at that time that opportunities for public purchase would take place, the Agency Governing Board directed the staff to undertake a study to determine the appropriate land use designations for allowing for some reasonable private use of the property. It is in this context that those statements were made, not in context of the present lake basin zoning plan.

7. It has been suggested that there has been a severe reduction in available building activity in Douglas County as opposed to the balance of the basin. It is easy to twist around data to suggest that building activity has been commensurately greater in South Lake Tahoe in particular, as opposed to Douglas County. In certain areas this is certainly true, particularly in the area of single family dwellings where, by Court Order and Executive Order of the Governor of Nevada, a moratorium has existed for the past few years because of the lack of available sewage export in major portions of Douglas County. This, and this alone, accounts for a substantial reduction in the number of single family dwellings that have been started in Douglas County, compared to the balance of the basin.

Similarly, statistics were offered that the real problems relative to Transportation were not really in Nevada but were in California. Agency staff, in its recent studies in Transportation has determined, as an example that approximately 40% of summer peak traffic coming over Echo Summit identifies its first destination point as the South Stateline area. So while it is true traffic problems diminish greatly into Nevada, we can clearly identify that the source of those transportation problems are not California's but problems of the region and certainly we cannot separate automobiles traveling through South Lake Tahoe with the destination at South Stateline as being solely a California problem.

8. There have been references to the Hilton Hotel approvals, and having same carried as an example of one action occurring in California inconsistent with actions in Nevada. Such is not the case. The Hilton Hotel, consisting of 196 rooms near Heavenly Valley Ski area, came up before the California Agency as a part of a condominium development and subdivision which was approved by that Agency on a consent calendar in 1968. Subsequently the subdivision map was recorded, and most of the condominium units constructed. The Bi-State Agency found itself in a position of not being able to reverse its own ordinances which provide that a recorded final subdivision map may be completed as in the case of the Hilton Hotel. Also, the Bi-State Agency made that decision on the heels of a decision by an El Dorado County Superior Court which reversed TRPA's decision dealing with Stanford Camp, wherein it was clearly established that vested rights allowed the completion of construction.

Any cases of this nature are complex, and the generalizations which have been made are simply not in keeping with the facts of the specific cases that have been reviewed by attorneys before those decisions are reached. In the case of the Hilton Hotel, the attorneys for the developer, the Agency staff, and the Attorney General of California all reviewed the files in great detail before the decision was reached, and this project could proceed without additional public hearing.

9. One witness went into great detail as to the ability of a person to understand the Agency zoning maps. We submit the Preliminary General Plan is in fact on file with the Agency. The 400 scale detailed zoning maps are maintained to assist each and every property owner in determining exactly what his zoning status is. And likewise safeguards have been built into the Land Capability system to insure reasonable interpretation in a manner providing every opportunity by a property owner to obtain a reasonable interpretation.

The Tahoe basin Land Use and Land Capability system is a pioneering effort nationally. This system is an attempt to allow for development yet still be sensitive to the very fragile environment. The suggestion that it is totally based on soils, is simply not the case. It is based on the geomorphology or land form and not only is concerned with soils and erosion but certainly vegetation, revegetation characteristics of the soil and a variety of other environmental factors, all designed with the principal concern of maintaining the pristine qualities of Lake Tahoe.

This system has been used effectively for the past four years, and virtually every local agency working with the Agency staff has adapted to and operated effectively under the system. Douglas County in particular has not had any trouble with the system as certainly their County Manager was one of the principal authors of this system when same was set up by the Agency staff. Mr. Bourne has availed himself of operating within the system in obtaining routine and reasonable classification of the Land Capability system of all his lands west of Highway 50. It was suggested that this had taken 2 years but the staff suggests that the record shows that it occurred in less than 60 days. It was suggested that for the Bourne property east of Highway 50, one could not determine the number of units on the property. This is certainly true, as the whole system of the Land Capability maps is based on a land disturbance or coverage provision and without a property owner knowing whether or not he wishes to build rentals or condominiums, single family dwellings, duplexes, or apartment houses, high rise, low rise, nor amount of floor area per unit, it is impossible for anyone to be able to give an accurate number of units. We could only provide various estimates based on styles of development.

In conclusion, we hope this memo and attached material will provide a better insight to the committee of the Agency's activities.



RICHARD M. HEIKKA
Executive Officer

RMH/jv
Attachments

ISSUE PAPER #4

TRPA PLANS AND ORDINANCES

ISSUE

Following the ratification of the bistate Tahoe Regional Planning Compact by the States of California and Nevada, and by the United States Congress, the Tahoe Regional Planning Agency (TRPA) was formed. The Agency met for the first time in March of 1970. Its mandate was to adopt and enforce a regional plan of resource conservation and orderly growth. Since that time, the TRPA has undertaken a number of major planning efforts and adopted implementing ordinances based upon the plans developed. The following paper summarizes the various plans and ordinances that have been developed since 1970 by the TRPA.

RESOURCE ANALYSIS

Analysis of the resource base of the Lake Tahoe Basin was one of the first priorities of the Tahoe Regional Planning Agency. Planning teams were established bringing together expertise in various technical areas. The product of these planning teams was a series of planning guides. These guides analyzed the intricacies of various aspects of the Tahoe environment, and suggested specific policies to preserve the unique aspects of that environment. Planning guides were developed for climate and air quality, land resources, fisheries, limnology and water quality, wildlife, soils, and vegetation. These guides were then used in developing plans and ordinances.

LAND CAPABILITIES

The most significant product of the resource analysis phase was the development of the land capabilities system by Dr. Robert G. Bailey and the Tahoe Basin planning team of the U.S. Forest Service. This system translated information on soils, hydrology, geology, geomorphology, and vegetation into a determination of the level of tolerance for disturbance of particular lands. This system was applied to virtually every acre of land in the Tahoe Basin, both public and private, and has been incorporated into TRPA planning as both a zoning consideration, and in determining the amount of impervious surface coverage a proposed project will be permitted. It was officially adopted by the TRPA in December of 1971.

The land capabilities system was followed by development of a land suitability system by the same planning team. That system analyzes the types and intensity of uses suitable to various areas based upon the land capability level. This system is geared principally to identifying non-urban uses such as recreation, timber harvesting, wildlife habitat, etc. Though the land suitability system itself has not been officially adopted by the TRPA, it was incorporated into the recreation, conservation, and open space elements of the TRPA's General Plan.

MANDATED GENERAL PLAN ELEMENTS

LAND USE PLAN

The Land Use Plan integrates traditional zoning considerations with the land capabilities system. It is the base of the TRPA's General Plan, identifying the areas of the Tahoe Basin in which various types of land use are permitted. This element was adopted in December, 1971.

CONSERVATION PLAN

The conservation element of the TRPA General Plan identifies those areas which should be preserved in their natural state because of their unique character, or the danger of environmental degradation

should they be disturbed. The element deals separately with water and land related management questions. It identifies such areas as wetland wildlife habitats, fish and aquatic habitats, broad-leaf wildlife habitats, and alpine vegetation as being areas that should be preserved and managed. The conservation element was adopted by the TRPA in March of 1974.

RECREATION PLAN

The recreation element of the TRPA General Plan identifies various aspects of recreation in the Tahoe Basin and suggests areas suitable for development or utilization for recreation. Both summer and winter recreation activities are considered, ranging from camping and boating, to alpine skiing and snowmobiling. The recreation element was adopted in March of 1974 by the TRPA Governing Board.

PUBLIC FACILITIES PLAN

The public facilities element analyzes storm drainage and surface water runoff, fire services, and power and gas supply in the Tahoe Basin. It identifies existing conditions, and suggests goals, policies, planning criteria, and implementation procedures for improving existing public facilities in the Tahoe Basin. The public facilities element is currently in the public hearing phase.

TRANSPORTATION PLAN

A four year, comprehensive study of the Tahoe Basin transportation situation is currently under way. It is aimed at producing a total basin transportation plan. A short range plan geared to reducing present problems is under consideration by the TRPA. The total long range plan is not expected until 1977 or 1978.

ADDITIONAL PLANS AND PROGRAMS

OPEN SPACE PLAN

The open space element of the TRPA General Plan integrates the conservation and recreation elements and other considerations in identifying those areas that should be maintained as open space. Consideration is given to four primary concerns: preservation of natural resources, outdoor recreation, managed resource potential, and public health and safety (the latter two specifying such things as grazing and pasture areas, unstable soil areas, and flood zones). The open space element was adopted by the TRPA Governing Board in March of 1974.

SHOREZONE PLAN

The Shorezone Plan analyzes the entire Lake Tahoe Shoreline, identifying fish spawning habitat, stream environment zones, high hazard shoreline areas, and other concerns; and develops from that analysis a shorezone

tolerance system (similar to the land capabilities system). It suggests areas where caution should be exercised in development, and mechanisms and policies that should be employed to protect the shore-zone environments. The Shorezone Plan was adopted in principal by the TRPA in June of 1973 (an implementing ordinance is pending).

NATURAL HAZARDS PLAN

The Natural Hazards Plan identifies areas in the Tahoe Basin that may be subject to natural hazards such as flooding, earthquakes, avalanches, landslides, etc. The Natural Hazards Plan is currently in the public hearing phase.

WASTEWATER MANAGEMENT PLAN

A two year, EPA funded study of wastewater management in the Tahoe Basin was begun in January, 1975. The sewage of the Tahoe Basin has already been mandated to be exported from the basin, hence the TRPA study will concentrate on non-point sources of pollution (siltation, erosion and storm water runoff). It is aimed at developing a basin-wide plan for reducing siltation and storm water runoff problems and ordinances and policies designed to minimize the impact of new disturbances.

WATER AND SEWER PLANNING AND PROGRAMMING

Analyzes water availability and the water supply and sewage systems of the Tahoe Basin, assessing the current needs and projected demands, and suggesting policies and implementation programming for meeting those needs. The water and sewer planning and programming study was accepted by resolution of the TRPA Governing Board.

CAPITOL IMPROVEMENT PLANS AND PROGRAMMING

The Capitol Improvement Plan analyses the current capitol improvement plans of the numerous public entities involved in the Tahoe Basin, and suggests possible future demands on capitol improvement dollars and programs for addressing those needs. The Capitol Improvement Plans and Programming Study was accepted by resolution of the TRPA Governing Board.

HOUSING ELEMENT

The Housing Element identifies the current state of housing demand and availability in the Tahoe Basin, and suggests policies and goals for meeting the housing needs in the various portions of the basin. The Housing Element was accepted by resolution of the TRPA Governing Board.

HOUSING AND LAND DATA SYSTEM

The housing and land data system is in the organizational phase. It is intended to be a detailed, up to date resource for current land use and housing information from each of the local government jurisdictions in the basin. The raw data will be provided by the various county assessors, with the TRPA providing the system coordination.

FINANCIAL FEASIBILITY

The financial feasibility study identified a large number of potential mechanisms for generating revenue to finance regional capitol improvement projects such as transportation systems and storm drainage systems. It suggested mechanisms to be explored on a regional basis (such as might be utilized by a regional transit system), and those that might be utilized by local governments. The financial feasibility study was accepted by the TRPA Governing Board and passed along to the local governments of the Tahoe Basin in November of 1974.

TAHOE CITY URBAN DESIGN STUDY

The Tahoe City Urban Design Study suggests policy and study areas aimed at improving the aesthetic and functional environment in the South Tahoe area. It works within existing zoning constraints to identify programs to beautify the area, capitalize to a greater degree on the natural surroundings, and reduce the impact of some of the negative aspects of the South Tahoe environment. It will be turned over to the City of South Lake Tahoe and El Dorado County within two months for their action.

KINGS BEACH URBAN DESIGN STUDY

The Kings Beach Urban Design Study is just commencing. It will examine the area from Carnelian Bay to the North Stateline, and is also aimed at improving the urban environment in the area.

SOUTH TAHOE STATELINE SUB-REGIONAL STUDY


The South Tahoe Stateline Study analyzed the Stateline area traffic and potential development, targeting on the critical peak day traffic problems in the area and the potential impact of new development there. The study was presented to the TRPA Governing Board in April, 1973, but never acted upon.

ORDINANCES

In addition to the plans developed by the TRPA, the Agency has also developed and adopted implementing ordinances. They include a Land Use Ordinance, Subdivision Ordinance, Grading Ordinance, Shoreline Ordinance, Tree Preservation Ordinance, and Timber Harvesting Ordinance. In addition, a Sewage Ordinance is in hearing, and a Sign Ordinance has been drafted. The following matrix indicates the regulatory subjects dealt with by each ordinance.

REGULATORY SUBJECTS

REGULATORY SUBJECTS	Land Use Ordinance (Adopted)	Subdivision Ordinance (Adopted) Grading Ordinance	(Adopted) Shoreline Ordinance	(Adopted)	Tree Preservation Ord. (Adopted)	Timber Harvesting Ord. (Adopted) Sign Ordinance	(Drafted)	Sewage Ordinance (In Hearing) Solid Waste Disposal Ord. (Drafted)	Design Guidelines	STATUS
1. Water Purity & Clarity	X	X	X	X		X		X	X	Complete and mostly adopted, also consider comprehensive Storm Drainage Ordinance
2. Subdivision		X							X	Complete & Adopted
3. Zoning	X						X		X	Complete
4. Tree Removal		X	X		X	X			X	Complete
5. Solid Waste Disposal								X		Complete may not need adoption
6. Sewage Disposal	X						X			Complete - Pending adoption
7. Land Fills, Excavations Cuts and Grading			X			X			X	Complete and adopted
8. Piers				X						Complete and adopted. Amendments required following completion of Shoreline Plan
9. Harbors and Breakwaters				X						Complete and adopted. Amendments required following completion of Shoreline Plan
10. Channel and other shore- line development				X						Complete and adopted. Amendments required following completion of Shoreline Plan
11. Waste disposal in shoreline				X			X	X		Complete
12. Waste disposal for boats				X						Complete and adopted
13. Mobile home parks	X	X								Complete and adopted
14. House relocation	X								X	Complete and adopted
15. Outdoor advertising							X			Complete and pending adoption
16. Flood plain protection	X	X	X			X			X	Complete and adopted
17. Soil and sedimentation	X	X	X			X		X	X	Complete and mostly adopted also considering comprehensive storm drainage ordinance
18. Air pollution								X		Requires air quality control region designation
19. Watershed protection	X	X	X			X			X	Complete and adopted
20 Design									X	Complete
21. Noise										Consider noise regulation ordinance



Office Of The County Manager

Douglas County • State of Nevada

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County Manager
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March 13, 1975

COMMENTS PERTINENT TO SB 254

BY: ROLAND L. ADAMS, DOUGLAS COUNTY MANAGER

In order to shed some light as to my direct involvement with the Tahoe Regional Planning Agency, it should be noted that my previous title was "Assistant Executive Director, Tahoe Regional Planning Agency", with specific charge of development control and coordination. Further, I had a responsible role in the development of the "General Plan" and "Ordinances" now in effect.

The Douglas County Commissioners appointed me as their first county manager with full knowledge of my background and I share their concerns relative to this proposed amendment. My comments are directed specifically to the amendment proposing an increase of Governing Board Members on the T.R.P.A. The assumption one must make from the calculated increase of appointed members is dissatisfaction with the elected member representation as a majority group.

The following questions and answers are supplied by me for your further consideration.

QUESTION: 1. What problems are sited to be the cause for increased appointed Governing Board Members?

ANSWER: My guess would be primarily the hotel-casinos.

QUESTION: 2. Can the Agency say that any project or development has been processed by the Agency without regard to their General Plan, Ordinances or environmental controls?

ANSWER: None that would be considered major (including applications at Stateline).

QUESTION: 3. Can the Agency say that the respective local governments administrative or enforcement personnel have not reasonably cooperated with them?

ANSWER: I would say sure "some stones have been thrown", but nothing that hasn't been resolved.

QUESTION: 4. Were there any significant state-local partisanship votes recorded prior to the casino-hotel "dual majority" automatic approvals?

ANSWER: The record says no.

QUESTION: 5. Are "high-rise" hotels or motels in urban areas encouraged by the applications of land coverage regulations of the Agency?

ANSWER: On countless occasions, it has been said, "height is preferable to bulk in considering land coverage, particularly in Tahoe". Example: South Tahoe motel sprawl compared to Stateline high-rise hotels.

QUESTION: 6. What about "transportation" in the South Tahoe Area?

ANSWER: The endless planning and hearing on traffic and transportation is a great example of "bureaucratic red tape".

QUESTION: 7. Were the Agency basic regulations and standards applied by Douglas County on the casino-hotels?

ANSWER: Absolutely; the record so reflects.

QUESTION: How can one rationalize that legislative authority is proposed to be left with the majority of state appointed officials, yet leaving local governments with such services as garbage, police protection, fire protection, etc.?

ANSWER: I have no answer, but it does seem like the "death sentence" to local governments with respect to the T.R.P.A.

I would conclude that the greatest threat to the Agency has been and still is finding reasonable compensation for devalued lands and that such be considered by all local, state and federal officials as the major "missing link" to the success of the Bi-State Compact, not this amendment.

I think the records will reflect the current Governing Body met their respective responsibilities in applying the rules and regulations and environmental controls which were adopted in 1971. It should also be noted, neither the existing Agency structure or the amendment proposed will satisfy the strong minded environmental interests or the development interests. I urge that you consider the questions which are asked and seek your own independent answers. My guess is, you will conclude, as I, that the existing compact under NRS 277.200 was drafted and adopted with reasonable consideration to all local, state and federal interests.

SENATE
ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE

March 21, 1975

The meeting was called to order in Room #213 at 1:30 p.m. on Friday, March 21, 1975. Senator Thomas Wilson was in the chair.

PRESENT: Senator Thomas Wilson
Senator Carl Dodge
Senator Gary Sheerin
Senator Richard Blakemore
Senator Richard Bryan
Senator Joe Neal
Senator Mary Gojack

OTHERS PRESENT: See Exhibit "A".

Senator Wilson explained that the purpose of the meeting was for the committee to discuss S.B. 44, 254, S.J.R. 13, S.B. 326, and 327. There was to be no testimony taken.

Senate Bill 254 was discussed first. Senator Wilson said the two fundamental issues to discuss were 1) question of double majority negative and 2) question of whether to expand the membership of the agency. He said some other things to consider would be the public works, the traffic problem, and a transportation plan. Senator Wilson said public works should conform to a master plan. Senator Bryan said that Douglas County had submitted that loop plan. He said it was his understanding that they have been holding off because they have been trying to get California's concurrence. The composition of the California counterpart is so constructed that they are never going to agree on anything that provides for an additional bypass, the argument being that any bypass is going to increase pressure for development of the Lake and that is what California is resisting. Senator Bryan said if that was true he would like to put in a public works plan that requires bi-state ratification. Senator Wilson said it should be in conformance with whatever plan is established. He said maybe you should not tamper with the compact structure where you do not have a plan. The alternative plans all contain a loop.

Senator Wilson said he was not comfortable with the 60 day provision. Senator Dodge said they should have established that early in their regulations the point at which a proposal is in final form. Senator Wilson said he agreed with that. Senator Dodge said if by virtue of the fact that there have been projects approved up there because action has not been taken in 60 days, absent clear regulations, guidelines, and definitions, it seems like the agency itself would come in and ask for amendments. Senator Dodge said he supported NTRPA two years ago and would like to see only reasonable growth and expansion at the lake, including gaming casinos. He said one thing that had been weak about the proponents presentation is that at no time did the agency itself ask for any of these amendments. Its been the AD-HOC committee or the legal staff asking for them. He said if the Agency does not see fit to come before the committee to ask for amendments based on experience and frustrations, it doesn't make for a very strong case to amend the compact. Senator Dodge said as far as he was concerned they presented a very weak case. Senator Dodge also said he wasn't for adopting something that would play into the hands of the California Legislature to adopt. He said we should not do anything in Nevada until we have some idea of what the feeling in California is. Senator Wilson said that three county members of the TRPA are against modification of the compact and two state members of TRPA are in favor of modification. Senator Dodge said that Mr. DeRicco supported it but also said they weren't having any particular problems with getting the things enacted, their problem is with enforcement. Senator Dodge said if he understood Mr. DeRicco's testimony it wasn't all that much of a mechanical problem as far as getting the actions taken, but the problem was the matter of enforcement. He said the provisions they were seeking to amend he wasn't sure they related to enforcement. Senator Dodge said he asked Mr. DeRicco and Mr. DeRicco had said they had never taken any action, either by majority or unanimously, to amend the provisions of the compact. If that is true, Senator Dodge said, it can't be working all that bad. Senator Blakemore said that from the questions he asked they didn't seem to be having all that many problems. They seemed to have had strong growing pains, but by Mr. DeRicco's own admission it does work. He did question their absenteeism. Senator Blakemore said no matter how we change the compact you can't tell them they have to attend, and said he didn't feel that was the business of the committee.

