



Tahoe Regional Planning Compact

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**REPORT OF THE LEGISLATIVE
COMMITTEE TO INVESTIGATE THE FUNCTIONING
OF THE TAHOE REGIONAL PLANNING COMPACT**

BULLETIN NO. 93-11

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SUMMARY OF RECOMMENDATIONS

The Legislative Commission's Committee to Investigate the Functioning of the Tahoe Regional Planning Compact recommends that the 1993 Session of the Nevada Legislature:

1. Urge, by resolution, the United States Congress to ratify amendments to the *Bistate Compact* which have been adopted by the States of Nevada and California and which provide the Nevada Senate and Assembly direct representation on the Tahoe Regional Planning Agency's Governing Body. (BDR R-297)
2. Urge, by resolution, the TRPA to emphasize:
 - a. Implementation of existing regulations rather than initiation of increased restrictions; and
 - b. Implementation of plans through proactive efforts to facilitate high-quality proposals. (BDR R-298)
3. Request, by resolution, that the TRPA:
 - a. Continue to increase efforts to simplify its regulations;
 - b. Continue to streamline its planning, project review and permitting procedures through such mechanisms as increased utilization of "Memorandums of Understanding" with other agencies at the local, state, regional and national levels; and
 - c. Report its progress in these areas to the biennial sessions of the Nevada Legislature. (BDR R-299)
4. Urge, by resolution, the TRPA:
 - a. To analyze the provisions of the *Bistate Compact* and relevant court actions to determine if they preclude establishment of variance procedures associated with project review; and
 - b. If such procedures are allowable, to establish a mechanism for granting variances based upon site-specific characteristics associated with individual projects. (BDR R-300)

5. Request, by resolution, that the TRPA:
 - a. Incorporate stronger scenic protection measures in the Agency's planning and regulatory activities;
 - b. Analyze the future demand for outdoor recreational opportunities in the Lake Tahoe Basin and report to the 1995 Session of the Nevada Legislature the results of the analysis and the manner in which the Agency (TRPA) intends to incorporate this information in the Regional Plan;
 - c. Continue to move the Individual Parcel Evaluation System (IPES) line that identifies residential property which may be developed in the Basin; and
 - d. Continue its involvement in the Lake Tahoe Economic Roundtable, and take appropriate steps to respond to identified impacts that the Agency's programs and regulations have on the Region's economic and social well-being. (BDR R-301)
6. Direct letters from the Legislative Committee to the TRPA, Nevada's Department of Transportation (NDOT), and Clark and Washoe Counties requesting that representatives from these entities participate in immediate discussions designed to review information and develop recommendations concerning designation of TRPA as a "Metropolitan Planning Organization" (MPO) under provisions of the Federal Intermodal Surface Transportation Efficiency Act of 1991. (Accomplished by the Committee as part of its authority.)
7. Express, by resolution, support for designation of the TRPA as an MPO under provisions of the Federal Intermodal Surface Transportation Efficiency Act of 1991, and include in the preamble recognition of the efforts to achieve this goal by local governments in the Basin, relevant state agencies, the Tahoe Transportation Coalition, the TRPA and the Tahoe Transportation District. (BDR R-302)

8. **Direct, by resolution, NDOT:**
 - a. **To coordinate transit and rail efforts with similar activities on the California side of the Basin.**
 - b. **To assist TRPA in identifying sources and securing funds for environmentally-oriented transportation and transit improvements in the Basin; and**
 - c. **To allocate as many resources as possible to implementing its share of environmentally-oriented transportation and transit improvements in the Basin. (BDR R-303)**
9. **Urge, by resolution, the TRPA to emphasize development of sidewalks and transit systems, and to manage the parking supply, in order to achieve a reduction in traffic congestion in the Basin. (BDR R-304)**
10. **Establish a Tahoe Land Coverage Mitigation Account in the State General Fund and authorize the Division of State Lands to use funds from the account to implement a land coverage mitigation program, including the following general elements:**
 - a. **Identification of property which is subject to the program;**
 - b. **Purchase, acceptance, sale, trade or transfer of property or interest in property (coverage rights);**
 - c. **Elimination of physical coverage on property acquired through the program;**
 - d. **Mitigation of environmentally negative features associated with property acquired through the program;**
 - e. **"Retirement" of coverage rights; and**
 - f. **Administration of the program. (BDR S-305)**