Senator Dodge said to Gary Owens that the committee was told the agency itself by a majority vote had turned down those Jennings and Kahle applications. Senator Dodge asked Mr. Owens what happened mechanically that permitted Douglas County to go ahead and grant the applications and start construction. Mr. Owens said that Douglas County granted the permits. At the time the Board split majorities back in July, Mr. Hannah, legal counsel, was of the opinion that by virtue of the compact the contracts were approved and they were able to proceed.

Senator Dodge said that if that were true would we, in affect, be creating a veto power in those types of situations for the State of California. Mr. Owens said that was a fair statement, however, he thought it should be qualified to the extent that if a veto is going to be enacted by one majority not agreeing with the other, it would have to be done on some standard. He said it does, in affect, create a power to veto. Senator Dodge asked Mr. Owens if he knew what grounds on which the agency had approved prior construction on Harvey's and Harrah's, why they denied these. Mr. Owens said why the California delegation voted against them. Senator Dodge said he didn't know how the vote stood, but wanted to know the grounds. Mr. Owens said that was hard for him to say. He had not consulted with the individuals of the California Delegation. There was a staff summary which recommended denial of those two projects. He said it seemed to him that staff summary questioned whether the projects met the requisites for height variance. Mr. Owens discussed the requirements that must be met for a permit to be granted. Senator Dodge asked if they were mechanically in a position to grant the variance. Mr. Owens said they were permitted to do so under ordinance. It would be subject to review and approval of the agency. The variance was approved by Douglas County. Senator Dodge said the reason it went through was because the of the double negative aspect. Mr. Owens said according to Mr. Hannah's interpretation of the compact that was correct.

Senator Bryan said that it was his understanding that the variance involved was the height. Mr. Owens said that was correct. He said there was a specific section in the Land Use Ordinance dealing with variances. They granted a height variance at the Douglas County level. Senator Bryan asked what the situation would have been had there been no variance sought. Mr. Owens said an administrative permit is a permit which must be issued in the first instance by the permit issuing authority. In this case it was Douglas County. There are a number of types of uses for which administrative permits must be issued. One happens to be hotels, motels, apartments with more than five units, and the county issues the administrative permit under certain standards which are set forth in a particular section of the ordinance. They also issue what is called a variance permit if there is a need to vary the standards. These permits, in one application, come before the agency. It is Mr. Owens position that, although others disagree because of the wording, that those permits must be accrued by the agency before they can become valid permits at all. Senator Bryan said so there had been no variance and all that was required was a administrative permit. Mr. Owens said for these two projects they would have had to have a variance. Senator Bryan said assuming there had been no height problem. Mr. Owens said if there had been no height problem it would have been just the ordinary administrative permit. Senator Bryan asked if that permit would have to be cleared by the TRPA. Mr. Owens said yes, under Section .432 of the ordinance. Senator Bryan asked if the California members who opposed did so on the basis that the variance was inappropriate. Mr. Owens said he presumed that was why they voted against it. Again, the staff recommendation was that they be denied. Mr. Owens said he can only assume they voted following the recommendations of the staff. Senator Bryan asked if he could recall what the staff recommendation was. Mr. Owens said he believed it was that the conditions were not appropriate for a variance in height and in order to have a height variance, certain things would have to be met. Mr. Owens read the conditions from the compact.

over

Senator Dodge asked if structurally the NTRPA, when it was set up two years ago, had to have had approval for original permits or variances to them either before or after Douglas County granted them. Mr. Owens said he believed the NTRPA reviewed applications after they were first issued by the local governments. Senator Dodge asked if they had a right to. Mr. Owens said yes, they had a simple majority type rule because they only had the Nevada delegation of the TRPA and they had voted to pass. Senator Bryan said during that time there was a change in the composition. Mr. Owens said that was correct.

Senator Blakemore asked Mr. Owens if he knew of any change of legislation by the California people. Mr. Owens said all the California people are concerned. He said from what he understood and he has been involved with no legislation whatsoever in California, that they are watching and waiting to see what Nevada is going to do. Senator Blakemore asked if they were watching with apprehension or with delight. Mr. Owens said he thought if you take the view that California is going to take or hopes for an environmentally strong compact, he thinks with delight if this bill is approved. Senator Blakemore asked if the compact themselves, with Mr. Owens as their legal counsel, asked for any change from California. Mr. Owens said no and that he would have to defend Mr. Heikka's actions because he was testifying only on what he thought should happen. Senator Blakemore asked if Mr. Owens had been directed by any of the membership to contact California and make any change. Mr. Owens said no, and not the Nevada Legislature either. Mr. Owens said he was here for information purposes only and had been asked by Mr. DeRicco to assist Senator Wilson. He thought it would be wise for him to stay out of the legislative process.

Senator Dodge asked if somewhere along the line we don't create some other mechanism

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in the thing to make for regulatory judgement other than by default on this voting structure, do we have any assurance that potentially additional casinos won't be built. Mr. Owens said under the way the law now reads, and if you interpret it literally, he felt that unless you muster exception, and he said he had not said this publically but would say it now, that there would be no assurance that any structure including the casinos or hotels could go ahead. One reservation is, and this would have to be proved by litigation, is an illegal project, one that does not conform to the compact. Senator Dodge said he was talking about the one mile zone which was, for all intents and purposes, specifically exempted from changes in the zoning. Mr. Heikka's testimony was that you could fit five or six more casinos in that one mile zone besides the two that have been granted. Senator Dodge said he was just wondering if we leave things in the status quo whether we have any assurance from Douglas County or anybody else that they are not going to go ahead and grant those applications.

Senator Sheerin said he felt that we didn't have any control with the present laws except that would be what NTRPA is for. Whether or not we have more hotels up there should be a Nevada decision not a dual majority and California shouldn't have anything to say about it. Senator Dodge said he agreed, and it should not be a Douglas County decision. Senator Sheerin said it was not a Douglas County decision, and you still have the NTRPA to stop the gaming. If we want to strengthen the gaming aspect, then strengthen the NTRPA. Senator Sheerin said he had legal descriptions of that one mile limit and some other legal descriptions of the Lake Tahoe land and Washoe County land. If you want to limit the area of gaming lets strengthen the NTRPA as to the rules and regulations. He said we should leave it out of TRPA so we don't get California making our decisions. Senator Bryan said what Senator Sheerin was saying made a lot of sense but Mr. DeRicco testified that as far as he is concerned the committee could kill the NTRPA. Senator Sheerin said he was also talking about putting in S.B. 254. If you put in S.B. 254, you might as well rip up NTRPA because it would have absolutely no function. Senator Neal asked if they were not talking about an area that held in common by Nevada and California, particularly the Lake. He said if the Lake becomes polluted then it becomes the problem of both political entities to deal with that problem. Senator Sheerin said that was exactly right. There is no question that Lake Tahoe is a regional situation and that is why Senator Sheerin was not sitting there and trying to convince this legislature to do away with TRPA.

Over

Senator Dodge asked Senator Sheerin if he would be willing to change the membership on the NTRPA. Senator Sheerin said no. He said the one thing that is common to Nevada and not to California is the gaming. He said gaming is the only thing that should be maintained in Nevada and that should be done through the NTRPA. Senator Dodge asked Senator Sheerin if he would be willing, if we did not do anything with S.B. 254, to change the membership on the NTRPA so that the counties did not have the control. He said the reason he was asking that was because he was not convinced by anything that has happened so far that the counties and their representatives are going to exercise what he felt is self-discipline that might be necessary at time to not get an undue proliferation of gaming casinos at the Lake. If that be true and they are scratching each other's back, and they are motivated primarily by the economic considerations of the broader tax base as far as general business activity, then you have no effective review of these county decisions. Senator Dodge said he could understand all the arguments which he and Senator Sheerin discussed about county control. Senator Sheerin said he hoped Senator Dodge would remember that one day when we talked about this. Senator Dodge said he was not satisfied that the counties have exercised the kind of discipline at times that Senator Dodge felt they should. He said he didn't think it was out of hand at this point but he wanted to go on record at this point as saying he felt one of the worst black eyes that the state could have is the over development of gaming casinos at the Southern end of Lake Tahoe. Senator Sheerin said he agreed with Senator Dodge and that it was his own personal opinion that if another gaming casino were never built at the Lake it would have no objection from him. Senator Sheerin said he simply wanted it to be a Nevada decision. Senator Sheerin said when Senator Dodge talked about the economic consideration he included Carson City. Senator Sheerin said that could not be included because Carson City does not have a square inch of developed land in the Lake Tahoe basin. He said Washoe County does and Douglas County does. Senator Dodge said they were not happy with John Meder. Senator Wilson said that Mr. Meder was instructed previously as to how to vote. Senator Wilson said he would make an observation that two years ago this problem came up because they had an apparent problem developing cooperation with the county members of the TRPA to at least holding development down to the point where the agency was able to cope with it. Senator Wilson said there were problems because they are 20 years too late in doing something.

Senator Dodge said that Mr. Dayton sat in the committee two years ago and he was asked about the traffic problem and Mr. Dayton said there was no traffic problem. Senator Sheerin said he did know there was a transportation plan that Douglas County has presented and had on the board for months. Senator Wilson said this thing was complicated not just by reaction of gaming but by what the City of South Lake Tahoe is willing to do. He said he didn't think they would have been too enthusiastic about going with S.B. 44 except for the attitude in committee by some of those people from Douglas County.

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Senator Wilson said the committee had seen a real polarization caused by a couple of things--cries that we withdraw from TRPA and not cooperating. He said you have to want to make it work before it can work. The members are polarized over the respective issues. The danger is that ultimately the compact can fail. Senator Wilson said the question is what do they do to stabilize the situation. He said he did not have confidence in the ability, on this problem, of the counties being able to exercise a reasonable responsibility. TRPA was created years ago for the same reason that two California Counties and the City of South Lake Tahoe and three Nevada counties all dealt autonomously and they would not or could not, for a variety of reasons, deal and solve what has become a complicated bi-state problem involving a river and a basin. So TRPA was created with the principle of sovereignty because we were concerned about California interfering with our gaming.

Gary Owens said there was a gaming exemption as far as zoning and he still maintained there were standards adopted by the agency in any project received and if they don't meet them and its allowed to go ahead, there is a problem. But if we do need them and their staff, the action can be set aside. He said he recognized it takes a court action to do it. Senator Wilson said he understood but he was just trying to create some perspective on why they were dealing with the problem. Senator Wilson said he thought it was lack of confidence in the local government's ability to carry out the mandate of the compact particularly where they control the double negative was very encouraging. So the proposal was to increase the size of the delegation. Senator Sheerin said he didn't think that adding new members creates a balance; he thought it created an imbalance. He felt that the present board was a moderate board because the committee heard testimony that some projects get through and some projects don't. That means that somebody up there is walking a moderate road. Senator Wilson said he wasn't very happy with the composition of the California side either. He said some of those people had been very irresponsible. Senator Wilson said that when they had hearings and made studies on the Truckee River, they didn't have any cooperation at all from California. We said that if they would give up on gaming at the Lake, we will give you some consideration on your drinking water. Their answer was "go to hell, we're not interested in the trade off." Senator Wilson said the problem attended both sides of the basin. He said he was not saying that one side or the other should take care of the problem. He said he felt that had overdeveloped on the California side of the Lake.

over

Senator Sheerin said the question was that we have a polarization between environmentalists and developers. Senator Wilson said no, it wasn't environmentalists and developers. He said he didn't feel that was the polarization. Senator Sheerin said that maybe they disagreed there but he felt that was where the polarization was and we say how do we solve that problem. Senator Sheerin said in his opinion S.B. 254 does not solve that problem. He said the problem was solved by giving TRPA the duty to work on land trade that do not cost the government or the land owners money. Senator Wilson said that was an area beyond their control. Senator Sheerin said he didn't think it was entirely beyond their control and he thought that if the committee gave the TRPA the duty to get involved with land trading, and not only TRPA. He said he realized there were problems with BLM and the Forest Service. He said he thought both legislatures and both governors and the delegations in Washington should be knocking on the President's door telling him to get the act of the BLM and the Forest Service together so that we can establish some kind of formula and some kind of value for undeveloped land in the Tahoe basin. Senator Wilson said he agreed to that, but objected to the solution because he didn't feel it recognized the realities of the problem. Senator Dodge said he thought they would agree on that point if the objection is valid it doesn't hurt to stimulate from any source you can. Senator Wilson suggested maybe they should memorialize Congress. Senator Sheerin said he didn't want to memorialize Congress. Senator Bryan asked if they wanted an amendment to the compact to specifically mandate TRPA to land. Senator Wilson said you couldn't precondition an action by the agency and that he agreed doing it. Senator Wilson said the Forest Service is doing a great job. He said it was the BLM who was doing the frustrating of the process.

Senator Sheerin suggested they discuss the NTRPA. Senator Dodge said as far as he was concerned even if you had to have a confirmation by the governor about these things. He thought the problem was that in America we have seen the tremendous influence of the almighty dollar. The people that own the property in the one mile zone and in the other areas where you have enormous potential, are not going to leave any stone unturned with their elected representatives to try and develop that ground and get its highest dollar value. He said that was all understandable and that it seems to him that if you are going to have any objective evaluation of those things it can only be done through the county commissioners. He said he had seen it as long as he had been around. Senator Sheerin said he thought you had to keep the original studies in mind that say the TRPA should be a governmental agency with general purposes with limited functions designed to supplement and coordinate but not to replace the local government. Senator Dodge said he was talking about primarily the Nevada agency and not the question of giving our sovereignty to California. He said he was talking about how we try to bring in some overview that we have some assurance at looking at the thing through a little broader perspective.

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Senator Bryan asked Senator Sheerin was the jurisdiction of the NTRPA was. Gary Owens said their jurisdiction was over the entire Nevada side of the basin. Senator Bryan asked if he was suggesting that any project on the Nevada side of the basin would first have to go to the county, then the NTRPA and then the TRPA. Mr. Owens said yes, it was designed to cover recreational type establishments. He said it was designed really toward hotel-casinos. Senator Wilson said Mr. Owens had not made any reference to that. Senator Bryan said he realized that; he was outlining the question as to the possibility of altering the composition of NTRPA in lieu of tackling the compact. Senator Wilson said Senator Bryan's question if it was directed to the jurisdiction of the NTRPA, it was expressly limited. In the TRPA compact there was certain language of exclusion. The language of exclusion in the bi-state compact was used identically to vest and define the limited jurisdiction of the NTRPA.

Senator Neal said he would be in favor of maintaining the designated one mile limit provided they meet the environmental standards set forth in the compact. Senator Dodge said Mr. Heikka indicated that there was room for five or six more casinos in the one mile zone. Senator Dodge said he couldn't condone what has happened on the California side. He said we ought to be taking a look at what we need in Nevada to be doing the job properly even though they may have criticisms.

Senator Blakemore said he missed part of the meeting. He said there were many people at the Lake that have given advice to the committee and to the committee in California. He said he wasn't sure that they in their divine wisdom should be poking our nose in and continually trying to manipulate in the way the committee might feel. Senator Blakemore said one thing no one had ever mentioned was they the committee has never met with its California counterparts. He said perhaps an overview committee should be appointed to look into the compact. They are just waiting to see what Nevada was going to do. Senator Blakemore said that whatever Nevada decides will have to go to California and then on to Washington. He said they should talk to the governor to form an overview committee that meets every two years to evaluate what is being done by their appointed or elected officials to that board. Senator Wilson said he didn't think we had to be responsible for California's policy. Senator Blakemore said he didn't mean that they should be responsible to California but the two could communicate at the legislative level more than they have, which is zero.

over

Senator Wilson said he agreed with Senator Dodge that he didn't have a lot of confidence in the status quo of the composition. Senator Neal asked how the status quo had been changed. Senator Wilson said the policy is paramountly county development. He said they had a problem. He said they tend to think that so far as that is concerned we wouldn't be responsible to address that problem on the California side. By that he was saying if the committee wants to broaden the NTRPA in respect to its limited application of gaming, we should broaden the bi-state agency and broaden their representation on the California side. He said he didn't think they had done a very good job, and discussed this briefly.

Senator Dodge suggested that they have a show of hands, without having a vote, on what each committee member wants to do with S.B. 254. Senator Wilson said there were things they would want to deal with separately. He thought there were reservations about the public works part of the bill, about the 60 day provision, etc. Senator Dodge said he was talking about any aspect of S.B. 254 and whether anyone had any appetite to process it.

Senator Wilson said he had an appetite for the bill in that he would like to see expansion of both California and Nevada's delegation, he would like to look at the voting structure. Senator Dodge said all he wanted was a show of hands on those who would like to process the bill. Senator Wilson said they would look at two issues-increasing the delegation size from five to seven.

Senator Sheerin started off by saying he was opposed to that because the original study says it will not displant or displace local government of the region and will only expand and give the balance to elected people. If you give the balance of four to appointed, non-elected officials you are taking the balance away from the three elected officials. He said he thought the issue was not only local government but whether or not you trust elected officials. In view of the fact that this agency has the power to make laws, Senator Sheerin thought elected officials should have control of the agency.

Senator Gojack said that you talk about elected officials you have to be very careful because you are not talking about people who are elected to TRPA in the same manner in which you talk about a person elected to the legislature. She said it was not the direct elective process. It is a combination of both elective and appointive. She said she was for expanding.

Senator Blakemore was against expansion because there was no request from the agency to do so.

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Senator Bryan said he would support some expansion but he wasn't too sure that S.B. 254 was the right approach. He said he wasn't sure who he would put on base. Senator Wilson asked why. Senator Bryan said that S.B. 254 talks about making the expansion come from appointed officials. He said he would like to explore the possibility of giving a broader base of their other elective positions.

Senator Dodge said he had already stated that he thought a weak case was made on behalf of S.B. 254. For that reason he wouldn't support that proponent of the bill. He said he didn't feel they were in the right environment to amend the compact. On exploring the balance of regional against purely local interests, he would go for that.

Senator Neal said he would not be in favor of the expansion. He would support Section G dealing with the fact that if the board cannot come together there would be no action.

Senator Wilson asked Senator Dodge what his feelings were on NTRPA. Senator Dodge said he supported it two years ago and still supports the concept. He said if it hasn't been working structurally, the die is cast as far as not having any checks and balances for that agency. He said we should try to make it an effective agency. Senator Bryan asked if that was an argument for expanding the bi-state agency. Senator Dodge said yes. He said he had tried to make it clear that the reason he didn't want to amend the bi-state compact was because they didn't have the right environment for doing so. He again said that he was impressed by the fact that they had had no formal requests for the amendment, by the people on the agency themselves. Senator Wilson said he didn't think they were going to ask. He said if California recommended the laws we might think they were presumptuous. Senator Wilson said that they had requests from the two Nevada members of the compact. He said they had not had requests from the three county members and they aren't going to ask. They want the current status quo. Senator Dodge said that he thought Mr. DeRicco blew the case when he said that they weren't having any problems with the initial implementation, but with the enforcement. He said he understood they were having more trouble with the dual majority voting, the sixty day rule, and some of those things. Senator Sheerin said he didn't disfavor doing something with NTRPA. Senator Bryan asked Senator Sheerin what kind of expansion would be acceptable. Senator Sheerin said he didn't know. Senator Dodge said there had been a lot of criticism about these type of people will not be answerable to an electorate. He said he doubted that a system to elect would be effective. Senator Dodge said he bought it the way it was not with a ratification by the Governor.

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Senator Neal said NTRPA should be eliminated because we have the Gaming Commission to control gaming. Senator Dodge said there was a fallacy about that because the Gaming Commission does not make the philosophical judgement about whether a gaming operation ought to go in or not. He said they don't even make an economic judgement. He said he witnessed the developments in Las Vegas that no one said could succeed. The Gaming Commission never makes a judgement that cannot succeed. They set down certain requirements about acceptability of applicants and that was the end of it. Senator Dodge said they don't pass judgement on the rest of it. Senator Wilson said he didn't think they should and Senator Dodge said he didn't either. Senator Dodge said he didn't feel that was an effective way to handle it. Senator Blakemore said he would have an appetite for retaining NTRPA for those very grounds. He said there was one philosophical hang-up and that was removing county sovereignty. He said that was as important in Douglas County as it is in Nye County or Lincoln County. Senator Dodge said it was except there was a problem. Senator Dodge said they have got a situation that is impressed so strongly with not only regional but actually national interest. He said the question is what is the point at which you have to consider other types of interests other than county interest. Senator Blakemore said he would agree to expand NTRPA but said there had been mention before of getting membership out of the county. He said how do we know we won't suddenly have a national asset that is at this time not apparent. Senator Dodge said yes, by a confirmation by the Governor. Senator Bryan asked if you would give the Governor a veto power. Senator Dodge said yes. Senator Bryan said he was not so sure he could buy that. Senator Dodge asked what you were doing when you set up appointed representatives. Senator Bryan said they were instructed. Senator Dodge said yes, and you could do it that way, so the Governor has a role. Senator Wilson said that was what S.B. 254 does. Senator Dodge said he knew that, and maybe that was better. Senator Wilson said S.B. 254 would give the Governor one more. If the six fail to pick the seventh member, the Governor picks the seventh member. Senator Dodge said he didn't feel there was anything wrong with that.

Senator Dodge said the point was that they were talking about whether they were in the right environment to make any amendments. Senator Wilson asked Senator Dodge what he meant by the environment not being right. Senator Dodge said the climate isn't right. Senator Wilson said he was trying to get at what that was because he felt it was not realistic to get into recommendations from the agency. Senator Dodge asked why not. He said they have worked with it for five years and if they are frustrated in the administration of the compact, they would be the first ones to come and say it if it was that bad. Senator Dodge said he didn't feel that they got that kind of showing

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from the hearings because who came in-the AD-HOC's, some state people, and people representing their own thing. He said the only member of the agency they heard from was Elmo DeRicco and Senator Dodge felt he hurt the case when he said they were having no problems as far as the enactment. Senator Bryan said he would appreciate it if there would be more unanimity by the members of the TRPA and that he was surprised by Mr. Heikka's remarks. Senator Wilson said he didn't think that was crucial because by the staff you are talking about policy gesture on the structure and operation of the agency. Senator Wilson said if the members of the committee wanted to talk to the agency privately, they could. Senator Bryan said he was talking about not to the committee but to his own board. Senator Wilson asked Senator Bryan if he thought Mr. Heikka was going to be asked by his own board to make recommendations that would possibly affect a change in structure when three counties don't want to change it and three local governments in California don't want to change it. Senator Bryan said he was not saying to ask Mr. Heikka but he might make recommendations to them. Senator Wilson asked if Mr. Heikka should say to his bosses they were voting crazy and that they should balance it. Senator Wilson said that was just not realistic. Senator Wilson said they were not sitting in a vacuum and he thought the committee had to look at this. If the committee decides they don't want to do it, fine, but he didn't think they should rationalize it as to what recommendations Heikka may or may not have made to his board or to the committee. Senator Wilson said he was not at all impressed by the fact that Mr. Heikka had not asked his board for recommendations. He said the counties were not going to ask for changes either because they are satisfied with the status quo. Senator Gojack said she agreed with Senator Wilson because it was a specious argument to say that because the committee had not heard from the TRPA itself, that there are not problems. She said they had heard testimony from other people who recognize that there is a problem. She said another thing that bothered her was the relationship between the county and the state as if it were the same kind of sovereignty between the state and the federal government. She said it was dead wrong to make those kind of comparisons. Senator Sheerin said that was why he was willing to do something with NTRPA because it is a regional problem. Senator Wilson asked what they should do about the overdevelopment in California. He also said that if they were going to agonize about whether there is a balance on the Nevada side we should do it with the fact in mind that NTRPA has limited jurisdiction. Senator Wilson said that NTRPA is only for gaming and state license of business. He said they could deal with NTRPA in the limited area of gaming. Senator Dodge said maybe that was an indication that the same influences are creating the proliferation on the California side.

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Senator Wilson said they should lay down the same invitation to them by inviting them to amend their compact. He said we could deal with NTRPA as well, but invite California to amend their compact to create a better balance on the California side. Senator Dodge said the only thing is that there you have the unique situation where you are endangering sovereignty. Senator Wilson said he was only talking about the membership question. He said it was in our own interest if we are going to increase our size to ask them to increase their size. If they fail to ratify then we are left with whatever improvements can be made to NTRPA.

Senator Blakemore said that Senator Wilson and Senator Cojack made the perfect argument for withdrawing from TRPA. Senator Wilson said he didn't think so. There was a short discussion on this.

Senator Dodge said he was sorry there hadn't been more input on this to the committee. Senator Sheerin said he felt there was a balance now because some projects have gone through and some projects have been denied. He felt it couldn't be all one way or all the other way. Senator Wilson said he felt the question that they should all ask themselves is whether they are satisfied with what's happening at the Lake now. Senator Cojack said if that was true, according to Walt McKenzie's testimony, he has voted both ways. Senator Sheerin said he thought every vote Mr. McKenzie made was against gaming. Gary Owens said he believed that Mr. McKenzie did vote yes on one gaming issue.

Senator Blakemore said he felt there should be an evaluation in conjunction with someone from California, and spoke briefly about this.

Senator Dodge suggested that the delegation be made up of three elected representatives, three appointed representatives and the lieutenant governor. Senator Wilson said that if the committee is willing to change the base, California should be given the opportunity to change its base. Senator Dodge asked if the California TRPA is the same. Mr. Owens said the CTRPA has seven members, five of which belong to the bi-state agency. The sixth is appointed by the governor and the six choose the seventh. Mr. Owens said he has dealt with the broadened CTRPA for about eight or nine months. He said that they are at a point of being duplicative and yet, they have the situation where you can have diverse decisions. He felt there was a possibility of sometime having a legal dispute as to who has supremacy on the California side of the basin. Senator Dodge said the CTRPA is on a much broader basis of authority than what we are talking about on the Nevada side. Mr. Owens said they have the same powers as the bi-state agency on the

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California side. Senator Dodge said the NTRPA does not, and Mr. Owens said that was correct. Mr. Owens said the one in limbo does, but it will only be enacted if the bi-state agency is ever dissolved. He said the current operative NTRPA is quite limited. Senator Dodge said he doubted you would have the same operative problems that you would have expanding the NTRPA.

Senator Wilson said he felt this was the only area of consensus the committee has reached at this point. Senator Bryan asked why they didn't go with the bi-state. Senator Blakemore said that wouldn't accomplish anything. Senator Wilson said it doesn't make any sense not to increase the bi-state agency. Senator Dodge said he would consider taking a look at the bi-state agency membership, but he felt the problem was the one mile zone at the south end of the Lake. Senator Bryan said Senator Wilson had spoken to the impact of the problem on the California side. Senator Blakemore said he still felt that they were not going to accomplish anything,

Senator Wilson said they should talk about developing some checks and balances, increasing the NTRPA, problems on the other side of the Lake. Senator Wilson said if you were going to increase the membership of the NTRPA, you are not compounding your problems by increasing the California TRPA. He said you were talking about the same people. Senator Sheerin said as far as the CTRPA, he understood they are now being more restrictive than the bi-state agency. Senator Dodge said in theory that would seem to check out. Senator Wilson said maybe they should have Mr. DeRicco poll the California members (CTRPA).

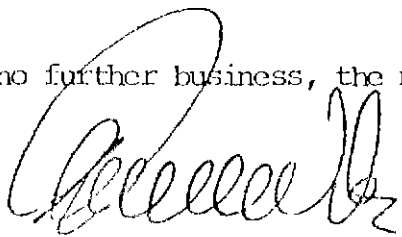
Senator Dodge cited the example of the north end of the Lake. He said the interests of Washoe County in that situation might not sound synonymous with the others and you might conceivably, with the present make-up, throw a balance as far as the Nevada side, to whatever action they try to take to hold down the pollution on the Truckee River. He said he felt that would be of concern to the Washoe County representative. Senator Wilson said he was talking about the Nevada delegation. Senator Dodge said that was right. Senator Wilson said he agreed with that and the source of the pollution problem does not lie in Nevada. Senator Dodge said he realized that. Senator Dodge said what he was asking was could they make a case for the chance we are going to get a better solution to it by expansion of the membership. Senator Wilson said he didn't know whether the densities were going to be reduced or not increased. Senator Dodge said if you could get more public representation as looking at a broader perspective in the environmental problems, maybe that would be a solution. Senator Wilson said one of the problems is that you create an improvement district, such as sewage, and monetarily the economics require a large number of lots being improved. Senator Sheerin asked if the sewer situation was pretty well taken care of. Senator Wilson said yes, they were under an export mandate. What they did was collect from Tahoe City clear down around the west side of the lake. Senator Wilson discussed the sewage system. Senator Sheerin said that the sewer system was already set up and funded and it was just a matter of building it.

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Senator Dodge said that whatever they did within the basin, it would not offer any developmental control over residential areas outside the basin, so you still have that problem. Senator Wilson and Senator Dodge discussed and determined this was something that Mr. DeRicco should report to the committee on. Senator Dodge stated again that he didn't think the climate was right to amend the compact and said the most damaging thing was Mr. Heikka's testimony. Senator Dodge said the members of the agency have to have common objectives and if, in the carrying out of those objectives, they haven't experienced difficulties mechanically, it doesn't indicate a compelling need for change. Senator Sheerin said when things are being approved and things are being decided, that is a balance.

Senator Blakemore asked about the people that live in the area. He said there were lots of problems. He stated again that he thought there should be an overview committee or some communication should be had with the California Legislature. Senator Wilson said he could tell him how the California people felt, but he thought they should answer their own questions first. He said if the committee was concerned about how California feels, he could talk to them about that. Senator Blakemore said he definitely thought there was a problem. Senator Dodge said the California members hadn't shown either way. Senator Blakemore said that was true. Senator Wilson asked if he was referring to the agency members. Senator Blakemore said he was referring to Mr. Heikka's testimony which they heard previously, in which Mr. Heikka stated he was performing his job and had made progress. Senator Dodge said he thought they should hear from Mr. DeRicco again regarding the California members reactions to the ideas that had been discussed. Senator Dodge was appointed to call Mr. DeRicco and ask him to come and testify. It was decided to hear from Mr. DeRicco on Monday, March 24, 1975, at 5:00 p.m. for the purpose stated above.

There being no further business, the meeting adjourned at 3:45 p.m.



Respectfully submitted:

Kristine Zohmer Kristine Zohmer

APPROVED BY:

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NAME

JOHN MADOLE

(unintelligible)

GARY OWEN

TRPA

George C. [unintelligible]

Save the [unintelligible] [unintelligible]

Lawrence Jackson
Cy Ryan - News

assemblyman

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE

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March 24, 1975

The meeting was called to order in Room #213 at 5:20 p.m. on Monday, March 24, 1975. Senator Thomas Wilson was in the chair.

PRESENT: Senator Wilson
Senator Blakemore
Senator Neal
Senator Dodge
Senator Bryan
Senator Sheerin
Senator Gojack (arrived at 5:30).

The purpose of the meeting was for Mr. Elmo DeRicco, Director of Nevada Department of Conservation and Natural Resources and a member of the Tahoe Regional Planning Agency, by law, to testify.

Mr. DeRicco came forward at this time and identified himself and his agency. Before he started his testimony, Senator Dodge made the following remarks:

"As a result of a discussion we had last Friday afternoon, I was asked by the committee to contact Mr. DeRicco to see if he could come up with some information by 5:00 p.m. on the California members of the TRPA on any expansion of the membership. I contacted Mr. DeRicco to see what he could find out, and as far as I know, that is what is testimony will be directed to."

Mr. DeRicco said he would confine his remarks to membership only. He was able to contact every member except Mr. Henry. They are still trying to reach Mr. Henry.

Kenneth Woodward, Clair Deitrich's designee, his attitude is this on a seven man board: The State of California membership may not conform exactly with that of the state of Nevada, however, Mr. Woodward sees no objection to three governor's appointee's and the lieutenant governor of the State of Nevada and supports the seven man board function. Mr. DeRicco said that was the Resource Agency of California's answer to the seven man board. Senator Wilson asked why he supported that concept. Mr. DeRicco said Mr. Woodward did not indicate to him why he supported it. He did indicate that he would like to see a balance on the board, a balance of state versus county members.

John Winn, City of South Lake Tahoe, was the next person contacted by Mr. DeRicco. The City of South Lake Tahoe adopted a resolution three to twelve to have the TRPA board members elected. This was Mr. Winn's answer. Senator Wilson asked if that would be an elective board of five or seven members. Mr. DeRicco said it would just be an elected board and he had no answer as to number. This was by vote of the city council three to twelve. (It was later determined that the vote was actually three to two and the twelve was a typographical error.) Senator Sheerin asked Mr. DeRicco if the two members voted against election because they wanted to leave the board as it is presently constituted. Mr. DeRicco said he did not ask this of Mr. Winn.

Tom Stewart, representing Eldorado County and also Chairman of the Agency, was next contacted by Mr. DeRicco. Eldorado County passed a resolution asking for repeal of the agency. Mr. Stewart's personal thoughts on membership were to leave the membership as it is. As an option the membership could be changed to include the present three local government representatives plus one state senator and the governor or his designee. He

was thinking of one state senator, one state assemblyman, to be appointed by the legislature, plus a governor designee which would give equal balance in the agency. He felt in discussion over the phone, that by appointing a state senator and a state assemblyman from the state, you would have elected officials on it and would have broad representation.

Bob Van Allen, Governor Appointee of the State of California, was the last person to be contacted. Mr. Van Allen feels there should be a balance on the board of both in the basin and out of the basin representatives. The seventh member of the board should be selected by the other six members. He does not approve of the 30 day limitation on selection and the governor's appointment thereafter.

For the record, Mr. John Winn was in attendance.

Senator Dodge said his basic concern the other day was that Mr. Heikka indicated that the agency had never formally taken any action towards amending the compact. Senator Dodge went on to say that this indicated to him that they were divided in their thinking as they were in Nevada. He said the regional representatives want a balance and the counties don't. Senator Wilson asked Mr. DeRicco if that was a reasonable summary. Mr. DeRicco said he didn't really know if he could go along with that because Tom Stewart, in his personal thinking, feels that there should be a balance. Mr. Stewart also suggested an alternative. He feels that the five members from each state is fine, but as an option he suggested that you might want three representatives, but his approach to the representatives is that they be elected officials, one senator and two assemblyman. Senator Wilson asked if Mr. Stewart expressed an individual judgement to Mr. DeRicco, notwithstanding the resolution passed by his board of supervisors, to the effect that he did or did not think the balance needed improvement by expansion. Mr. DeRicco said he didn't put it that way. Mr. Stewart put it in this light. He said this was his minority report. He said these were his personal thoughts.

Senator Bryan asked if there was a unanimitive opinion on the AD-HOC Report. Mr. De Ricco said it was unanimous. Senator Blakemore said that AD-HOC report was like the weasel sent to watch the hen house. He said he had seen the report and he wasn't too impressed. He said he could make an AD-HOC report of the legislature and make it look good.

Senator Neal asked about having a balanced committee and what they meant when they spoke of this. Mr. DeRicco explained this to Senator Neal. Senator Neal asked what abuses the TRPA suffered as a result of not having this balanced view. Mr. DeRicco said the voting at times has been interpreted as a local decision versus a regional decision or a state decision. Senator Blakemore asked Mr. DeRicco if the AD-HOC Committee wasn't the same group that came here two years ago with the great emergency for the NTRPA. Mr. DeRicco said no, he didn't think so. The AD-HOC Committee was composed of both members from Nevada and California. He said he knew all of the members and thought they would be objective and work for the best interests of Lake Tahoe.

Senator Sheerin said that Mr. DeRicco spoke of a balance. He said if you want a balance of three local people and three state people, why throw it in imbalance the other way by adding a seventh member who will represent the state, not the local agency. That's going to throw it just as much in imbalance in the other direction as the present three-two composition. Mr. DeRicco said as he saw it, the seventh member is to prevent a dead-lock and that seventh member would be selected by the other six. He said that every member would get their fair share of consideration for that seventh member. Senator Sheerin asked if that AD-HOC report was adopted by the governing board. Mr. DeRicco said it was not. Senator Sheerin asked Mr. DeRicco how many meetings he had attended in the last twelve months versus the meetings his designee has attended. Mr. DeRicco said he would have

to look at the minutes. He said whether he attended or not, he still kept informed of what was happening. Senator Sheerin asked if it was a fair statement that the rules and regulations of the CTRPA go beyond and are more restrictive than the bi-state agency. Mr. DeRicco said he thought that generally the CTRPA was structured for making conditions very restrictive in California. He said they were not stricter all the way down the line.


Senator Blakemore asked what Mr. DeRicco would think of a totally elective board. Mr. DeRicco said when you speak of a totally elective board, you speak of where the members are going to be elected from. He said he wouldn't know where to draw the line because the lake is a unique resource and is important to the world. Again, where would you draw the line. Senator Blakemore rephrased the question and asked if the members of the board were elected to the office, would they work any better. Mr. DeRicco said he didn't know if they would work any better and again asked where you would elect from.

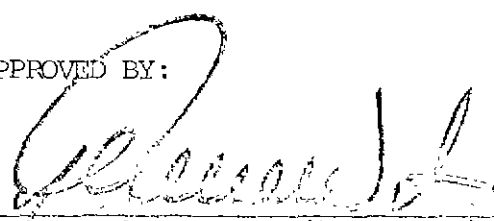
Senator Sheerin reported to the committee that he contacted Claire Barryhill, who is a state senator in California representing Eldorado and Placer County. Mr. Barryhill indicated that he was not in favor of any change in TRPA. Senator Dodge asked Senator Sheerin if Mr. Barryhill indicated that would be the position of the California Legislature. Senator Sheerin said no, this was Mr. Barryhill's personal opinion. Senator Dodge asked Senator Sheerin if he had asked Mr. Barryhill what the opinion of the California legislature was going to be. Senator Sheerin said no. Senator Wilson said if that was the question Edmond Zeeburg, chairman of the Environment Committee of that body, indicated to him that that body was in favor of change along the lines this committee has been discussing. Senator Wilson also said that this committee shouldn't be influenced by what one man's opinion is.

Senator Neal asked when the committee was going to vote. Senator Wilson said that when all the minutes were completed and everyone on the committee had a chance to study them, they would vote.

There being no further business, the meeting adjourned at 5:50.

Respectfully submitted:


Kristine Zohner, Secretary

APPROVED BY:

Senator Thomas R.C. Wilson, Chairman

SENATE COMMITTEE

ON

ENVIRONMENT AND PUBLIC RESOURCES

MINUTES OF MEETING

MARCH 26, 1975

The meeting of the Senate Committee on Environment and Public Resources was called to order on March 26, 1975 at 5:35 p.m.

Senator Thomas Wilson was in the Chair.

PRESENT: Chairman Thomas Wilson
Senator Richard Bryan
Senator Carl Dodge
Senator Mary Gojack
Senator Joe Neal
Senator Richard Blakemore
Senator Gary Sheerin

OTHERS PRESENT: Assemblyman Lawrence Jacobsen
John Gianotti, Harrah's Club
Milton Manoukian

DISCUSSION AND ACTION WAS THEN TAKEN ON THE FOLLOWING MEASURES:

SB 254: Makes various substantive and technical changes in the Tahoe Regional Planning Compact.

CHAIRMAN WILSON requested that there be a Committee discussion on SB 254 and voting upon any amendments which any Committee member might deem necessary.

SENATOR BRYAN moved that an amendment be made to the TRPA Compact Agreement which would expand the membership from five to seven, and that these two additional members be public elected officials. He added that the most logical persons would be the Lt. Governor and the Secretary of State.

Senator Dodge seconded the motion.

Committee discussion was thus:

SENATOR SHEERIN felt that this might allow them to go back and make all new laws pertaining to the TRPA. They would be subjecting all the work that they have done to be redone. By adding two more members we would be adding more confusion and all issues would just erupt. This would not give it a better balance, rather the balance would go the other way. He referred to the original agreement that created the makeup of this committee; that the TRPA was not to supplant local government. The local government was to maintain

Senate Committee on Environment and Public Resources
Minutes of Meeting
March 26, 1975

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its control and by adding more board memberships you will be divesting the local government of that control. If you add this amendment, then the local governments should not be responsible for paying the \$150,000 a year which they are contributing.

SENATOR BLAKEMORE stated that he liked the idea of the elected officials being on the Board, but he also liked the idea of one of the members being selected by the rest of the Board. If you do it in this manner that would be eliminated, so he leaned toward the elected officials being on the Board with the selection of the seventh member being made by the remainder of the Board. He felt that the major point is that we had problems with absenteeism brought out by direct testimony and wouldn't the addition of two more members even increase this problem.

SENATOR DODGE stated that he felt this would be an excellent slot for the Lt. Governor, plus he felt that the Secretary of State could and would make an excellent member of the Board. He felt that the Secretary of State had sufficient staff within his office that he could devote time to the Board without any difficulty. He also felt there was some rationale in the selection of the seventh member on the basis that the three public members, so to speak, and the three basin members would agree on the seventh member, presumably he would be an objective member and Senator Dodge had no objection to this. He did feel that the two state elected officials on the Board could be very good.

SENATOR SHEERIN then asked the Committee: "Where was the need shown for the expansion of the Board?"