11. Place on the statewide ballot a proposal to issue \$20 million in general obligation bonds to support grants to local governments and NDOT for projects associated with erosion control and restoration of stream environment zones. (BDR S-306)
12. Continue, by resolution, the existence (during the interim after the 1993 Legislative Session) of the Legislative Committee and direct it to monitor the budget, programs, activities, responsiveness and accountability of the TRPA. Further, direct the Committee to continue its efforts to communicate with interested members of the California Legislature. (BDR R-307)

REPORT TO THE 67TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S COMMITTEE
TO INVESTIGATE THE FUNCTIONING OF THE
TAHOE REGIONAL PLANNING COMPACT

I. INTRODUCTION

The 1991 Nevada Legislature adopted Assembly Joint Resolution No. 17 (File No. 140, *Statutes of Nevada 1991*, pages 2599-2601) which directed the Legislative Commission to appoint a committee to investigate the functioning of the Tahoe Regional Planning Compact. A copy of the resolution is contained in Appendix A.

The investigation was conducted as an interim legislative study. The Legislative Commission appointed the following committee to undertake the study:

Senator Raymond C. Shaffer, Chairman
Assemblyman Joseph E. Dini, Jr., Vice Chairman
Senator Bill R. O'Donnell
Senator John M. Vergiels
Assemblyman Joe Elliott
Assemblyman Matthew Q. Callister
Assemblyman Dean A. Heller

Legislative Counsel Bureau staff services for the committee were provided by Fred W. Welden of the Research Division (principal staff), Steve Coburn of the Legal Division (legal counsel), and Gloria Johnson (study secretary).

The committee held four hearings in the Lake Tahoe Basin. Testimony was received from citizens of the Basin, representatives of the Tahoe Regional Planning Agency (TRPA), staff for other state and Federal agencies, and

representatives of California legislators whose districts contain portions of the Basin. A total of 12 recommendations were adopted by the committee.

The present report provides background information concerning the *Bistate Compact*, activities of the TRPA, public programs to purchase property in the Basin, and each of the committee's recommendations. It should be noted that legislative committees with similar types of oversight responsibilities were established after the 1985 and 1987 Legislative Sessions. The current report is a supplement to the reports of the previous studies which may be referenced as follows:

- Legislative Counsel Bureau (LCB) Bulletin No. 87-16, "Review Of The Activities Of The Tahoe Regional Planning Agency"; and
- Legislative Counsel Bureau Bulletin No. 89-12, "Review Of The Activities Of The Tahoe Regional Planning Agency 1987-1988."

II. TAHOE REGIONAL PLANNING COMPACT

The bistate Tahoe Regional Planning Compact was adopted by the States of Nevada and California, and it took effect in 1969 when ratified by the United States Congress. The original document was significantly amended in 1980. A summary of Nevada legislative actions associated with the Compact is presented in the previously referenced LCB Bulletin No. 87-16. A copy of the Compact is included as Appendix B.

Although the document is complex, its major elements may be summarized in a relatively concise manner.

General Policy

The "Findings and Declarations of Policy" highlight the Lake Tahoe Basin's unique environmental and ecological values while simultaneously speaking

about providing opportunities for orderly growth and development consistent with the Basin's environmental carrying capacities.

Governing Body and Voting Structure

A Governing Body consisting of 14 members (seven from each state) is created. A relatively complicated voting structure is established. A dual majority (at least four votes from each state) is required to act upon environmental threshold carrying capacities, the Regional Plan, ordinances, rules, regulations and variances. Approval of a project requires the affirmative vote of at least five members from the state in which the project is located, and at least nine members of the overall Governing Body. A simple majority is required to undertake routine business.

Major Planning-Related Requirements

The TRPA is directed to adopt:

1. Environmental threshold carrying capacities necessary to maintain significant scenic, recreational, educational, scientific or natural values of the Region or to maintain public health and safety;
2. A Regional Plan which, at a minimum, achieves and maintains the adopted environmental threshold carrying capacities; and
3. The ordinances, rules, and regulations necessary to effectuate the adopted Regional Plan.

Other Specific Provisions

Special procedures are provided for proposals relating to internal or external modification, remodeling, change in use, or repair of structures housing casino gaming. Environmental impact statements are required before the Agency may approve projects in the Basin. And, the venue for legal actions is defined.

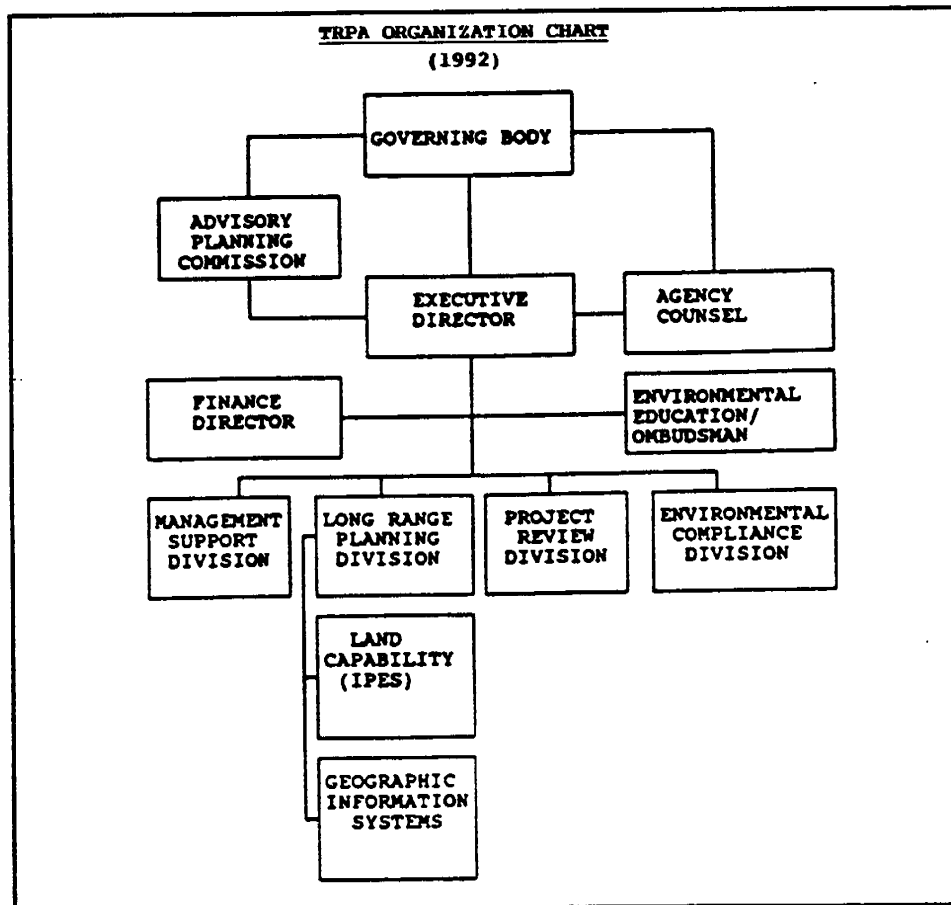
Financial contributions from local governments are specified, and it is stipulated that requests for state funds must be apportioned two-thirds from California and one-third from Nevada. The Tahoe Transportation District is established, and its powers are defined.

III. AGENCY STRUCTURE, BUDGET AND ACTIVITIES

The Tahoe Regional Planning Agency is responsible for implementation of the *Bistate Compact*.

Organizational Structure

The Agency's organizational chart may be diagrammed as follows:



Budgetary Overview

Historical information concerning TRPA budgets, revenue and expenditures is contained in the two LCB bulletins previously referenced.

During Fiscal Year (FY) 1990-1991, the Agency received a total of \$3,815,949 in revenue. Overall expenses were \$3,814,661. Summaries by category are as follows:

Summary of FY 1990-1991 Revenue

Local Sources	\$ 149,990
California General Support	686,000
California Legal Support	200,000
Nevada General Support	342,500
Nevada Legal Support	100,000
Caltrans and TDA	119,302
Integrated Monitoring Program	745,024
Investment Income	112,748
Filing Fee Income	355,054
Fines and Forfeitures	84,138
Other Revenue	<u>941,193</u>
Total Revenue	\$ 3,815,949

Summary of FY 1990-1991 Expenditures

Staff Salaries/Benefits	\$ 1,929,775
Operating Expenses	480,248
Contract Legal Services	179,673
Contract Labor	1,143,699
Other Expenses	<u>81,266</u>
Total Expenses	\$ 3,814,661

The TRPA also provided projections for FY 1991-1992. At the time of the committee hearings, the Agency anticipated FY 1991-1992 revenue of \$3,546,265 and expenditures of \$3,540,331. Categorized summaries are as follows:

Summary of FY 1991-1992 Revenue

Local Sources	\$ 150,000
California General Support	853,000
California Legal Support	200,000
Nevada General Support	405,461
Nevada Legal Support	100,000
Caltrans and TDA	105,100
Integrated Monitoring Program	567,827
Data Base	401,600
Investment Income	120,000
Filing Fee Income	344,277
Fines and Forfeitures	50,000
Other Revenue	<u> </u>
Total Revenue	\$ 3,546,265

Summary of FY 1991-1992 Expenditures

Staff Salaries/Benefits	\$ 1,953,454
Operating Expenses	505,062
Contract Legal Services	128,555
Contract Labor-General Fund	54,600
Contract Labor-Special Fund	864,427
Other Expenses	<u> </u>
Total Expenses	\$ 3,540,331

Major Areas of TRPA Activity

As part of its testimony, the TRPA staff outlined several areas of major activity for FY 1990-1991 and the first half of FY 1991-1992.

- Streamlining

In order to streamline project review procedures, the TRPA entered into Memorandums-of-Understanding (MOU's) with several public entities including Nevada's Department of Transportation, Douglas County, the Incline Village General Improvement District, all agencies reviewing projects in the shorezone, Pacific Bell Telephone, and three utility districts. The Agency also amended its ordinances to increase the number of exempt activities, simplify permit requirements and facilitate processing of subdivision applications.

- Project Review

During the 1 1/2 year period, the TRPA received 2,088 new project applications and took action on 2,275 applications. The Governing Body reviewed 124 of the staff actions. The largest categories were:

Residential modifications	898
New residential projects	450
Public service	134
Commercial	132
Coverage transfer/erosion control	114

- **Environmental Compliance**

Based on the number of permits issued in the past several years, and the fact that all permits are valid for 3 years, TRPA's Environmental Compliance Division monitors about 4,500 active permits at all times. In addition, the Division participated in the bistate efforts to improve highway deicing and reduce damage to vegetation from road salt, the Pacific Snow Removal Conference, and the Sierra Front Defensible Space Program.

- **Long-Range Planning**

The TRPA's Long-Range Planning Division completed several projects including the 1991 Evaluation, preparation of the draft Regional Transportation Plan - Air Quality Plan, a study of the impact of shorezone structures on fish habitat, ski area master plan guidelines, amendment of the Postal Service Action Plan, establishment of an in-house computerized Geographic Information System and office automation system, amendment of Agency maps to increase Individual Parcel Evaluation System (IPES) scores of vacant residential parcels which have benefited from construction of erosion control projects, and expansion of the environmental monitoring program.

- **1991 Evaluation Report**

The 1991 Evaluation Report analyzes the progress toward achieving and maintaining the Agency's environmental threshold standards. Its information and recommendations are designed to assist the Governing Body in updating the Regional Plan and threshold standards.

The report indicates that progress is being made in most threshold categories, but several areas, such as water quality, are not meeting the performance targets. A copy of the "Summary Table" for the report is included as Appendix C.

- Environmental Education

With the employment of an environmental education coordinator, who also serves as an advocate/ombudsman for the general public, the TRPA increased its environmental education program significantly. Educational workshops for applicants and contractors were enhanced, as were printing of public information materials and issuance of annual awards for exemplary projects.

- Capital Financing Committee

A Capital Financing Committee was established to assist staff with programs and legislation to implement the capital improvements sought through the Regional Plan. In specific, the Committee (including Governing Body members and representatives of the community) received a consultant's report and issued a financing plan for key implementation elements of the Regional Water Quality Management Plan.

IV. PUBLIC PROGRAMS FOR THE PURCHASE OF PROPERTY AND FINANCING OF EROSION CONTROL PROJECTS

For the past several years, the Federal Government and the States of Nevada and California have individually implemented programs for the purchase of sensitive property and the financing of erosion control projects in the Tahoe Basin.

The Federal Santini-Burton Program

As explained in the previous LCB bulletins, the Federal Santini-Burton Act of 1980 provides the U.S. Forest Service (USFS) with a mechanism for purchasing sensitive property and making grants for erosion control projects in the Basin.

Since 1982, Congress has appropriated \$84.3 million for Santini-Burton land purchases. Another \$8 million has been donated for this purpose by the California Tahoe Conservancy (1988-1991). The USFS has acquired, through purchase or donation, a total of 3,314 parcels (2,137 in California and 1,177 in Nevada). These parcels comprise 10,845 acres of land at a value of \$87 million. An additional 3,047 acres of sensitive property have been acquired through other USFS authorities.