SENATOR BRYAN stated that we have been talking about the regional character of the basin rather than just the concerting interest of three Nevada Counties. "I think that the testimony has shown that they have done a good job. I have a concern on whether they can continue to do the job under the economic pressures which we have today." He felt to give the Board the broadest representative base, it was necessary to expand the Board.

SENATOR WILSON stated that all testimony indicated they were unhappy with the job which was being done on the California side. "There are only a couple of ways you can reach; one is voting balance. If this is the problem, then the question of balance on the California side is a legitimate one. It has to be reached through the compact. I am extremely unhappy with the job California has done. They have shown a total lack of sensitivity to the consequence of their own action or inaction on the California side of the line. I'm not impressed with that type of selective conscience as far as the basin is concerned. I think if we are honestly going to address this problem then we have to address it from both sides of the basin. I think it is in our own interest that we give California the opportunity to balance this delegation, and stop creating problems which are having serious consequences." 172

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on the Nevada side of the line.

SENATOR BLAKEMORE then asked if we placed the Lt. Governor and the Secretary of State on the Board, would California be required to do the same thing.

SENATOR WILSON said no. They have already indicated to us that the language in this bill which relates to the organization on their side will be left the same. That is what they want. They will expand their vote as it is drawn in the bill.

SENATOR BLAKEMORE then asked if they would pick elected officials?

SENATOR DODGE stated that on page three, they will pick one member who is a resident of the ten most southern counties of California, the other representing all the other counties in the state. But this is California's problem, not ours.

SENATOR BLAKEMORE then asked if these additional members; the Lt. Governor and the Secretary of State make our side of the Board impressive enough to get the balance we want?

SENATOR DODGE: "Well, it won't do anything as far as balancing whatever California may do. The only balance we are talking about is a balance within our own delegation.

SENATOR GOJACK stated that the basic reason we have all of this here before us is to try to make the compact work better.

SENATOR SHEERIN said that he would like to amend the motion in view of the fact that if we are going to amend the bill to include two public elected officials then it should apply to California as well as to Nevada. His motion was that SB 254 also be amended to include that California have two non-designated state elected officials added to their delegation also.

SENATOR WILSON again stated that he didn't think we can tell California what they must do. This is a matter of self determination. But, there not being any other discussion, was there a second to the amendment.

Senator Blakemore seconded Senator Sheerin's motion. Senators Sheerin, Blakemore and Neal voted aye.
Senator Gojack, Dodge, Bryan and Wilson voted nay.
Motion did not carry.

SENATOR WILSON then called for the vote on Senator Bryan's motion.

Senator's Gojack, Wilson, Dodge and Bryan all voted aye.
Senator's Sheerin, Blakemore and Neal all voted nay.

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SENATOR DODGE: Made a motion that the amendatory language that has to do with California qualifications for membership be adopted.

Senator Gojack seconded the motion
Senators Gojack, Dodge, Wilson and Neal
voted nay.
Motion carried.

SENATOR WILSON then stated that we had heard some testimony relative to the top of page 3. Language that specifies the representatives from the Board of Supervisors or the County Commissioners. This language limited a member of the Board to being a resident within the region. Leave California alone and change ours as per the Senator Bryan's motion so that it will concur.

SENATOR BLAKEMORE then asked Chairman Wilson if there had been conversations with California concerning SB 254?

SENATOR WILSON stated that California has indicated their acceptability of this bill with the amendatory language. Yes.

SENATOR BLAKEMORE asked further if California concurred with that portion of the language of which you are speaking?

SENATOR WILSON "As to how our commissioners are going to be selected? It hasn't been discussed with them; it is none of their concern."

SENATOR BLAKEMORE: "Until a few minutes ago, it is the first that I have heard within this Committee that California had discussions with Nevada regarding SB 254." He wanted this on the record.

SENATOR DODGE then moved that on the top of page 3, we amend by saying that each member shall be a member of the Board of County Commissioners or the Supervisors shall be a resident of the County or Supervisor district respectively....The thing they were objecting to was that they had to be a member of a district. Now in the case of Washoe County, they might want to appoint a Commissioner that lives in Reno and not in the basin.

SENATOR WILSON then stated that the amendment would be on page 3, lines 4,5, and 6 and omitting lines 7 and 8. The same language would be retained except he would be the resident of a County or Carson City, and shall be a member of the Board of County Commissioners or the Board of Supervisors.

Senator Bryan seconded the motion
All voted aye except Senators Blakemore
and Neal who wished to show "not voting."
Motion carried.

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SENATOR SHEERIN then moved that we change the language in Article III to read Carson City instead of Ormsby County.

Senator Bryan seconded the motion
 All voted aye except Senators Blakemore
 and Neal who registered "not voting."

On Page 6, Article IV, Lines 14-16; Senator Sheerin moved to adopt these changes. (in italics)

Senator Gojack seconded the motion
 All voted aye except Senators Blakemore
 and Neal who registered "not voting."

On page 7, Article V, line 45 ; and lines 37 and 41 on page 8 Senator Bryan moved to adopt changes (in italics)

Senator Gojack seconded motion
 All voted aye except Senators Blakemore
 and Neal who registered "not voting."

Same changes in Article VI, lines 21 and 22 on Page 10.
 Senator Bryan moved to adopt changes (in italics)

Senator Gojack seconded motion
 All voted aye except Senators Blakemore
 and Neal who registered "not voting."

SENATOR BRYAN, referring to the executive budget, can the state legally make a contribution to the agency? I question whether there is a law because you then get involved in the question of whether or not TRPA is a state agency in the liability aspects in litigation.

SENATOR DODGE asked Chairman Wilson if it wouldn't be a good idea to check on this with the Governor, as monies were appropriated in the Governor's Budget for TRPA.

SENATOR BRYAN said that he wasn't concerned about the money in the budget, but rather does that change the legal relationships? He thought that this had been one of the major arguments--- whether TRPA was a State Agency.

SENATOR DODGE agreed with his concern, but wondered if it was not a good idea to check with the Governor to find out if he had any confidence in putting it in the budget.

SENATOR WILSON said that he would do so.

SENATOR SHEERIN stated that he didn't believe we should give them any more money unless they were given more duties. If we can give them more work to help the people with their problems at the Lake then I would consider giving them more money. But, not until then.

Page six

SENATOR BRYAN then moved that we amend SB 254 with SB 326 and SB 327 treated as proposed amendments and refer to Committee.

Senator Gojack seconded the motion
All voted aye except Senators Blakemore
and Neal who registered "not voting."

The consensus of the Committee was that more testimony from Counsel was needed on SB 326 and SB 327 before any vote could be taken on them.

SJR 13: Memorializes Congress to consent to amendments of Tahoe Regional Planning Compact.

SENATOR DODGE remarked that it seemed to him that what we ought to do is a matter of timing. We should wait and see if the Nevada Legislature enacts the Resolution on the Compact.

He also suggested that if in fact we change the membership to the TRPA, they should reexamine the Nevada TRPA. If we get this type of Nevada representation, it's possible that we would not need the Nevada TRPA. Also, if California adopts our changes, then Nevada TRPA can be done away with. If they do not adopt, then it should be retained.

SENATOR WILSON stated that we should wait and see where we are going on this and then review the Nevada TRPA.

SENATOR WILSON remarked that we do need some more testimony on the legal implication of SB 326 and SB 327, and since we should try to get this out of the way as soon as possible, he would call another night meeting as soon as it was possible.

There was some discussion as to when the next evening meeting could be held. Senator Wilson said that he would check with Senator Close as to his plans and then notify the Committee.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Molly M. Torvik, Secretary

APPROVED:


Senator Thomas R. C. Wilson, Chairman

Amend sec. 31, page 8, by deleting lines 31 through 35 and inserting:
 "2. A violation of any of the provisions of NRS 200.363 or subsection 2 of NRS 200.365, or NRS 201.180, 201.190 or 201.210 to 201.230, inclusive.

3. An attempt to commit any offense listed in subsections 1 and 2."

Amend sec. 31, page 8, line 36, by deleting "[4.] 3." and inserting: "4."

Amend sec. 31, page 8, by deleting 38 and inserting: "in subsections 1, 2 and 3."

Amend sec. 32, page 8, line 47, by deleting "battery," and inserting: "battery in the first degree,".

Amend sec. 32, page 8, line 48, by deleting "[sodomy,]" and inserting: "sodomy,".

Amend sec. 33, page 9, by deleting line 4 and inserting: "stitute the term "sexual battery in the first degree" for "rape" or "forcible rape" and "sexual battery in the second degree" for "statutory rape." "

Amend sec. 34, page 9, by deleting lines 5 and 6 and inserting:

"Sec. 20. Section 5 of this act shall become effective at 12:01 a.m. on July 1, 1975."

Amend the title of the bill by deleting the title and inserting: "An Act relating to sexual crimes against the person; redesignating the crimes of rape and statutory rape as sexual battery in the first and second degrees; revising penalties; requiring reporting of certain sexual crimes against children; and providing other matters properly relating thereto."

Senator Close moved the adoption of the amendment.

Remarks by Senator Close.

Amendment adopted.

Bill ordered reprinted and engrossed.

Senate Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Environment and Public Resources:

Amendment No. 7530.

Amend section 1, page 2, line 40, by deleting the open bracket before "which".

Amend section 1, page 2, line 41, by deleting "represents] *represented*" and inserting: "represents".

Amend section 1, page 2, by deleting line 45 and inserting: "of Douglas [, Ormsby] and Washoe Counties [.] and one member appointed by the board of supervisors of Carson City. Any member so".

Amend section 1, page 3, by deleting lines 4 through 8 and inserting: "ther prescribed by county ordinance. A person so appointed".

Amend section 1, page 3, by deleting line 20 and inserting: "nia and one member appointed by the Governor of".

Amend section 1, page 3, line 26, by deleting "[member] *members*" and inserting: "member".

Amend section 1, page 3, line 27, by deleting "[a resident] *residents*" and inserting: "a resident".

Amend section 1, page 3, by deleting lines 31 through 33 and inserting: "ment of Conservation and Natural Resources or his designee."

Amend section 1, page 3, between lines 33 and 34, by inserting:

"The Lieutenant Governor of the State of Nevada and the Secretary of State of the State of Nevada."

Amend section 1, page 3, by deleting lines 35 and 36 and inserting: "above members from California. In".

Amend section 1, page 3, by deleting line 38 and inserting: "appointment of two members from California by the".

Amend section 1, page 3, line 42, by deleting "[which]" and inserting: "which".

Amend section 1, page 3, line 43, by deleting "sents] represented" and inserting: "sents".

Amend section 1, page 4, line 14, by deleting "[his]" and inserting: "his".

Amend section 1, page 4, line 15, by deleting "[his]" and inserting: "his".

Amend section 1, page 4, line 17, by deleting "[chair-" and inserting: "chair-".

Amend section 1, page 4, by deleting line 18 and inserting: "man and vice chairman, whose terms of".

Amend section 1, page 4, line 20, by deleting "[may] shall" and inserting: "may".

Amend section 1, page 4, by deleting lines 25 through 28 and inserting: "shall be required to take action with respect to any matter."

Amend section 1, page 4, lines 32 and 33, by deleting "agency. [, which]" and inserting: "agency, which".

Amend section 1, page 4, line 33, by deleting the closed bracket after "state."

Amend section 1, page 4, by deleting line 34 and inserting: "The commission shall include but shall not be limited to: the chief".

Amend section 1, page 4, line 38, by deleting "Nevada [, the]" and inserting: "Nevada, the".

Amend section 1, page 4, by deleting lines 41 through 44 and inserting: "or his designee, the Chief of the Bureau".

Amend section 1, page 4, line 45, by deleting "[health [of]" and inserting: "Health of".

Amend section 1, page 4, by deleting line 46 and inserting: "[Health, Welfare and Rehabilitation] Human Resources of the State of Nevada, or his".

Amend section 1, page 4, line 47, by deleting "Chief's designee [, the]" and inserting: "designee, the".

Amend section 1, page 5, by deleting lines 1 through 5 and inserting: "Regional Planning Agency who shall act as chairman, and at least four lay members each of whom shall be a".

Amend section 1, page 5, by deleting lines 7 through 21.

Amend section 1, page 5, lines 22 and 23, by deleting "region [. The] , and for this purpose the" and inserting: "region. The".

Amend section 1, page 7, line 45, by deleting open and closed brackets around "general".

Amend section 1, page 8, line 37, by deleting "[general] regional" and inserting: "general".

Amend section 1, page 8, line 41, by deleting "[general] regional" and inserting: "general".

Amend section 1, page 9, line 25, by deleting open bracket before "Except".

Amend section 1, page 9, line 29, by deleting closed bracket after "(d)".

Amend section 1, page 9, line 37, by deleting "[A]" and inserting: "A".

Amend section 1, page 9, line 40, by deleting closed bracket after the period.

Amend section 1, page 9, by deleting lines 41 through 43.

Amend section 1, page 9, line 45, by deleting "[general] regional" and inserting: "general".

Amend section 1, page 9, line 46, by deleting "[general] regional" and inserting: "general".

Amend section 1, pages 9 and 10, by deleting line 50 on page 9 and lines 1 through 4 on page 10 and inserting:

"(f) Violation of any ordinance of the agency is a misdemeanor."

Amend section 1, page 10, line 26, by deleting "action [,] by vote," and inserting: "action,".

Amend section 1, page 10, line 28, by deleting "agency [. If" and inserting: "agency. If".

Amend section 1, page 10, by deleting lines 29 through 41 and inserting: "the proposal shall be deemed approved."

Amend section 1, page 11, by deleting lines 7 through 11 and inserting: "able therefor."

Amend section 1, page 11, by deleting lines 18 and 19 and inserting: "grants, and other financial aids and funds."

Amend the title of the bill by deleting the title and inserting: "An Act relating to the Tahoe Regional Planning Agency; providing changes in the composition of the agency's governing body; clarifying certain provisions; providing technical corrections; and providing other matters properly relating thereto."

Senator Wilson moved the adoption of the amendment.

Remarks by Senator Wilson.

Amendment adopted.

Bill ordered reprinted and engrossed.

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Wilson moved that Senate Bill No. 254 be re-referred to the Committee on Environment and Public Resources.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 423.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 384.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 70.

Bill read second time.

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S.B. 342: Allows veterinarians to use assistants.

After a brief discussion, the following action was taken.

Senator Blakemore moved that S.B. 342 be re-referred to Commerce and Labor Committee.
Senator Gojack seconded the motion.
The vote was unanimous with Senator Neal absent.

Senate Bill 7 was scheduled to be heard on April 14, 1975.

Senate Bill 112 and Assembly Bills 214, 288, 47, 138, 139, 213, 137, 140, 202, and 335 were scheduled for April 7, 1975, at 1:00 p.m. in Room 213.

S.B. 254: Makes various substantive and technical changes in the Tahoe Regional Planning Compact.

The record will show that Gary Owens, Legal Counsel for Tahoe Regional Planning Agency, was present at the request of Senator Wilson.

The committee discussed briefly the first reprint of S.B. 254. Mr. Owens said he had looked them over earlier, and saw no problems with the amendments.

Senator Wilson explained what the amendments did. Senator Bryan said that the Judiciary Committee had discussed the liability of public employees that same day. He asked the committee to take a look at Page 5, Article 4, Lines 29-34. Senator Dodge asked Mr.

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Owens if they could or should be shielding someone from liability. Mr. Owens said he thought this language actually only refers to malicious acts or omissions which he thought was more than intentional act. Senator Dodge asked where it said that and read from the act. Mr. Owens said he didn't know why this was included but thought it was because of all the concern of all the inverse condemnation cases because some of these cases do name individuals as defendants. Senator Bryan said they should not establish different standards for employees of the agency than they do for state employees. Mr. Owens said the NRS was not very definitive on this. Senator Dodge said there was no way they could cover an employee with the state's immunity. Senator Bryan said what they had done was give a very limited waiver of sovereign immunity provided the maximum liability for the state or the subdivision, which is \$25,000. This has been sustained by the Supreme Court of the State of Nevada. There is no comparable immunity for employees of the State and no way that they know that they can do. A bill has been processed out of the Senate Judiciary Committee which requires that individuals suing state employees must join the State of Nevada pursuant to the provisions of Chapter 41, which is the special procedures section. It further provides that the State, at its own expense, shall defend the employee. In Subsection 3, it provides that if the action which is the subject of the suit was the product of gross negligence or malicious or intentional act on the part of the employee, the State of Nevada has the right of contributory recoupment if the judgement is against the State. Mr. Owens said a solution would be to provide applicability of the law to the state where the person resides. Senator Dodge said this gets into the question of whether you are involving the State in potential liability in which you don't want to run the risk of doing, particularly in the official document.

Senator Bryan said that one reason some of the committee discussed concern about the direct appropriation by the state to the agency was the question of whether that weakens the argument that TRPA is not a state agency. Senator Dodge said this was compelling and thought it should be taken out. Mr. Ray Knisley spoke from the audience and said they were overlooking the appointed people. He said state employees were covered under NRS. He said you have a class of people in state government that have absolutely no protection of any nature, as the legislators have none. Mr. Knisley said that Elmo DeRicco, because he is appointed by statute to TRPA, may not be defended by the Attorney General. Mr. Knisley said he he, himself, had to look to his own resources for his defense. Senator Dodge said that this is exactly what they are trying to cover in the bill that Senator Bryan explained. Senator Dodge said they could not waive immunity. Senator Bryan said that what Mr. Knisley was saying that in the case of Elmo DeRicco, his exposure would be as a member of TRPA and not as a state employee, which he is. There is no provision for the Attorney General to defend him because he is not defending him in the capacity as a state employee.

Oyer

Senator Dodge asked Senator Wilson if his bill addressed boards and commissions. Senator Wilson said yes, but he was wondering if that applied to the above situation. Senator Dodge asked if there was any way they could amend to say that people who are appointed by virtue of statutory requirement. Senator Bryan asked Mr. Knisley if it would help at all if they said in the compact that the agency counsel must defend. Mr. Knisley said he felt it would best be handled by general legislation if you are going to be specific enough to catch all of the appointees. Senator Dodge said that Senator Wilson, that morning, had obtained Judiciary Committee approval of a bill which purported to cover the situation which the Supreme Court recently ruled on in the case of a school board member. Senator Dodge said they should see what they could do with that piece of legislation to clean up TRPA, as such.

Mr. Knisley said that the warden who was sued in a rape case had to defend himself.

Senator Dodge moved that lines 29-31 be removed from S.B. 254.

Senator Bryan seconded the motion.

Motion was unanimous with Senator Neal absent.

Mr. Ray Knisley, former Governor's Representative at Large to the bi-state agency, came forward to testify at this time. He stated that at the present he was an ordinary citizen with an interest in the Lake, but no longer with responsibility in the matter. Mr. Knisley asked the committee to look at Page 3, line 26, of the bill. The word "his" had crept in to designate both sexes. It should read "the directors designee." Senator Gojack said she would move that the word "his" be changed to read "the director's designee." However, there was no vote on the motion.

Mr. Knisley said it was his opinion that the changes being contemplated will probably, in the long run, be harmful rather than helpful. He would suggest that the committee consider amending the provision, Section K, page 9, so that it is no longer possible to make it more advantageous to be denied than to get joint approval on a proposition before the agency. Senator Wilson indicated that there was a division on the committee and that Mr. Knisley should go ahead and make a statement for the record. Mr. Knisley said at the present time, under Judge Thompson's interpretation, for which he has no quarrel, it is more advantageous for an applicant to come before the agency and to be

approved by one state and denied by the other, than it is to come before the agency and be approved by both states. The reason for this is none of the conditions sought to be imposed by staff, the technical conditions governing whatever the project may be. If it is a subdivision, the requirements for culverts and grades do not apply. He said you have a situation now, that if it were in legislature, if the Assembly approved a bill across to the Senate and the Senate objected, it would become law anyway, in 60 days. Senator Blakemore asked if this was in regard to a variance as well as a project. Mr. Knisley said this was in regard to any project. Mr. Knisley said that he and Art Wood, developer of Incline, came before the committee last session. Mr. Wood asked that the usual provision governing planning commissions be inserted. He had language which Mr. Swobe approved, as an attorney, that went in the bill verbatim. Mr. Knisley said he didn't believe anyone believed it would create the conditions it has. Mr. Knisley said that he thought if this were amended so that it required positive action and you leave the membership alone, and amend so that no state could pass legislation that superceded that of the compact, you would have a highly superior document. Mr. Knisley said he was thinking of the conditions on both sides of the line when he says this. He said it was true that the state has had difficulties between the state and the counties. He said this was personal and said they had an excellent working organization there for a while. Mr. Knisley said that appointing the seven members and leaving this in here, you are creating a worse condition than if you leave the bill entirely alone.

Senator Wilson said the committee was divided in its opinion on this very thing but it was the general consensus that they should increase the balance or do nothing. Mr. Knisley said he realized it was an imposition to come in at this late hour and suggest amendments. Senator Wilson said he thought Mr. Knisley's comments should be in the record.