After receiving only \$2.9 million in FY 1991 (the lowest appropriation since the program was initiated), the USFS received \$5 million for FY 1992. The Federal agency anticipates eventual acquisition of an additional 650 parcels (5,000 acres), valued at about \$20 million, through the Santini-Burton program.

The Federal Act also authorizes a sum equal to 15 percent of the acquisition dollars to be provided as erosion control grants to local governments. Allocations to the general-purpose local governments in the Basin are proportionate to the acres of land acquired in each jurisdiction under the program. A total of \$12.3 million in grant funding has been distributed to finance 57 projects. Nevada counties have received \$4.2 million for 17 projects, while California jurisdictions have received \$8.0 million for a total of 40 projects.

The California Tahoe Conservancy

The California Tahoe Conservancy administers several types of environmental programs in the Basin, including:

1. Acquisition of environmentally sensitive lands;
2. Funding erosion control projects and transfers of development rights;
3. Providing public access and recreational opportunities; and
4. Wildlife enhancement.

The Conservancy's primary source of funds for acquisition of undeveloped property is the Lake Tahoe Acquisitions Bond Act of 1982. However, supplemental funding through the State General Fund, the Environmental License Plate Fund, and California "Section 8(g)" funds, have allowed the Conservancy to implement a comprehensive set of acquisition, site improvement and management programs.

The Conservancy has authorized the expenditure of over \$104 million under these programs. Acquisition of interest in more than 4,600 parcels involving approximately 5,900 acres of land (\$80.9 million) has been approved, as has the implementation of over 130 site improvement and management projects (\$24 million). Expenditures by category include the following:

Total Expenditures - California Tahoe Conservancy		
Acquisition of sensitive property	\$	58.8 million
Erosion control projects		21.8 million
Land coverage/development rights transfers		2.4 million
Public access		16.9 million
Protection/restoration of wildlife habitat		1.8 million
Management and planning projects		3.1 million

Nevada's Tahoe Bond Program

Nevada's "Tahoe Bond Act of 1985" placed on the ballot a proposal to issue \$31 million in bonds to be used for (1) the purchase of environmentally sensitive property in the Basin, and (2) the prevention/mitigation of erosion or pollution. The proposal was approved by the voters in November 1986.

As of March 1992, the program administered by the Division of State Lands had acquired 425 parcels (120 in Douglas County and 305 in Washoe County). Acreages totaled 75.3 acres in Douglas County and 84.5 acres in Washoe County. Purchase agreements had been completed for an additional 52 parcels, bringing the total commitment to \$24.4 million for 477 parcels (an average of \$51,136 per parcel). The acquisition program was nearing completion with only an additional seven parcels under active consideration.

The program's erosion control funds were made available to local governments and general improvement districts as matching grants (75 percent state, 25 percent local money). Grants have been awarded on the basis of a prioritized list of potential projects developed by the Nevada Tahoe Conservation District in conformance with the TRPA's Water Quality Management Plan. Among the 25 applications received, the top 15 projects were funded as follows:

Funding for Erosion Control Projects Nevada's Tahoe Bond Program		
Douglas County	\$	5.4 million
Washoe County		2.2 million
Incline Village GID		<u>.8 million</u>
Total	\$	8.4 million

Most of these projects had been completed and it was anticipated that the remainder would be finished during the 1992 construction season.

V. DISCUSSION OF RECOMMENDATIONS

As previously highlighted, the committee adopted a total of 12 recommendations. Following is a discussion of the background information associated with each of these recommendations.

A. TRPA STRUCTURE AND GENERAL POLICY

The committee reviewed several proposals relative to the TRPA's structure and general policies.

Amendment of the *Bistate Compact*

As previously outlined, the Tahoe Regional Planning Compact was approved in 1969 and significantly amended in 1980. Additional modifications, however, have been proposed since the major actions of 1980. One bill was approved in each of Nevada's 1981, 1983 and 1985 Legislative Sessions. In 1987, Nevada enacted Assembly Bill 5 which combined the previous measures and conformed them with similar California legislation that had been passed during the same period.

The major proposed change is in the structure of the Nevada delegation serving on the Governing Body. The existing Nevada membership consists of three representatives of local governments, one member appointed by the Governor, the Secretary of State, the Director of the State Department of Conservation and Natural Resources, and a seventh member appointed by the other six members of the delegation. The proposed structure would include three representatives of local governments, two members appointed by the Governor, one member appointed by the Majority Leader of the Senate, and one member appointed by the Speaker of the Assembly.