Mr. Knisley said he would like to point out that the first line amendment that would prohibit the states from passing superior legislation could very well save the compact. It was his opinion that if California continues with its CTRPA in its present aggressive form, that the next session the legislature would appeal the act. Mr. Knisley felt this was inevitable because California through its CTRPA will have complete jurisdiction on the California side of the line. Senator Wilson asked if he felt it would be more strict than the NTRPA. Mr. Knisley said yes. He said the Nevada group will have no voice because of the superior conditions over there. Yet, the California group will have equal voice in Nevada. Senator Wilson and Mr. Knisley discusses this briefly. Senator Sheerin said this was not our problem, if California is undermining TRPA. Mr. Knisley said he resented, as a citizen of the State of Nevada, a condition being created whereby the compact as formed and California by a subsequent act nullifies the participation of Nevada in that section of California, yet retains it right to act in Nevada. Mr. Knisley said that maybe that wasn't Senator Sheerin's business, but as a citizen he resented that type of situation being created. Senator Blakemore said if this was true, we would all be better off to get out now. Mr. Knisley said no, because he thought there would be enough pressure put on California if they could come up with a workable document. Senator Blakemore said that anything they do, California is going to have to approve. Mr. Knisley said that with three simple words that he suggested on the amendment, you would take care of CTRPA. Senator Gojack asked what the words were. Mr. Knisley said "if it pre-empts for this agency legislation in the field of planning in the Tahoe Basin." Senator Bryan asked what page and line. Mr. Knisley said that he had not had time to study this. Senator Wilson asked if he was talking about amendatory language which would prohibit a state agency at the Lake from enacting standards more restrictive. Mr. Knisley said yes, in the section that says either state may pass superior language, if that was stricken. Senator Wilson asked if he recommended striking then. Mr. Knisley said yes. Mr. Owens said that was Article 6, page 7.

over

Senator Bryan said he assumed that when Mr. Knisley said the amendments would be harmful he meant that more harmful the way the compact is presently constituted. Mr. Knisley said yes, he was looking at the make up of the California structure not criticizing what was done on the Nevada side. He said it was a different structure in California. Senator Wilson said it expanded to seven. Mr. Knisley said the result of the expansion was not going to be the same as the result of the expansion on the Nevada side. Senator Dodge it seems to him that without knowing the people involved and who the appointees of the Governor may be, the balance of control is outside the basin, in both cases. Mr. Knisley said it was not in the CTRPA. Senator Bryan said they were not referring to the CTRPA, but the bi-state agency. Senator Dodge said that one California member should be a resident of the ten southernmost counties and one should be a resident of one of the main counties. Senator Dodge said if the Governor were to appoint an at-large member from within the basin that would be correct. Mr. Knisley said the seventh member is within the basin at the present time. Senator Dodge not in the make up of the bi-state agency. Mr. Knisley said he could be from anywhere in California. Mr. Knisley said that from four years of working with it, the structure will not improve the agency. Senator Bryan said the italicized language said that the representative at large shall not reside within the region. Senator Wilson read the new language and the committee discussed it briefly. Senator Wilson said that language was intended to provide more balance and said the CTRPA has a need for that improved balance, which is shown by the overdevelopment on the California side of the line. Senator Wilson said they made the judgement that

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both sides required an improved balance on the respective delegations. Mr. Knisley said the development on the California side of the line is due to unlicensed planning and building prior to the agency and not subsequent to the agency.

Mr. Knisley said that if they were going to consider S.B. 327, it has a weakness, which he wanted to point out. Page 9, sections L and M, particularly section L. He said he supposed the intent here was to impose the liability on the agency for each and every act of financial liability. He thought if the committee would read carefully, with L particularly, and without the amendment he suggested to the 60 day provision, it would be possible for California to come and petition the agency to condemn all of the gaming in Nevada and Nevada could vote solidly against this but with the default provision of the 60 day, it would prevail in 60 days. Going further, the liability would go equally against the two states. He said he was sure the introducers of the bill did not intend to create this situation, but it is there and he did want to bring it out.

Senator Dodge asked Mr. Knisley if he had any comments on S.B. 326, which was also introduced by Senators Sheerin and Blakemore. Mr. Knisley said this was a federal field and not state. He said he didn't think Congress would give the agency any authority whatsoever in dealing with land exchange, other than to say it should work in good faith with the land owner. The problem on exchange is that the states have gotten their backs up on exchange. A proper exchange in Nevada is that property must be exchanged for other property in Nevada. Senator Dodge asked if Mr. Knisley thought they had adequate authority now to encourage and facilitate this. Mr. Knisley said yes. Senator Sheerin asked Mr. Knisley to point out the language which gives TRPA the power to act. He said there was no language in the present bill. Mr. Knisley said he could see there is no language to give the compact power to act. Senator Sheerin said his question was where was the language that gives them the power for land exchange. Mr. Knisley said he thought the general language in the compact was broad enough that it is the obligation of the agency to do land exchange. He said it was inherent. He said he saw no harm in that kind of language. Senator Dodge said he would agree with that.

S.B. 326: Authorizes governing body of Tahoe Regional Planning Compact to maintain reserves of real property and to negotiate with owner of real property affected by governing body's regulations.

Over

Mr. Gary Owens, legal counsel for Tahoe Regional Planning Agency, testified regarding S.B. 326 and S.B. 327. Mr. Owens prefaced his remarks by saying that as the agency's attorney and here as opposed to S.B. 254, when he couldn't really express his feelings, he felt, because he has a duty to defend the agency. He felt that S.B. 326 and S.B. 327 threaten the agency very significantly in its legal position. He has no objection and encourages land exchanges and purchases. He said he felt that the agency is not the entity to be involved in land exchanges and purchases. The agency is a planning and a regulatory body only and if it were to pass, this would put upon the agency things that were not intended and would cause the agency substantial liability. The reasons he gave are as follows: 1) felt the word "substantially" is vague and unworkable, line 13, page 9. 2) felt that the language proposed in S.B. 326 would destroy the legal arguments which they have recently accomplished. 3) S.B. 326 would cause the agency, he felt, to be condemning rather than a regulatory body requiring the agency to negotiate for exchanges. He felt that to require the agency to negotiate is to require it to admit, in essence, that it has condemned somebody's property. Senator Sheerin said he realized the problem and asked if lines 13-14 were stricter. Senator Wilson said the amendatory language would require the governing body to maintain a current list of real property. Mr. Owens said he had problems with causing them to participate in negotiations at all. He said there are cases that have been used against them that say that if you enact zoning for purpose of ultimately acquiring or causing to be acquired property at windfall value, then you are guilty of an act of inverse condemnation. He felt that in light of the fact they are strict, if they were compelled to maintain a list, they would be or it could be said that they enacted the thing originally for the purpose of depressing the property value and then allowing the agency or someone to take it. He felt that weakened their position substantially. Senator Blakemore said he didn't understand the rationale of the agency if that was the case. Mr. Owens said did he mean as to the purpose of the agency. Senator Blakemore said yes. Mr. Owens said it was a technical legal point that a regulatory agency only regulates. Senator Blakemore said he was not alluding that here. According to Judge Thompson's and what you said yourself, that you are decreasing values. Mr. Owens said no, what he was saying, was that according to the law you may decrease values and still regulate at the same time. Senator Blakemore asked if they were getting into a constitutional area. Mr. Owens said yes, extremely. Senator Blakemore said it seemed to him that the agency might be looking to do anything they could to alleviate this problem or show good faith. .

Senator Dodge asked if it would help if they were to address a resolution asking the agency to do whatever they could to encourage land exchanges. Mr. Owens said a way to consider that is to memorialize the people like the Bureau of Land Management, U.S. Forest Service, and divisions in the state of Nevada. Senator Wilson addressed himself to this briefly, and said he would support such a resolution.

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Senator Wilson indicated that Senator Dodge had to leave at 4:45 p.m. and suggested they return to S.B. 254.

Senator Bryan moved an amend and do pass on S.B. 254, with the amendment consisting of the deletion of lines 29-31 on page 5; page 3, line 26, deleting the word "his" and inserting the words "the directors", and ask the bill drafter to conform this throughout the bill.

Senator Bryan said so amend on the above.
Senator Gojack seconded the motion.
Senators Wilson, Dodge, Bryan, and Gojack voted aye. Senators Sheerin and Blakemore did not vote and Senator Neal was absent.

S.B. 44: Abolishes Nevada Tahoe regional planning agency.

Senator Sheerin said one of the things that brought about this whole situation is the gaming on the Nevada side. He said he was personally not interested in more hotels and motels being built at Lake Tahoe. He thought that Nevada should control its gaming. He said that was one reason he was opposed to some of the changes in S.B. 254. He said in order to keep Nevada in control of its gaming, NTRPA has to be kept, for the sole purpose of controlling gaming. Senator Dodge said to keep NTRPA alive and suggested they amend the NTRPA to conform the membership to what they were doing in the TRPA.

Senator Wilson said he didn't know if NTRPA was needed if the balance on the agency is increased. There was discussion about making this a triggering mechanism. Senator Bryan said he agreed with Senator Sheerin that Nevada should assume the responsibility as to what type of gaming expansion occurs at Lake Tahoe. He said he would favor retention of NTRPA. Senator Bryan asked Senator Sheerin how he would feel to amending the members of the NTRPA to conform with the expanded membership of the agency. Senator Sheerin said the NTRPA does not have the law making powers the TRPA has. He said he would have no objection to having the two memberships coincide.

Senator Bryan said that Senator Sheerin, as sponsor of that bill, would he want to do any amending that would cause embarrassment to him. Senator Sheerin said he would have no objection.

Senator Bryan said he would move to amend and do pass to expand the membership of the NTRPA at such time as S.B. 254 is approved by the California Legislature and subsequently by Congress to expand its membership to include the Secretary of State and the Lt. Governor.
Senator Dodge seconded the motion.

Senator Wilson said his only question was what if S.B. 254 was not ratified by Congress. There was a short discussion of this after which Senator Bryan withdrew his previous motion.

over

Senator Bryan then moved to amend and do pass S.B. 44 to expand membership to reflect the inclusion of the Lt. Governor and the Secretary of State.
Senator Dodge seconded the motion.

Senator Bryan asked Senator Sheerin if that, bearing his name as sponsor, create any problems for him. Senator Bryan said he felt it was very important that this not cause any problem for Senator Sheerin. There was discussion about whether this should be processed as a separate bill under sponsorship of the Environment and Public Resources Committee. After the discussion the following action was taken.

Senator Bryan moved to have a new bill which would amend the NTRPA.

Senator Dodge seconded the motion.

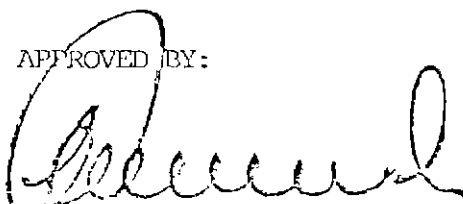
Senators Wilson, Gojack, Bryan, and Dodge voted aye. Senators Sheerin and Blakemore did not vote and Senator Neal was absent.

There being no further business, the meeting adjourned at 4:50 p.m.

Respectfully submitted:

Kristine Zohner
Kristine Zohner, Committee Secretary

APPROVED BY:



Senator Thomas R.C. Wilson, Chairman

NAME

ORGANIZATION

Donna C. Hardy
Eileen C. Thompson - C. server.

John Wynn
Robert Debra
Michael Seal

William Kelly President

Donna Director

Donna Director

George Collins The League to Save Lake Tahoe

Debra Perkins For the Home in Sonoma
→ TRPA

Larry Sabin
Kinney Hall Murray's Resort Hotel

Harold Martin Davis in Redwood

Frank Dwyer Debra County Commission

Jay Powell 3 Unaffiliated

Sharon Baker 3

Janice 3

3

3

3

3

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3

Senate Bill No. 433.

Bill read third time.

Remarks by Senators Gibson, Close and Raggio.

Roll call on Senate Bill No. 433:

YEAS—19.

NAYS—None.

Absent—Herr.

Senate Bill No. 433 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 26.

Bill read third time.

Remarks by Senators Close and Blakemore.

Roll call on Assembly Bill No. 26:

YEAS—13.

NAYS—Close, Dodge, Gibson, Lamb, Monine, Young—6.

Absent—Herr.

Assembly Bill No. 26 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348.

Bill read third time.

Roll call on Assembly Bill No. 348:

YEAS—19.

NAYS—None.

Absent—Herr.

Assembly Bill No. 348 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 254.

Bill read third time.

The following amendment was proposed by the Committee on Environment and Public Resources:

Amendment No. 7644.

Amend section 1, page 2, line 40, by inserting an open bracket before "which".

Amend section 1, page 2, line 41, by deleting "represents" and inserting: "represents] *represented*".

Amend section 1, page 2, by deleting lines 44 and 45 and inserting: "of Douglas [, Ormsby] and Washoe counties [Any member so".

Amend section 1, page 3, by deleting lines 4 and 5 and inserting: "ther prescribed by county ordinance.] and one member appointed by the board of supervisors of Carson City. Each member shall be a member of the board of county commissioners or board of supervisors represented. [A person] Persons so appointed shall, before taking [his seat] their seats on the governing body, disclose all [his] their economic interests in".

Amend section 1, page 3, line 6, by deleting "interest" and inserting: "[interest] *interests*".

Amend section 1, page 3, by deleting line 7 and inserting: "which [he

acquires,] *they acquire*, as soon as feasible after [he acquires] *acquiring* it. If any [board".

Amend section 1, page 3, line 26, by deleting "his" and inserting: "[his] *the Director's*".

Amend section 1, page 3, line 35, by inserting an open bracket before "which".

Amend section 1, page 3, line 36, by deleting "sents" and inserting: "sents] *represented*".

Amend section 1, page 4, line 8, by deleting "his" and inserting: "[his]".

Amend section 1, page 4, line 9, by deleting "his" and inserting: "[his]".

Amend section 1, page 4, line 11, by deleting "chairman" and inserting: "[chairman] *chairperson*".

Amend section 1, page 4, line 12, by deleting "chairman," and inserting: "[chairman,] *chairperson,*".

Amend section 1, page 4, line 28, by deleting "his" and inserting: "[his] *the health officer's*".

Amend section 1, page 4, line 29, by deleting "his" and inserting: "[his] *the health officer's*".

Amend section 1, page 4, line 32, by deleting "his" and inserting: "[his] *the Chief's*".

Amend section 1, page 4, line 33, by deleting "his" and inserting: "[his] *the executive officer's*".

Amend section 1, page 4, line 35, by deleting "chairman," and inserting: "[chairman,] *chairperson,*".

Amend section 1, page 5, by deleting lines 29 through 31.

Senator Wilson moved the adoption of the amendment.

Remarks by Senator Wilson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. President announced that in accordance with the provisions of Section 376 050, Nevada Revised Statutes he has re-appointed Senator Thomas Wilson and Senator Eugene Echols as the Senate members of the Multistate Tax Compact Advisory Committee.

Mr. President announced that the Annual Fund-Raising Dinner for the Center for Religion and Life would be held on Friday, April 11, in Reno.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 299.

The following Assembly amendment was read:

Amendment No. 7541.

Amend section 1, page 1, line 15, by deleting "\$35,900" and inserting "\$48,540".

Senator Lamb moved that the Senate do concur in the Assembly amendment to Senate Bill No. 299.

Senate Bill No. 212 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 254.

Bill read third time.

Remarks by Senators Wilson, Sheerin, Dodge, Neal, Monroe and Blakemore.

Senator Sheerin asked that the following remarks be entered in the Journal:

Mr. President, I rise in opposition to Senate Bill No. 254. I am very happy that there have already been many amendments to this bill. What this means is that my remarks are going to be brief, but unfortunately, I am going to use Senator Hilbrecht's definition of "brief."

The committee is split very definitely on this bill. This "do pass" came out with a 4 to 3 differential. But one thing that everybody agrees upon is the fact that Tahoe is a national treasure and that it has to be preserved for our children's children. We also agree that it is a regional problem because the basin covers three counties in Nevada and two counties in California. The Tahoe Regional Planning Agency came into existence to try to solve these regional problems.

The TRPA is a very unique form of government because it has the ability to make laws just like you and I make laws for the people of the State of Nevada. The TRPA has a similar power to make laws for the people in that basin and because of that, my position has always been that there should be "elected" people on that board and not "appointed" people. That's what the present balance of the board is and if you will look over on the board under the announcements on the right hand side, you will see the present makeup of Nevada and California.

The present makeup in Nevada is a Washoe County Commissioner, a Douglas County Commissioner and a Carson City Supervisor. These are three "elected" people; they are appointed to this board, but they are elected by the constituency which they serve. Also, we have the Director of Conservation and the Governor's appointee so there are three elected and two appointed and I think that that is an important, good balance.

This board was created pursuant to a study made in 1967 and certain findings were made. One of the major recommendations was to the effect that the TRPA should be a governmental entity of general purpose but of limited functions designed to supplement and coordinate, but not to supplant or displace local government of the region. And I think that is the real key here. Local government should remain in control of this particular region.

The local governments presently fund the full \$150,000 that go to this particular agency so I conclude that the present makeup of this board is good; it follows the 1967 findings. The balance weighs in favor of the "elected" officials and with the counties who pay for it.

Why then should we change this board? What problems arise that create a need for any kind of a change and what facts were presented to create the need for a change.

Let's quickly look at the proposed new makeup that's on the bottom of this chart. Nevada proposes to amend, by adding the Lieutenant Governor and the Secretary of State; these are two elected officials, so I am happy at least that our committee went with the elected officials in Nevada. However, on the California side, we are talking about two more "appointed" officials. The Governor is going to appoint another person and those six people are going to appoint a seventh, and if they can't agree, their Governor will make the appointment. I think that's wrong and it is our business as to what California does on that board because they are affecting Nevada people.

Who is against the revision? The record will show that the Douglas County Commissioners were against it, the Washoe County Commissioners were against it, the Carson City Supervisors were against, the Eldorado Commissioners were against this change. All of these people who oppose Senate Bill No. 254 were elected people who are very close to the people that they represent and they oppose

Senate Bill No. 254. Who is for Senate Bill No. 254? The only people that came and asked that Senate Bill No. 254 be passed was one federal forester, four state governmental men and two private citizens, one who is now a member of the Agency and one who was a past member of the Agency. None of the proponents are elected people. So the elected people are against Senate Bill No. 254 and the appointed people want to see this change.

I think that the record was very clear before our committee that there were no facts shown for a need to change. In fact, I think, the facts were to the contrary.

Richard Hika, Director of the Tahoe Regional Planning Agency, didn't testify too much, but one thing he did indicate was that the balance is good, and that is shown by the fact that some projects are accepted and some projects are rejected. This is what the TRPA fight is all about. The environmentalists don't want any development at all, the land owners want the right to develop their land, and the good balance shows on the present board from the fact that some projects are accepted and some are rejected.

One past member said to us that this board, with ten members, is a very confusing board. He said that at one time an applicant came and he was actually turned down, but he was so confused that he didn't know he was turned down. Later in the hallway, he thanked this board member for helping him out. The board member didn't have the heart to tell him that he was really turned down and not approved. Senate Bill No. 254 proposes that we increase the membership of this board from ten to fourteen. Why should we compound confusion? That is exactly what this bill is going to do.

There was only one reason put forth by our committee as to why there should be a change on this board. That one reason was that the representation should be broader because Douglas County cannot take the economic pressure. That was the sole and only reason for change, and I submit to you that the facts do not support that reason.

The facts are that Douglas County is a very progressive, planning-oriented county. It is one of the leading counties in the State of Nevada as far as planning is concerned. I have in my hand a document that shows some nineteen areas in which Douglas County is the leader in planning. Douglas County enacted the first general plan in approximately 1955, with several subsequent revisions, including one in August 1973. Douglas County was the first county in the State to enact such an ordinance and there are 19 other items in my hand that indicate that Douglas County planned ahead. I suggest to you that the real proof of the pudding is the actual development of Douglas County. If you go to Douglas County you will find one gaming complex that's good looking and first class, you will find three or four commercial complexes that are first class and you will find about seven or eight subdivisions that are first class. I know they are because I walked them during my campaign. Douglas County is a well planned community and if you just take a look at it you will find that to be true. They have the ability to carry on good planning practices within the structure of the TRPA.

The real sore spot is the fact that there were two new hotels allowed in Douglas County. That is what the hullabaloo is all about. And I think that the facts will show that those two hotels were properly zoned. The Environmental Department of the State of Nevada has issued its report indicating that those two hotels will not cause any violations of our standards or regulations as to air pollution. So while many people are very unhappy with these two hotels, the fact still remains that Douglas County or the courts could not stop them. They were zoned correctly and they will not destroy the environment. But those facts don't give you any reason to support this particular bill. And I want to go on record, at this point in time, as being opposed to any new gaming establishment at the Lake. I don't think that we need any more. I think that Nevada should control its gaming at the Lake through the Nevada Tahoe Regional Planning Agency. That's the only area where the NTRPA should act. If Senate Bill No. 254 would have gone through this body without any amendments, and if that dual majority had been changed, we could have just torn up the NTRPA and thrown it away. But in view of the fact that we had enough sense to keep the voting the way it is, we should also have enough sense to keep NTRPA for the single purpose of controlling gaming within the Basin.

There is a problem at Lake Tahoe. The problem is that regulations have lowered the land use and land value. When we want something beautiful for the public use, what do we do? We go out and condemn it and pay the owner for what we have taken. The problem at Lake Tahoe is that it is so big that the price tag is too high, and we simply cannot pay for it. So what we are doing is taking by regulation instead of with compensation. Now this may or may not amount to inverse condemnation. The courts are going to tell us that sometime in the future. But whether the courts agree or don't agree that the taking amounts to inverse condemnation, the taking by regulation is certainly unfair. And how do we solve that particular problem? Do we solve it by adding new members to the board? The answer, of course, is "no." That problem is solved by Senate Bill No. 326, which I offered to this body, giving the TRPA the duty to get involved with land trades. So that people who own land within the Basin, and have an economic value in their land within the Basin, can trade that land for land which is owned by the Federal Government outside the Basin. That way, it doesn't cost anybody a nickel.

The Federal Government winds up owning more land in the Basin and the person who has land in the Basin owns land outside the Basin. That's the basic way to solve this problem, not by adding new members to this particular board.

So, I ask you to vote against Senate Bill No. 254. More members solve no problems. The problems of the hotels can be solved by the NTRPA, and the problems of land values can be solved by land trades, not by more members.

The California members in this particular proposal are not elected; they are appointed, and you are going to have appointed people making laws for Nevadans. That's not good government by representation.

Remember that all the testimony indicated that the elected officials opposed Senate Bill No. 254 and again remember the findings back in 1967 when we created this agency.

The findings were that the local government should not be supplanted by TRPA and if you change this from a 3-2 balance to a 4-3 balance, that's exactly what you are going to do. You are going to write the local governments right out of that Basin. That was not the original intent when this body was created and remember that it is those counties which are paying the \$150,000 that fund it. They should maintain the balance of 3-2.

I submit to you that there are no facts on the record to show a need for change and this expansion is not going to solve any problems that we presently have at the Lake. I respectfully urge you to vote against Senate Bill No. 254.

Roll call on Senate Bill No. 254:

YEAS—13.

NAYS—Blakemore, Lamb, Monroe, Neal, Raggio, Sheerin—6.

Not voting—Young.

Senate Bill No. 254 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS, AND NOTICES

Senator Gibson moved that Senate Bill No. 385 be taken from the Secretary's desk and be placed on the Second Reading File for this legislative day.

Remarks by Senator Gibson.

Motion carried.

Senator Brown moved that the Senate recess until 2 p.m.

Motion carried.

Senate in recess at 12:09 p.m.

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

April 21, 1975

MEMBERS PRESENT:

- CHAIRMAN DINI
- VICE-CHAIRMAN MURPHY
- ASSEMBLYMAN CRADDOCK
- ASSEMBLYMAN HARMON
- ASSEMBLYMAN MAY
- ASSEMBLYMAN MOODY
- ASSEMBLYMAN SCHOFIELD
- ASSEMBLYMAN FORD
- ASSEMBLYMAN YOUNG

ALSO PRESENT:

- Harold Dayton, Douglas County
- Douglas Meneley, Douglas County
- Roland Adams, Douglas County
- Mr. Edwin Sarmaw
- Mr. Jim Bruner
- Mr. Dick Serdoz, Dept. of Human Resources
- Mr. Ernie Gregory
- Mr. Elmo DeRicco
- George C. Finn
- Dan J. Quinan
- Roger Trounday
- Lenore M. Kosso
- Assemblyman Weise
- Assemblyman Jacobsen
- Senator Sheerin
- William Swackhamer
- Lt. Governor Rose
- Senator Wilson
- George Abbott

(The following bill was discussed by the committee: S.B. 254).
 Also discussed: A.B. 453, S.B. 107, BRD 54-1892 and BDR 23-13838).
 Mr. Dini called the meeting to order at 7:00 P.M.

Mr. Dini announced that A.B. 648 and A.B. 653 would be heard on Friday morning by the Government affairs committee.

Mr. Dick Serdoz, Air Quality Officer, Bureau of Environmental Health testified. He presented a copy of his testimony to the committee, a copy of which is attached to the minutes of this meeting and made a part hereof. He then read his testimony to the committee.

Mr. Dini asked if he was saying that by adopting this bill with the Lt. Governor and Secretary of State on the Board that it will improve the ability of maintaining regulations.

Mr. Serdoz stated yes.

Mr. Gregory testified next. He presented his testimony to the committee, a copy of which is attached to the minutes of this meeting and made a part of these minutes. He then read his testimony to the committee.

Mr. Gregory stated that his concern was on page 3 of his testimony.

Mr. Roger Trounday testified next. Mr. Trounday had submitted a copy of his testimony to the committee, a copy of which is attached to the minutes of this meeting and made a part hereof. Mr. Trounday read his testimony to the committee.

Mrs. Ford informed Mr. Trounday that she had not as yet had a chance to look at the record which was developed in the Senate and asked Mr. Trounday if he supported the original bill.

Mr. Trounday replied yes.

Mrs. Ford asked with regard to the Advisory Board which Mr. Trounday would prefer.

Mr. Trounday informed the committee he would prefer the one in the original bill. He stated that his overall concerns were with the TRPA agency itself. He stated that the difference in the two bills is in the double majority aspect. He stated that with this gone, it weakens the bill considerably. He informed the committee that it was important that we have more effective state representation up there. He indicated that he would take this bill as second best. He would have preferred the first bill.

Ms. Lenore Kosso testified next. She stated that this bill as amended, does little to correct the situation. See attachment

Senator Wilson testified next. This bill was introduced and originally contained a number of provisions which are in the original. The major advantage was the voting structure. The compact operates on a double majority vote. The senate felt that this was not equitable. The burden should be on the agency. It contained a provision for the approval of public works projects. Senator Wilson indicated that there were two changes.

1. Double Majority
2. Expansion.

He indicated that with respect to the expansion of the membership the bill requires that the governor name an additional appointee. He stated that it is important that people are elected rather than appointed. He indicated that Nevada's investment is in excess of \$10,000,000 in general fund monies.

Mr. Dini asked Senator Wilson to explain how they arrived at the Secretary of State and the Lt. Governor.

Senator Wilson indicated that they appeared available.

3- 1983

Senator Wilson stated that he discussed with with Lt. Governor Rose and he expressed no problem with it. He stated that he did not discuss it with Mr. Swackhamer but he had not indicated that he had any problem with it. What they were looking for were people with good judgment, common sense and some balance.

Mr. Elmo DeRicco testified next. Mr. DeRicco submitted his written testimony to the committee, a copy of which is attached hereto and made a part of these minutes. He read his testimony to the committee.

Lt. Governor Bob Rose testified next. He stated that the bill passed by the Senate has placed him on the TRPA. He stated that there may be a good argument made for adding additional representatives. He stated that the Lt. Governor's position is a part time position. He has two responsibilities. To be available to assist the governor and to be president of the Senate. The compensation is \$6,000 per year. That cannot be changed by statute. He stated that he wants to be an active Lt. Governor. He indicated that the job of Lt. Governor comes close to being a full time job. By placing the Lt. Governor on the board of the TRPA you are placing another large responsibility on him. He stated that it was indicated that being on the TRPA board would take a week a month. He fears that he will have two part time jobs that add up to one full time job. He has argued about making the Lt. Governor's job a full time job.

Mr. Swackhamer testified next. He stated that he did not seek this appointment, but did not shun it either. He indicated that he would serve to the best of his ability. Mr. Dini asked if it would hurt his function as Secretary of State.

Mr. Swackhamer stated that he did not think so.

Mr. James W. Bruner, Jr. of the League to Save Lake Tahoe testified next. Mr. Bruner presented a copy of his testimony to the committee, a copy of which is attached hereto and made a part of the minutes of this meeting. Mr. Bruner then read his testimony to the committee.

Mrs. Ford asked Mr. Bruner if the bill, in its present form, better than no bill at all.

Mr. Bruner indicated that it was slightly better. He stated that there were deletions which will create problems.

Mrs. Ford asked what the status of the compact was as it relates to congress.

Mr. Bruner stated that Nevada and California pass identical legislation.

Mrs. Ford asked if he was in touch with people in California and asked what the attitude toward the California legislature.

Mr. Bruner stated that in its present form some members of

the California legislature feel a little let down with Nevada in that Nevada is not taking the lead to protect their portion of the lake.

Mr. Dayton testified next. Mr. Dayton stated that the Senate realized that S.B. 254 was not good enough for Nevada. The addition of two new members would possibly help in decisions. There are 10 members now and it is hard now. He stated that the TRPA is funded by the counties.

He stated that the original bill in 1968 was careful to protect Nevada's sovereignty. He stated that the budget is set by the compact and that it is \$150,000 per year. The TRPA budget is 1-1/4 million.

Mr. Murphy questioned Mr. Dayton on property values and asked what has happened. Mr. Dayton stated that their proportion was \$23,000. They are now down to 1/12 of the value.

Mr. May asked if Douglas County had suffered the loss.

Mr. Dayton said yes. He indicated that they did not object to that except for individual property owners.

Assemblyman Weise testified next. He stated that he represent districts in Southwest Reno and in Verdi. They have suffered the residual effects by decisions made in Lake Tahoe. This bill is a political issue. He is concerned about the restructuring of the political makeup. He did not see what the Lt. Governor and the Secretary of State can do. In his district there is a lot of disagreement as to what should happen with the Lake. It will be a political football. There is nothing to be gained by this bill.

Mr. Chuck Neeley, Douglas County Commissioner testified next. He stated that he was one of the original members of the TRPA. He believes that the people who wrote the original bill were wise to write it the way it was. This has become a political football. Douglas County has borne the brunt for ruining Lake Tahoe. He stated that California has decided that they want this changed. The legislature in California created the CTRPA. They are now not able to do anything over there. What they want to do is to get Nevada to change this. If they get this changed, the State of Nevada will drop the CTRPA. He does not feel that it is fair. There is also the possibility that the State of California will change the CTRPA. He did not object to Mr. Rose and Mr. Swackhamer being put on the board. Mr. Rose understands the amount of work. It is a full time job. If it is done right, that amount of time has to be spent. If Nevada does have two elected officials, he would like to see those same two officials in California on their own board.

Mr. Neeley then read a resolution to the committee, which is attached to the minutes of this meeting a made a part hereof.

Mr. Neeley stated that if we do not pass this bill then we will have to live with it.

Mrs. Ford asked if there was legislation in California.

Mr. Denton answered no. They are waiting for Nevada. He indicated that he felt that California people helped to write this bill. Mr. Young asked if he agreed with Assemblyman Weise and Mr. Denton stated that he wanted elected people on the board.

Mr. Roland L. Adams testified next. He passed out his testimony to the committee, a copy of which is attached hereto and made a part hereof. He stated that he came to Douglas from the TRPA. He worked there for one year.

Mr. Finn testified next. He stated that he is in conflict with the TRPA. He stated that the members that are on the board now are not being handled. He stated that the legislature has delegate its authority to this appointed body.

He stated that the Lt. Governor cannot be appointed to that agency under the Constitution of the State of Nevada. He substitutes for the Governor. He then read from the statutes.

He suggested that the committee ask for a legal opinion from the counsel bureau. The Secretary of State can be assigned other duties. He stated that the TRPA has taken private property without due process of law.

Mr. George Abbott testified next. Mr. Abbott stated that he was special counsel to Douglas county. This bill would change the dual sovereign provisions to dual veto. The Senate rejected that proposal. It would permit each state to veto each other's projects. He stated that this bill would not accomplish much. The testimony already given in the Senate indicated that it has been working. He stated that 30,000 acres have been set aside for greenbelt. Zoning is being used for a public purpose.

Mr. Terry Trupp testified next. He stated that at the present time in excess of 87% of the lake is zoned to be put into permanent greenbelt. 11% is presently developed. 4% remains to be developed. He stated that there is no need to increase the abuse of the people in the basin. \$800,000,000 worth of damage has been done since the TRPA came into business. There is a great deal of confusion. We are dealing with 4% of the basin in private ownership. The people will not destroy it.

Assemblyman Jacobsen testified next. He opposes this legislation. He is a firm believer in local government. He stated that he is disturbed about the appointees. He stated that the private citizen should be considered. He asked the committee not to come to the point of recommending that we give up our dual majority. He feels that the TRPA has worked. This concluded testimony on this bill.

The committee then discussed A.B. 453. Mr. Craddock moved for a do pass which was seconded by Mr. Moody. The motion carried unanimously. Mrs. Ford voted no.

The next bill to be discussed was S.B. 107.

GOVERNMENT AFFAIRS COMMIT. EE

GUEST REGISTER

DATE: APRIL 21, 1925 - 7:00 PM

NAME <u>PLEASE PRINT</u>	BILL #	REPRESENTING	TESTIFYING
Harold Dayton (8)	SB 254	Douglas County	Yes
Charles Meneley (9)	-	-	Yes
Roland Adams (10)	-	-	Yes
EDWIN SARMAN X	-		No
Jim Brewer X 7	-	League to Save Lake Tahoe	Yes
DICK SERDOZ X 1	254	DEP. Human Res. Air Qual	YES
Ernie Gregory X 2	254	Dept. Human Res.	Yes
ELMO DE RICCO X 5	254	DEPT OF CONS.	Yes
Gene C. Levin 11	254	League to Save Lake Tahoe from the League to Save Lake Tahoe	Yes
Wesley J. Freeman X	653	State Fire Marshal	Yes
ROGER BOUNDAY X 3	SB 254	Dept. Human Resources	Yes
Leslie M. Kasso X 4	SB 254		Yes
Asuntyma Weiss - X			
Asuntyma Jackson X			
Senator Skerrin X			
Asuntyma X 6			

STATEMENT
by
DICK SERDOZ
Air Quality Officer
Bureau of Environmental Health
April 28, 1975 - 7:00 p.m.

THE TAHOE REGIONAL PLANNING AGENCY HAS DEVELOPED AND ADOPTED A LAND USE PLAN BASED ON LAND CARRYING CAPACITY AS MANDATED BY THE BI-STATE COMPACT WHICH FORMS A SOLID BASE TO EXPAND INTO A TOTAL IN-DEPTH PLANNING EFFORT FOR THE LAKE TAHOE BASIN AND THIS IS A GOOD START. HOWEVER, OTHER AREAS OF THE ENVIRONMENT MUST BE CONSIDERED TO PROTECT THE LAKE TAHOE BASIN FROM FURTHER DETERIORATION, AND THUS PROTECT THE LONG RANGE ECONOMIC PRODUCTIVITY OF THIS UNIQUE AREA.

MY CONCERN, AIR QUALITY, IS DIRECTLY AFFECTED BY TRANSPORTATION, PEOPLE, AND CONSTRUCTION, WHICH ARE BASICALLY LAND USES. MY PRESENTATION WILL DEAL WITH THREE MATTERS THAT MUST BE ADDRESSED THROUGH A STRONG BI-STATE COMPACT IF AN ADEQUATE PLANNING AND IMPLEMENTATION IS TO BE DONE IN THE TAHOE BASIN ----- AMBIENT AIR QUALITY STANDARDS (THE AIR YOU BREATHE), EMISSION DISCHARGE STANDARDS, AND ENFORCEMENT OF THESE STANDARDS.

THE EXISTING AMBIENT AIR QUALITY IN THE BASIN MEETS OR EXCEEDS THE MINIMUM STANDARDS AS ESTABLISHED BY THE NEVADA ENVIRONMENTAL COMMISSION FOR THE PROTECTION OF THE HEALTH AND WELFARE OF BOTH RESIDENTS AND VISITORS. HOWEVER, IT IS BECOMING INCREASINGLY EVIDENT THAT THE BASIC STATE EMISSION DISCHARGE STANDARDS MAY NOT BE STRINGENT ENOUGH TO INSURE THE MAINTENANCE OF THE AMBIENT AIR QUALITY IN THE TAHOE BASIN, AND THAT ADDITIONAL PLANNING DIRECTED AT AIR QUALITY PRESERVATION OR IMPROVEMENT WILL BE NECESSARY. ONCE THE PLANNING PROCESS IS IMPLEMENTED AND A CONTROL STRATEGY IS DEVELOPED THROUGH THE PUBLIC HEARING PROCESS AND INTERFACED WITH OTHER COMPACT PLANS, A STRONG OVERSEEING AGENCY IS NECESSARY.

MAJOR NEEDED PLANNING SHOULD BE CONDUCTED AROUND AIR POLLUTION GENERATED BY AUTOMOBILES, ASSOCIATED WITH BOTH EXISTING AND PROJECTED BUSINESSES AND RESIDENCES. CURRENT PLANNING EFFORTS WHICH HAVE BEEN CONDUCTED TODAY CAN PRESENTLY BE CIRCUMVENTED THROUGH THE VARIANCE PROCEDURE WHICH MAY PENALIZE OTHER AGENCIES WITHIN THE COMPACT OR OTHER OWNERS OF PROPERTY WITHIN THE BASIN.

AN EXAMPLE OF THE NEED FOR CLOSER CONSIDERATION OF AIR QUALITY WHILE PREPARING OTHER COMPACT PLANS FOR THE BASIN IS THE PRELIMINARY TRANSPORTATION CONTROL PLAN PREPARED BY TRPA TO MEET CALIFORNIA DEADLINES. THIS PLAN, THOUGH IN PUBLIC HEARINGS, IS NOT AS COMPLETE AS THE ADOPTED LAND USE PLAN, AND REQUIRES ADDITIONAL WORK BEFORE A FINAL LONG TERM SOLUTION IS ADOPTED. THE PLAN GENERALLY SPEAKS TO EXISTING CONDITIONS AND NOT THE PROJECTED TRAFFIC WHICH WILL RESULT FROM ADDITIONAL RESIDENCES AND COMMERCIAL DEVELOPMENT IN AREAS CURRENTLY ZONED FOR SUCH ADDITIONAL DEVELOPMENT. WHEN THE EXISTING ZONED LAND USE AND THE RELATED TIMETABLE OF CONSTRUCTION ARE INCLUDED, A REVIEW OF THE NECESSARY ALTERNATIVE TRANSPORTATION CONFIGURATIONS AND/OR SYSTEMS COULD BE MEANINGFULLY EVALUATED. THIS TYPE OF IN-DEPTH PLANNING IS NECESSARY IF THE COMPACT IS TO PROVIDE FOR THE TOTAL TRANSPORTATION NEEDS OF THE APPROVED LAND USE PLAN AND PRESERVE AIR QUALITY. A BASIN-WIDE TRANSPORTATION PLAN CANNOT BE APPROVED IF IT WOULD CAUSE A VIOLATION OF THE AMBIENT AIR QUALITY STANDARDS OR IF IT SOLVES A LOCAL PROBLEM AND CREATES AN EVEN GREATER PROBLEM IN ANOTHER POLITICAL JURISDICTION. TRANSPORTATION PLANNING AT HIGHER ELEVATIONS IS MORE IMPORTANT BECAUSE AUTOMOBILES, THE CURRENT MAJOR PEOPLE MOVER, EMIT MORE POLLUTANTS AT THESE HIGHER ALTITUDES, APPROXIMATELY 1.7 TIMES MORE THAN IN LAS VEGAS OR SAN FRANCISCO.

ANOTHER UNIQUE PROBLEM TO NEVADA IS THAT THE TOURIST INDUSTRY DOES NOT OPERATE ON THE TYPICAL EIGHT TO FIVE WORK DAY, BUT MAINTAINS CONTINUAL ACTIVITY OVER A LONGER TIME PERIOD WHICH PROHIBITS SUBSTANTIAL DIFFUSION OF THE AIR POLLUTION DURING THE SLACK PEOPLE-MOVING PERIODS TYPICAL IN OTHER URBAN AREAS. WITH THIS EXTENDED EMISSION PERIOD THE LONG TERM HEALTH RELATED AMBIENT AIR QUALITY STANDARDS ARE APPROACHED AND MAY ALREADY BY EXCEEDED AT CERTAIN TIMES AND IN CERTAIN AREAS OF THE BASIN. THIS PROBLEM LEADS TO THE CONCLUSION THAT A TOTAL BASIN TRANSPORTATION PLAN MUST BE ADOPTED TO PROTECT THE ECONOMIC BASE OF THE TAHOE BASIN.

SEVERAL POINTS SHOULD BE RAISED WITH RESPECT TO THE ESTABLISHMENT AND ENFORCEMENT OF REGULATIONS TO COMPLY WITH AMBIENT AIR QUALITY STANDARDS FOR THE BASIN:

1. PROVIDE EQUAL TREATMENT FOR ALL PERSONS AND DEVELOPMENTS WITHIN THE BASIN, IT IS IMPERATIVE THAT SUCH REGULATIONS BE DEVELOPED BY THE BI-STATE AGENCY AND UNIFORMLY APPLIED THROUGHOUT THE BASIN.

2. DATA DEVELOPED IN PAST YEARS HAS SHOWN THAT BECAUSE OF THE FRAGILE NATURE OF THE NATURAL LAND COVER, SUSPENDED PARTICULATES (DUST), WHICH IS A PREVALENT CONSTRUCTION RELATED POLLUTANT, CAN EXCEED THE ESTABLISHED HEALTH AND WELFARE RELATED STANDARDS UNLESS CONSTANT ON-SITE INSPECTIONS ARE CONDUCTED TO INSURE THAT REGULATIONS ARE MET.

3. BECAUSE OF THE UNIQUE NATURE OF THE LAKE TAHOE BASIN, AMBIENT AIR AND EMISSION STANDARDS WHICH ARE MORE STRINGENT THAN THOSE ADOPTED BY THE ENVIRONMENTAL COMMISSION MAY BE NECESSARY IN ORDER TO MAINTAIN THE AIR QUALITY OF THE BASIN. ONE AREA OF EMISSION STANDARD WHERE THIS MAY OCCUR WOULD BE IN THE TYPE OF ENERGY USED IN COMFORT HEATING OF PRIVATE AND COMMERCIAL BUILDINGS.

4. BASED ON THE LIMITED AMBIENT AIR QUALITY DATA FOR THE AUTO
 RELATED POLLUTANTS WITHOUT SUBSTANTIAL PLANNING HEALTH RELATED AMBIENT
 AIR QUALITY STANDARDS WILL BE VIOLATED. THIS CAN BE HEADED OFF WITH THE
 ADOPTION BY THE BI-STATE AGENCY OF A SCHEDULE FOR THE COMPLETION OF
 THE NECESSARY PUBLIC AND PRIVATE SERVICES AND THEIR OVERSEEING THE
 ALLOWABLE GROWTH RATE WHICH WILL NOT OUTSTRIP THESE CONSIDERATIONS.

I BELIEVE THAT ENFORCEMENT OF THE ESTABLISHED REGULATIONS
 SHOULD BE LEFT UP TO LOCAL GENERAL PURPOSE UNITS OF GOVERNMENT. PROVISION
 SHOULD ALSO BE MADE FOR THE RESPECTIVE STATES TO INTERCEDE IF IT IS
 DEMONSTRATED THAT LOCAL GOVERNMENTS ARE NOT DOING AN ADEQUATE JOB OF
 ENFORCEMENT AND FINALLY ANY VARIANCE FROM THE ADOPTED BI-STATE PLANS OR
 REGULATIONS SHOULD REMAIN WITH THE BI-STATE AGENCY BECAUSE IF A VARIANCE
 IS GRANTED THE LEAD AGENCY MAY HAVE TO REDUCE OR MODIFY OTHER APPROVED
 ACTIVITIES TO MAINTAIN THE ENVIRONMENT.

STATEMENT
by
E. G. Gregory
Bureau of Environmental Health
April 21, 1975

I would like to present a short statement, giving a brief setting of where we are in water pollution control in the Tahoe Basin, and discuss the problems remaining.

The 1966 'Conference in the Matter of Pollution of the Interstate Waters of Lake Tahoe and its Tributaries', a conference called by the Federal Water Pollution Control Administration as an enforcement action under the provisions of the then existing Federal Water Pollution Control Act, determined there were three principal sources of pollution threatening the clarity of the waters of Lake Tahoe. These were, in order of importance, sewage, siltation and urban runoff and garbage, being disposed of in the Basin. The findings of this Conference provide the objectives for both Nevada's and California's water pollution control programs.

One finding of the Conference required all garbage to be exported from the Basin. This is being done on the Nevada side and to the best of my knowledge on the California side.

A second finding required the export of all sewage from the Basin by 1970. While the 1970 goal has not been met mainly because there was not a strong lead agency initially, virtually all sewage within a short period of time, will be intercepted, treated, and exported. Five major wastewater systems are or will soon be in operation to serve this purpose.

This program has not been accomplished without creating additional problems. The exported effluent has and will continue to impose additional pollution burdens in the Truckee and Carson Rivers. Export of sewage from the Basin with discharge to the upper reaches of the Truckee along with control of siltation and urban runoff resulting from the development occurring in the Martis Valley area will require extensive detailed water quality planning and management by California and Nevada to protect this drinking water source for downstream users.

Addressing the problem of siltation and urban runoff, further findings of the Conference were:

1. Basin-wide objectives and standards for development and use of the lands and waters must be established within a framework which includes positive enforcement provisions covering not only the waters of Lake Tahoe, but its shoreline developments, and the total complex of lands and waters that make up the Basin; and

2. A basin-wide agency be established with adequate powers to prohibit development that would have an adverse effect on the quality of the waters of Lake Tahoe.

Growth in the Basin has continued to outstrip our technical and jurisdictional capability to cope with problems resulting from land development. Existing systems for managing surface runoff are inadequate. Detailed plans must be developed to resolve existing surface runoff and to assure against problems from future development.

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Recognizing TRPA has the authority to develop and implement necessary land use controls and require implementation of management principles for surface runoff control, Nevada and California, as provided for under Section 208 of the Federal Water Pollution Control Act, jointly identified the Lake Tahoe Basin as an area of substantial water quality control problems and designated TRPA as the agency responsible for developing an effective areawide waste management plan for the area. The U.S. Environmental Protection Agency has approved this designation and recently awarded a grant of \$650,000 to TRPA to develop the plan.

In the process TRPA will have to develop a plan which will result in:

1. A regional program for management of erosion and urban runoff.
2. A definition of all physical improvements which may be needed.
3. Recommended general plan amendments if needed to assure protection of water quality.

and establish priorities based upon:

1. Those problems which exert the greatest influence on water quality; and
2. The cost-effectiveness of alternative solutions.

Implementation of the plan will be difficult principally due to jurisdictional factors. One problem is the diversity of land ownership and enforcement responsibilities. Properties are owned by private individuals, county and state governments and the U.S. Forest Service. Recognizing watershed boundaries are not consistent with land ownership and regulatory responsibilities we do not currently have a uniform approach to water quality management.

Another problem is the reluctance of political or quasi-political jurisdictions to assume the responsibility for implementation. We are faced now with this problem in the casino core at South Tahoe.

Our reliance on TRPA will be heavy for:

1. The development of an innovative, effective, areawide waste management plan; and

2. For a substantially improved system for plan implementation - a system that is based on informed decision making in accordance with that plan.

MY NAME IS ROGER TROUNDAY, DIRECTOR OF THE DEPARTMENT OF HUMAN RESOURCES AND THE ENVIRONMENTAL CONTROL OFFICER FOR THE STATE OF NEVADA AND SO I AM SPEAKING TO THE ENVIRONMENTAL CONCERNS IN THE TAHOE BASIN. I AM SPEAKING TODAY IN SUPPORT OF S.B. 254.

LAKE TAHOE CANNOT BE TREATED AS AN ISOLATED POCKET WHICH HAS NO EFFECT ON THE REST OF NEVADA OR CALIFORNIA. WHAT HAPPENS IN THE TAHOE BASIN HAS AN IMPACT NOT ONLY THERE, BUT ALSO ON THE OTHER CITIZENS IN CALIFORNIA AND NEVADA AND EVEN THE NATION, AS LAKE TAHOE IS ONE OF AMERICA'S GREAT SCENIC AND NATURAL RESOURCES. CONTINUED GROWTH WITHOUT SERIOUS CONSIDERATION OF THE ~~ENVIRONMENT~~ ENVIRONMENT ON EITHER SIDE OF THE LAKE COULD CAUSE IRREPARABLE DAMAGE. TO PRESERVE NOT ONLY THE LAND BUT ALSO THE AIR AND WATER QUALITY OF THE BASIN, A STRONG BI-STATE AGENCY MUST BE IN A POSITION TO CONTROL THE TOTAL ENVIRONMENT. THE PROBLEM IS GETTING AWAY FROM US. PRESERVATION OF THE ENVIRONMENT CANNOT BE ACHIEVED BY INDEPENDENT ACTION. WHAT ONE COUNTY DOES EFFECTS OTHERS, AND WHAT ONE STATE DOES EFFECTS THE OTHER. THE PRESENT STRUCTURE OF THE COMPACT IS NOT THE MOST EFFICIENT ONE TO PROMOTE TOTAL CONCERN. CERTAINLY THE AGENCY SHOULD HAVE LOCAL INPUT, BUT IN ORDER TO PLAN OBJECTIVELY FOR THE TOTAL ENVIRONMENT IMPACT OF THEIR ACTIONS, THERE SHOULD BE BROAD REGIONAL CONCERNS RATHER THAN ONLY THOSE OF LOCAL SPECIAL INTEREST. WITH LOCAL DOMINATION OF THE BOARD, THERE IS NOT ADEQUATE CONCERN FOR THE STATE'S INTEREST SUCH AS AIR AND WATER QUALITY WHICH ARE THE STATE'S RESPONSIBILITY, THEREFORE, THERE SHOULD BE MORE STATE REPRESENTATION.

AS HAS BEEN PREVIOUSLY STATED, THE CONTROL OF THE QUALITY OF THE WATER AT THE LAKE IS IMPORTANT TO TWO RIVERS, THE TRUCKEE BECAUSE THE LAKE DRAINS INTO IT, AND THE CARSON SINCE IT RECEIVES SEWAGE EFFLUENT. BOTH RIVERS RUN THROUGH SEVERAL COUNTIES IN NEVADA. AIR QUALITY IS IMPORTANT SINCE THE QUALITY OF AIR OUTSIDE OF THE BASIN CAN BE AFFECTED BY THE QUALITY OF THE AIR IN THE BASIN. AT PRESENT, THE COMPACT IS ALLOWED SOLIDARITY IN WHAT IT PLANS FOR. FOR EXAMPLE; THE COURT ORDINANCE PROHIBITS INDUSTRIES WHICH EMIT DUST, ODOR, SMOKE OR NOISE OUTSIDE THE IMMEDIATE BOUNDARIES OF THE PLANT. THUS MOST SUPPORT INDUSTRIES SUCH AS SLAUGHTER HOUSES AND LUMBER MILLS ARE NOT ALLOWED IN THE BASIN. CONSEQUENTLY, THEY LOCATE IN NEARBY AREAS AND THE BURDEN OF THEIR MAINTENANCE IS PLACED ON NEIGHBORING COMMUNITIES OUTSIDE THE BASIN WITH THE RESULTANT WASTE DISPOSAL PROBLEMS. WHILE LOCAL GOVERNMENTS HAVE SAID THEY NEED TO GIVE UP SOME OF THEIR SOVEREIGNTY BY BELONGING TO THIS AGENCY, THE STATE ALSO MUST GIVE UP SOME OF THEIR SOVEREIGNTY. THIS IS TRUE ALSO FOR THE COUNTIES IN CALIFORNIA AS WELL AS FOR THE STATE OF CALIFORNIA. THIS IS A SMALL PRICE TO PAY FOR THE ABILITY TO LIMIT DEVELOPMENT OF THE TAHOE BASIN TO A PACE THE ENVIRONMENT CAN ABSORB. PLANNING MUST BE BASED ON THE PRINCIPLES THAT THE TAHOE BASIN IS UNIQUE, ITS ENVIRONMENT IS FRAGILE, AND THE PROTECTION OF ITS RESOURCES IS NOT LIMITED BY GEOGRAPHICAL BOUNDARIES.

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3-1100

. April 21, 1975

My purpose in speaking today is to ask you to do what the Senate refused to do, correct the weaknesses in the Tahoe Regional Planning Agency to make it a viable body for the preservation of the natural quality of Lake Tahoe.

S.B. 254, in its original form, would substantially improve the agency by broadening member representation and by insuring a true majority rule. Presently the T.R.P.A. can be controlled by the local counties surrounding the Lake whose economic interests invariably take precedence over concern for the quality and beauty of Lake Tahoe. S.B. 254, as amended, does little to correct the situation.

Increasingly, Lake Tahoe is being recognized as a unique national treasure, indeed, there are only three such lakes in the entire world. We, in Nevada, are fortunate to have part of this beautiful scenic area in our state, but a region such as the Tahoe Basin should be for all appreciative people to enjoy and its fragile eco-system should be maintained. A few Nevadans or Californians should not be privileged to destroy it. S.B. 254 would be a step in insuring that both states would hold a check on over development.

The urbanization of Lake Tahoe is becoming a national issue as indicated by the growing number of articles in national magazines. Concern for the increasing air and water pollution in the Tahoe Basin, is beginning to disturb more than

a few environmentalists. Newly created agencies and federal laws may indeed take the matter of preserving the Lake out of regional hands unless the states directly involved act soon. I urge you to allow Nevada to take the first step by restoring S.B. 254.

Lenore M. Kosso

Lenore M. Kosso

TAHOE REGIONAL PLANNING AGENCY

I am Elmo J. DeRicco, Director of the Department of Conservation and Natural Resources.

During the past four years I have served as a member of the Tahoe Regional Planning Agency (TRPA) Governing Board. As one of the two who has served continuously as a member of TRPA since its inception, I believe that I have a unique perspective of both the positive and the negative aspects of TRPA's progress toward realization of its compact goals.

Positive steps by TRPA include a Regional General Plan which establishes land uses and development intensities according to the capacity of the land for development. The stronger the land the more intense the permitted development. The other positive accomplishments of TRPA include its adoption of six ordinances implementing the regional plan and the commencement of studies to develop plans to deal with the continuing threats to the environment of the Tahoe Basin.

However, these positive aspects have been achieved only after long, grudging, arduous effort. That effort has been characterized by compromise after compromise - each compromise watering down and softening the environmental objectives in favor of what is, I believe, erroneously seen as the local county interest.

The principal environmental dangers facing the Lake Tahoe Basin have been detailed by previous speakers. The only

existing body that can address those dangers is one that transcends local boundaries. TRPA is the best available vehicle. But as long as local county interests, with goals of increasing the tax base, continue to be permitted a dominant voice on the TRPA Governing Board, those environmental dangers will remain, and grow.

In short [REDACTED] you have in TRPA the vehicle to solve those environmental risks. But, the present mechanics of TRPA are inadequate to meet the goals of TRPA's compact.

A substantial part of the problem with the present mechanics of TRPA is the overbalance of the TRPA Governing Board membership in favor of local county rather than regional representation.

The preservation and orderly development of the Lake Tahoe Basin are not merely matters of local concern. Nor is the future of TRPA and the Tahoe Basin merely a matter of county concern. The Basin and the Agency responsible for its environmental preservation are matters of regional, state and federal interest.

In the past decade the State of Nevada has invested \$11,393,967 in State funds to preserve the delicate balance of Lake Tahoe's environment. That \$11 million did not come from the Basin or the counties. It came from the general fund of the State of Nevada. That means \$11 million from the citizens of Las Vegas, Elko, Tonopah, Yerington -- in short,

from all parts of this State. The citizen of Clark County has as great an interest in the preservation of the Lake Tahoe Basin as does the resident of Carson City. Indeed, in terms of a purely financial interest, the Las Vegas's interest is even greater.

But even that \$11 million does not adequately reflect the interest of the State in the Basin. Countless expenditures of time and money by departments of the State have been made and continue to be made in implementing state mandated programs in the Basin, and in working with other Basin public agencies.

Figures on the interest of the public at large in the Tahoe Region are even more impressive. In the past decade the federal government has invested approximately \$86 million in the Lake Tahoe area. Of that \$86 million, nearly \$65 million has gone toward the acquisition of park lands and in sewer export facilities. The federal government has become by far the largest property owner in the Tahoe area. Nearly two-thirds of the property in the Basin is now in state and federal ownership, yet minority county interests are permitted a majority vote on TRPA.

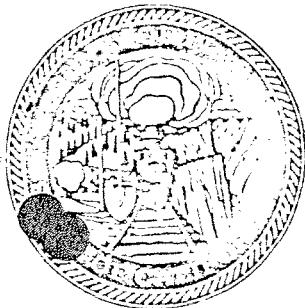
State, federal and tourism expenditures at Tahoe are many, many times greater than what the counties have invested. Yet, the TRPA compact preserves an antiquated 6 to 4 imbalance in favor of local government.

Lake Tahoe is at least as much an asset of the State of Nevada as it is of the two counties and one city, a portion

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whose boundaries happen to form a portion of the Basin. At the bare minimum, Nevada's interest at Tahoe should be equal with the local jurisdictions. It is time that the TRPA compact recognize that fact by increasing state representation on TRPA as recommended in S.B. 254.



COUNTY OF PLACER

OFFICE OF
BOARD OF SUPERVISORS ³⁻¹¹⁰⁵
RICHARD ANDREWS, County Executive

BOARD MEMBERS

RAY S. THOMPSON, Chairman
District 3
ROBERT P. MAHAN
District 1
ALEX FERREIRA
District 2
MICHAEL LEE
District 4
JIM HENRY
District 5

County Administrative Center / Auburn, CA. 95603 / Telephone 823-4641

April 14, 1975

To: Interested Parties
From: County of Placer, Board of Supervisors
Re: Tahoe Regional Planning Agency

RECEIVED

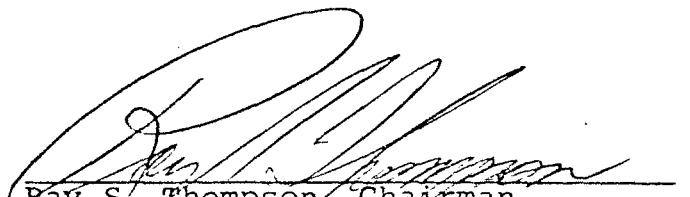
APR 17 1975

DOUGLAS CO. MANAGER

Attached you will find a copy of Resolution No. 75-204 of the Placer County Board of Supervisors adopted on April 8, 1975, urging that the composition of the TRPA governing body be modified and that the dual-voting system be abolished.

The Resolution also urges elimination of the CTRPA in favor of strengthening the TRPA. An additional attachment sets forth in detail the reasons why the County of Placer believes that the CTRPA serves only to duplicate, in an inefficient manner, the functions and duties already being discharged through the TRPA.

If you wish us to present testimony or evidence in support of the positions taken in the Resolution, we will be happy to do so at your convenience.


Ray S. Thompson, Chairman
Placer County Board of Supervisors

Attachments: Resolution
Reasons to Abolish CTRPA

3-1106

Before the Board of Supervisors County of Placer, State of California

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In the matter of: A RESOLUTION RELATING TO
COMPOSITION OF THE GOVERNING BOARD OF
TAHOE REGIONAL PLANNING AGENCY.

Resol. No: 75-204

Ord. No: _____

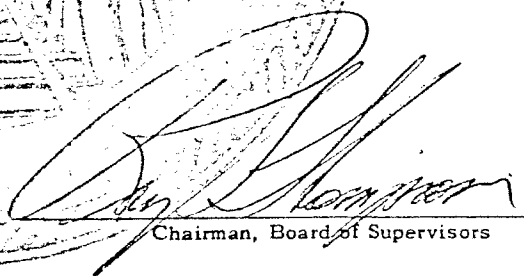
Min. Bk: _____ Pg. _____

First Reading: _____

The following Resolution was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held April 8, 1975,
by the following vote on roll call:

Ayes: Mahan, Ferreira, Thompson and Henry
Noes: None
Absent: Lee

Signed and approved by me after its passage.



Attest: MAURINE I. DOBBAS
Clerk of said Board

By: Phyllis Harris
Deputy.

WHEREAS, the County of Placer has heretofore urged that the Legislature enact appropriate legislation repealing the legislation which authorizes the California Tahoe Regional Planning Agency and, if warranted by the circumstances, also enact appropriate legislation which strengthens the Tahoe Regional Planning Agency and the roles therein of local government to the end that it will have a full range of powers to establish comprehensive plans which will protect and preserve the environmental assets of the Lake Tahoe Basin; and

WHEREAS, the respective Legislatures of California and Nevada are considering, among other matters, possible amendments relating to the composition of the governing board of the Tahoe Regional Planning Agency;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Placer, State of California, urges that the composition of the governing board of the Tahoe Regional Planning

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Agency be changed to consist of three (3) locally elected representatives from the local entities in each state and three (3) state-appointed representatives from each state, for a total of six (6) representatives from California and six (6) representatives from Nevada, and that, in order to make the organization more effective, the dual-majority provision be repealed.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to each Governor, each governing body of each city and/or county within the Basin, each Congressman representing the Basin, CSAC, the League of Cities, each State Legislator representing the County within the Basin, and Assemblyman Z'Berg.

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
ATTEST- 4 16-75

MAURINE I. DOBBAS

County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Placer, State of California.

Maurine I. Dobbas
DEPUTY CLERK



KEEP TAHOE BLUE

LEAGUE TO SAVE LAKE TAHOE

2197 Lake Tahoe Boulevard, Post Office Box 10110

South Lake Tahoe, California 95731

Telephone: (916) 541-5388

3- 1108

Statement by James W. Bruner, Jr.
Assembly Government Affairs Committee
Nevada State Legislature
April 21, 1975

My name is Jim Bruner and I am executive director of the League to Save Lake Tahoe, a non-profit, public-benefit membership corporation incorporated in 1957.

I am testifying before you this evening in order to ventilate the need for restructuring the bi-state Agency for the purposes of providing effective regional planning for Lake Tahoe.

We have heard testimony in the Senate that the present structure and organization of the Tahoe Regional Planning Agency is not equal to the task of controlling development in a manner necessary to live within the environmental limitations inherent in the Lake Tahoe Basin. The Senate has compromised the original legislation in an effort to please those who believe the extension of sovereignty in partnership with California is at the expense of Nevadans. It is our belief that the revised draft is not practical, does not address the problem squarely or honestly, and in all probability will not be acceptable to California or the United States Congress.

The League to Save Lake Tahoe is of the firm belief that the preservation of the recreational and scenic opportunities of the Lake Tahoe Basin is no longer a provincial project. It is recognized that Lake Tahoe is not merely a possession of the States of Nevada and California or of the basin residents any more than the Grand Canyon belongs to those of Arizona or the redwoods to those residents of California. Evidence of this is the fact that in 1975 approximately 16 million people from every state and many foreign countries will visit Lake Tahoe. Lake Tahoe is here for the enjoyment of each generation, a heritage of beauty and recreational opportunity unmatched anywhere in the world.

The burden of addressing the true problems squarely now rests with this Assembly committee on behalf of all those interested in preserving the environmental balance of Lake Tahoe. Clearly, we must restructure the bi-state Agency in order to give it the tools with which to get the job done.

Without the provisions of Senate Bill 254 as introduced, the problems

Statement by James W. Bruner, Jr.

3 1109

facing the basin as well as the differences between the two States will increase. Those extensions of sovereignty granted by the original legislation previously enacted and ratified by Congress in December of 1969 must now be reviewed within the context of realistic problems which know no political boundaries.

Without the modifications provided for in the introduced version of S.B. 254 such as revisions to the dual majority requirements, 60 day interpretations, and increased public representation provisions, we will not be able to firmly meet our obligation to provide regional planning which does not allow despoliation of one of our greatest assets. We must not bow to the pressures of continued exploitation of what some feel is a provincial resource which should not be influenced by state and/or national interests. The plight of Lake Tahoe and the struggle over her control is receiving greater and greater national attention. I believe it fair to forecast the day, when absent of a greater working relationship between California and Nevada such as provided for in S.B. 254 as introduced, the federal government will organize to uphold their mandate and act on behalf of the massive holdings of public land and public investment in the basin.

The choices are clear and concise. Do we continue the compromising direction towards Lake Tahoe? Do we continue to shirk our responsibilities to the public who own some 70 percent of the basin? Do we continue to ask the public to finance the program of "playing catch-up" with accelerating private land-uses while recreational and scenic opportunities dwindle? Or, do we analyze the problems as the original language in S.B. 254 appears to do and reverse the exploitation of Lake Tahoe in recognition of critical resource and fiscal problems to benefit all Nevadans, Californians, and other users seeking its attributes?

I believe the public has made that choice and further believe they have the tools to implement the policy in this Assembly committee. If we insist on the realistic approach taken by S.B. 254 as introduced, we will be accepting the responsibility the public believes we have. To do so will be facing a reality which is difficult to grasp for those viewing Lake Tahoe as their lake, their empire, a more narrow, provincial resource benefiting special interests.



Office Of The County Manager

Douglas County · State of Nevada

Courthouse · Minden, Nevada 89423

County Manager
Roland L. Adams
(702) 782-5176 Ext. 238

SB254

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April 21, 1975

Assembly Committee on Governmental Affairs
Carson City, Nv. 89701

Subject: Redraft of SB 254

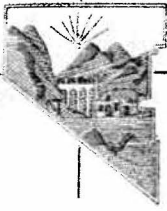
This Bill, as you probably know, has undergone considerable testimony before the Senate Committee on Environment and Public Resources, most of which was directed toward overloading the T.R.P.A. Governing Body with a majority of state oriented representatives; to the dislike of Local Government Officials.

For your review and consideration, I have attached copies of information which was introduced at or is relative to SB 254. I urge that you weigh the time and effort which went into the original Bi-State Compact against the hap-hazard effort to place two additional state officials on the Board as is before you now. All of the testimony from Douglas County has, in essence, requested the T.R.P.A. Compact be left alone, which we still maintain is the most workable situation. Keep in mind that the testimony received by the Senate from the people within the T.R.P.A. has been basically that the Agency has been functioning with no problems or partisanship except for one issue, the "Casino-Hotels".

Respectfully submitted,


Roland L. Adams

RLA: jh
AIT.



Office Of The County Manager

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Douglas County · State of Nevada

Courthouse · Minden, Nevada 89423

County Manager
Roland L. Adams
(702) 782-5176 Ext. 238

March 13, 1975

COMMENTS PERTINENT TO SB 254

BY: ROLAND L. ADAMS, DOUGLAS COUNTY MANAGER

In order to shed some light as to my direct involvement with the Tahoe Regional Planning Agency, it should be noted that my previous title was "Assistant Executive Director, Tahoe Regional Planning Agency", with specific charge of development control and coordination. Further, I had a responsible role in the development of the "General Plan" and "Ordinances" now in effect.

The Douglas County Commissioners appointed me as their first county manager with full knowledge of my background and I share their concerns relative to this proposed amendment. My comments are directed specifically to the amendment proposing an increase of Governing Board Members on the T.R.P.A. The assumption one must make from the calculated increase of appointed members is dissatisfaction with the elected member representation as a majority group.

The following questions and answers are supplied by me for your further consideration.

QUESTION: 1. What problems are cited to be the cause for increased appointed Governing Board Members?

ANSWER: My guess would be primarily the hotel-casinos.

QUESTION: 2. Can the Agency say that any project or development has been processed by the Agency without regard to their General Plan, Ordinances or environmental controls?

ANSWER: None that would be considered major (including applications at Stateline).

QUESTION: 3. Can the Agency say that the respective local governments administrative or enforcement personnel have not reasonably cooperated with them?

ANSWER: I would say sure "some stones have been thrown", but nothing that hasn't been resolved.

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QUESTION: 4. Were there any significant state-local partisanship votes recorded prior to the casino-hotel "dual majority" automatic approvals?

ANSWER: The record says no.

QUESTION: 5. Are "high-rise" hotels or motels in urban areas encouraged by the applications of land coverage regulations of the Agency?

ANSWER: On countless occasions, it has been said, "height is preferable to bulk in considering land coverage, particularly in Tahoe". Example: South Tahoe motel sprall compared to Stateline high-rise hotels.

QUESTION: 6. What about "transportation" in the South Tahoe Area?

ANSWER: The endless planning and hearing on traffic and transportation is a great example of "bureaucratic red tape".

QUESTION: 7. Were the Agency basic regulations and standards applied by Douglas County on the casino-hotels?

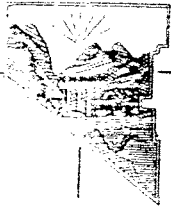
ANSWER: Absolutely; the record so reflects.

QUESTION: How can one rationalize that legislative authority is proposed to be left with the majority of state appointed officials, yet leaving local governments with such services as garbage, police protection, fire protection, etc.?

ANSWER: I have no answer, but it does seem like the "death sentence" to local governments with respect to the T.R.P.A.

I would conclude that the greatest threat to the Agency has been and still is finding reasonable compensation for devalued lands and that such be considered by all local, state and federal officials as the major "missing link" to the success of the Bi-State Compact, not this amendment.

I think the records will reflect the current Governing Body met their respective responsibilities in applying the rules and regulations and environmental controls which were adopted in 1971. It should also be noted, neither the existing Agency structure or the amendment proposed will satisfy the strong minded environmental interests or the development interests. I urge that you consider the questions which are asked and seek your own independent answers. My guess is, you will conclude, as I, that the existing compact under NRS 277.200 was drafted and adopted with reasonable consideration to all local, state and federal interests.



Office Of The County Manager 3, 1113

Douglas County • State of Nevada

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County Manager
Roland L. Adams
(702) 782-5176 Ext. 238

March 18, 1975

Honorable Senator Wilson
State Legislature Building
Carson City, Nv. 89701

Regarding: Senate Bill 254

Dear Spike:

I have listened very carefully to the tapes of the testimony presented to the Senate Committee on Environment and Natural Resources. I consider myself rather open minded about the issue of the proposed amendments and feel strongly that the increase of state appointments will have a detrimental effect on the "Agency" as well as the "Local Governments", to this end; in testimony, reference was made to "game playing"; several deals were made, which I am sure you are aware of in the 1973 Legislature, regarding the N.T.R.P.A. Issue, by several "State Appointees". The subsequent hearings of N.T.R.P.A. reflected many of the compromises made on the N.T.R.P.A. issue in 1973, to the frustration of Local Government Officials (in particular Douglas County because of the location of applications), obviously you are being exposed to that frustration.

The N.T.R.P.A. was besieged by environmental "flack", in my opinion (not particularly in the book), when reviewing the applications of "Kahle" & "Jennings". The main point raised against the applications was, at that time, inadequate transportation-traffic solutions.

Spike, believe me when I say the transportation plan for Nevada is totally reliant on California's action to proceed, which at this point, is "bogged down" with the intent to "lock out" additional development in the Stateline Area. This tactic (or game) is not the figment of my imagination. It is not necessarily the fault of the T.R.P.A., but when it appeared to those interests in opposition that the "counties were going to vote in a block" to support the pending casino-hotel applications, they raised the unanswerable question of transportation.

There is no way to unscramble the mess the T.R.P.A. Transportation Plan is in today, even those who are working on it are discouraged over its status.

I am one of those "dummies" who Mr. Breen referred to in his testimony; who helped on the Agency's Plan and Ordinances and for whatever it is worth, "I am damn proud to have been a part of that effort".

In any case, my point is nothing has really happened in the short history

Page 2/2
3-13-75 Corres to Sen. Wilson
of T.R.P.

of T.R.P.A. that has not been predicted particularly - the bickering between the Feds., the state and the counties. The problems which I point out herein are (to me) a game of "one-upsmanship" and not the fault of the Bi-State Compact.

I urge you to "look through" the surface and see that knowone will best be served by the changing of Governing Board Members, it is merely a proliferation of the "game playing", which I predict will backfire and cause an even greater strain on the essential relationship between all Local Governments and the Agency.

Should the predictable happen after passage of this bill, a bitter struggle between the three state appointees and the three elected officials will result in the seventh appointment. Next, after thirty days the Governor will appoint the state representatives' choice, thus state control. I think we could both agree some or all of the following might ensue:

1. Local Government withdrawal from all T.R.P.A. Governing Board Meetings with Governor appointments after three consecutive meetings of absence.
2. An acceleration of major and minor project violations by developers and small land owners which would be inspired by obstructionists.
3. Over reaction by the state controlled Agency to control violations.
4. Rapid acceleration of litigation on all fronts.
5. Enforcement and inspection support by Local Government staff declines or ceases.
6. Agency staff enlargement in legal, administrative and especially enforcement areas.

In closing, I hate to cry "the sky is falling" (ref: Henry Perry), but I think these issues are sufficient enough to point out that they should be weighed very carefully "before changing the rules of the ballgame before it is over".

Respectfully,

Roland L. Adams

RLA:jh



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RONALD REAGAN, Governor

BUSINESS AND TRANSPORTATION AGENCY

RECEIVED

OFFICE OF THE SECRETARY

MAR 27 1975

1120 N STREET, P.O. BOX 1139
SACRAMENTO, CALIFORNIA 95805 (916) 445-1331

DOUGLAS CO. MANAGER

March 20, 1975



MAR 24 1975

T A H O E R E G I O N A L
P L A N N I N G A G E N C Y

Tahoe Regional Planning Agency
P. O. Box 8896
South Lake Tahoe, CA 95705

Gentlemen:

From all indications available to this Administration, the Tahoe Regional Planning Agency is proposing to adopt a transportation plan element at its meeting on March 26, 1975. A review of the proposed transportation element reveals that it is little more than a series of individual project evaluations, maps, and issue papers bearing little resemblance to a comprehensive transportation plan. In view of the nearness of the April 1 deadline for adoption of the regional transportation plans required by California statute, I feel compelled to share with you some of this Administration's concerns.

California statutes require that the transportation plan reflect the land use, economic, social and environmental needs and concerns of the region. California statutes also require that the California Tahoe Regional Planning Agency adopt a plan which adequately reflects those overriding comprehensive planning objectives.

The Administration has yet to view any transportation plan drafts produced by the bi-state Tahoe Regional Planning Agency which conform to the statutory requirements of California law. We view with alarm proposals to single out and endorse growth inducing projects which our state has no capacity to fund, when those projects have not been reviewed within the comprehensive context of Lake Tahoe's future. We intend to critically review any proposals for the future which are contingent on the construction of a four-lane Highway 50, or proposed casino loop, when we know that our statewide transportation needs prohibit us from ever providing such facilities.

California's transportation program has become the victim of inflation. Fuel tax revenues, levied on a per-gallon basis, do not increase as the cost of living increases. Additionally,

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recent increases in the price of fuel have resulted in a substantial weakening of historical gasoline consumption growth trends. Consequently, we find ourselves with less revenue than we anticipated and with less purchasing power per dollar than any prophet of doom could have ever predicted.

The resulting actions taken by California's Department of Transportation to cope with this greatly constrained financial outlook have been very straightforward. The Administration is drastically reducing its capital construction program. We are faced with the necessity of abandoning many projects which have been on the drawing boards for the last twenty years. There simply is not going to be enough money to continue to build new and improved highways at the flourishing rates popular in the past.

This message should be very important to the Agencies in the Tahoe Basin. For the signals are clear, there will be no major commitment of California dollars to the construction of more highways leading into, or around Lake Tahoe in the foreseeable future.

Certainly, we will attempt to improve the safety on existing facilities, but we will not be embarking on any major new projects.

Since you serve an area where severe congestion occurs during busy summer months, you should be very sensitive to the importance of my comments on the outlook for future highway improvements in the basin.

I must also advise you that it is our intent to review the proposals for improvement of Highway 50. I anticipate that by early 1976, we will recommend that certain necessary safety improvements be undertaken on the existing right-of-way and that plans for a future freeway in the corridor be abandoned due to the total unlikelihood that sufficient funds for the project could ever be budgeted.

We are of the belief that your staff recommended the construction of a Highway 50 parkway and a casino loop at South Lake Tahoe. We strongly urge that you reject these staff recommendations.

I urge you to carefully consider the future of Lake Tahoe in the most realistic terms possible. You must not assume that transportation resources are limitless. You must not assume that the State of California will build all the roads as proposed in the Plan. You must balance your plan by controlling

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Tahoe Regional Planning Agency -3-

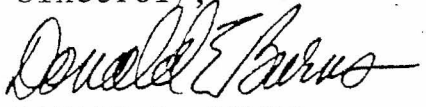
March 20, 1975

your development of the land to conform to the capacity limits of the existing transportation network.

This Administration will urge the California Tahoe Regional Planning Agency to reject the so-called plan being offered by the bi-state agency as inadequate, and unrealistic.

It is time to introduce some common sense into the planning process.

Sincerely,



DONALD E. BURNS
Secretary

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Mr. Dini asked if it was on the Truckee River. He then asked if this had anything to do with A.B. 394.

Mr. Robbins stated that that is in Sparks.

Mr. Latimore testified next. He stated that they urged passage of the bill. The property is being used by the general public. He stated that it was a narrow strip.

Mr. May referred to the words "for park purposes" in the bill.

Mr. Latimore stated that the line runs through the middle of Sparks and Reno.

Mr. Murphy asked if this was part of the \$2,000,000 bond issue.

Mr. Latimore replied that that was more in the central part of the city. There is no restriction on where it would be utilized.

Mr. May moved for a do pass which was seconded by Mr. Harmon. The motion carried unanimously. Mr. Schofield was not present at the time of the vote.

The committee next discussed S.B. 363. Mr. Craddock stated that this was an easy way to keep records.

Mrs. Ford moved for a do pass which was seconded by Mr. Murphy. The motion carried unanimously. Mr. Schofield not present at the vote.

The next bill discussed by the committee was A.B. 408. Mr. Murphy stated that he has an amendment that would limit this to Washoe County. He stated that this bill had already been amended and passed by the committee.

The committee next discussed A.B. 197. Mr. May moved for a motion to rescind indefinite postponement on this bill which was seconded by Mr. Young. The committee was unanimously in favor. Mr. Schofield was not present at the time of the vote. Mr. Young moved for a do pass, which was seconded by Mr. Harmon. The motion carried unanimously. Mr. Schofield was not present at the time of the vote.

The committee discussed S.B. 254. Mrs. Ford moved for a do pass, which was seconded by Mr. Murphy. The motion carried unanimously. Mr. Schofield was not present at the time of the vote.

The committee took a short recess.

Assemblyman Robinson moved that Assembly Bill No. 758 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Robinson.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 8565.

Amend sec. 2, page 1, line 12, after comma following "inclusive", by inserting: "[and] sections 2 and 3 of [this act] *Assembly Bill 127 of the 58th session of the Nevada legislature and*".

Amend sec. 2, page 1, lines 13 and 14, by deleting "[NRS" on line 13, deleting line 14, and inserting: "such sections, except in those instances".

Amend sec. 44, page 12, line 36, by inserting after "Sections" and before "17," the numeral: "1,".

Assemblyman Glover moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 488.

Bill read second time, and ordered to third reading.

Mr. Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 254.

Bill read third time.

The following amendment was proposed by Assemblymen Jacobsen and Weise:

Amendment No. 8048.

Amend section 1, page 9, by deleting line 35 and inserting: "posal shall be deemed approved.

(1) *The governing body shall maintain a current list of publicly owned real estate known to be available for exchange.*"

Amend the title by deleting lines 3 and 4 and inserting: "viding technical corrections; requiring agency to maintain lists of real property available for exchange; and providing other matters properly relating thereto."

Assemblyman Jacobsen moved the adoption of the amendment.

Remarks by Assemblymen Jacobsen, Dini, Weise, and Ford.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymen Mello, Dini, and Howard as a third Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 157.

REPORTS OF COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 63, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

PAUL W. MAY
ROBERT R. BARENGO
ZELVIN D. LOWMAN

RICHARD E. BLAKEMORE
MARY L. GOJACK
WILLIAM J. RAGGIO

Assembly Committee on Conference

Senate Committee on Conference

Assemblyman May moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 63.

Remarks by Assemblyman May.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Wittenberg moved that the vote whereby Amendment No. 8048 to Senate Bill No. 254 was adopted be rescinded.

Remarks by Assemblymen Wittenberg, Jacobsen, Getto, and Weise.

Motion carried.

Assemblyman Dini moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 12:18 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Christensen moved that Senate Bill No. 254 be taken from its position on the General File and placed at the top of the General File.

Motion lost.

Roll call on Senate Bill No. 345:

YEAS—14.

NAYS—Brookman, Chaney, Christensen, Craddock, Demers, Dini, Dreyer, Getto, Glover, Harmon, Hayes, Howard, Jacobsen, Mann, May, Mello, Moody, Murphy, Polish, Price, Robinson, Schofield, Sena, Wittenberg, Young, Mr. Speaker—26.

Senate Bill No. 345 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblyman Bremner.

Roll call on Senate Bill No. 471:

YEAS—40.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 507.

Bill read third time.

Remarks by Assemblyman Barengo.

Roll call on Senate Bill No. 507:

YEAS—37.

NAYS—Howard, Jacobsen, Moody—3.

Senate Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 524.

Bill read third time.

Remarks by Assemblyman Barengo.

Roll call on Senate Bill No. 524:

YEAS—40.

NAYS—None.

Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Roll call on Senate Bill No. 254:

YEAS—34.

NAYS—Benkovich, Getto, Jacobsen, Lowman, Weise—5.

Not voting—Price.

Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblymen Wagner and Dini.