Two bills to ratify this amendment were introduced in the U.S. Congress in 1987. Action was not taken on either measure. Nevada subsequently adopted

resolutions in 1989 (S.J.R. 5) and 1991 (A.J.R. 25) urging Congress to ratify the proposed amendment. To date, no Federal action has been taken.

Thus, the committee approved the following recommendation:

- Urge, by resolution, the United States Congress to ratify amendments to the *Bistate Compact* which have been adopted by the States of Nevada and California and which provide the Nevada Senate and Assembly direct representation on the TRPA Governing Body. (BDR R-297)

Implementation of Plans and Regulations

The committee received a significant amount of testimony about the considerable number and complexity of TRPA regulations. Also pointed out was the desirability of the Agency becoming more proactive in facilitating the design of high-quality proposals which will not detract from the environmental conditions in the Basin - rather than emphasizing only its efforts to prevent environmentally damaging developments.

As related to the first issue, the TRPA has adopted a comprehensive Regional Plan with several categorical plans as major elements. A rather complicated "Code of Ordinances" has also been adopted to implement these plans. As related to the second point, the Agency has expanded its efforts to assist local governments in preparing grant applications and increased its activities in advocating legislation of benefit to the Basin. However, proactive efforts to assist in the design of environmentally positive developments have not received a great deal of attention.

Based on this information, the committee recommended the following action:

- Urge, by resolution, the TRPA to emphasize:
 - a. Implementation of existing regulations rather than initiation of increased restrictions; and

- b. Implementation of plans through proactive efforts to facilitate high-quality proposals. (BDR R-298)

Streamlining and Simplification of Procedures

As previously outlined, the TRPA's "Code of Ordinances" is complicated and extensive. Testimony highlighted the difficulties associated with understanding and working under the complex regulations. Although the Agency has initiated efforts to simplify the Code, other activities have received the staff's major attention.

Conversely, the Agency has made noticeable progress in efforts to streamline its planning, project review and permitting procedures. One mechanism for achieving this objective has been initiation of Memorandums of Understanding (MOU's). The Agency has entered into:

1. Four MOU's which delegate specified responsibilities for the review of proposed projects to local governments in the Basin;
2. Fifteen MOU's allowing local governments to undertake routine maintenance and repair operations without being required to obtain TRPA approval; and
3. Numerous MOU's providing greater coordination among entities interested in implementation of plans and regulations.

Based upon this background information, the committee approved the following recommendation:

- Request, by resolution, that the TRPA:
 - a. Continue to increase efforts to simplify its regulations;
 - b. Continue to streamline its planning, project review and permitting procedures through such mechanisms as increased utilization of

"Memorandums of Understanding" with other agencies at the local, state, regional and national levels; and

- c. Report its progress in these areas to the biennial sessions of the Nevada Legislature. (BDR R-299)**

Granting of Variances

Variances are typical tools employed by local planning entities to provide flexibility when strict enforcement of ordinances would result in unnecessary and undue hardship. Although sometimes controversial in their application, variances are most often designed to grant relief when unique physical conditions associated with a piece of property preclude its development in compliance with a specific regulation without creating the undue hardship. Likewise, the proposed alternative approach is only acceptable when it will not violate the overall intent of the regulation.

The TRPA's ordinances are acknowledged to be detailed, complicated and relatively inflexible. It is also evident that the physical characteristics of property in the Tahoe Basin are quite diverse. Testimony indicated that the granting of variances under specific circumstances could alleviate significant hardships which sometimes result from an extremely strict application of the inflexible regulations. Thus, the committee adopted the following recommendation:

- **Urge, by resolution, the TRPA:**
 - a. To analyze the provisions of the *Bistate Compact* and relevant court actions to determine if they preclude establishment of variance procedures associated with project review; and**
 - b. If such procedures are allowable, to establish a mechanism for granting variances based upon site-specific characteristics associated with individual projects. (BDR R-300)**

B. SPECIFIC RECOMMENDATION RELATED TO TRPA PLANNING AND REGULATION

The committee also responded to concerns relative to several specific types of issues associated with planning and regulation.

Protection of scenic values in the Basin has been a concern for many years. A "Scenic Management Study" has been compiled to provide objective criteria for use in evaluating proposed projects relative to their impacts on scenic thresholds established for the Basin. Testimony indicated that, based on these criteria, stronger scenic protection should be incorporated in the Agency's planning and regulatory activities.

Similarly, the need to project the future demand for outdoor recreational opportunities in the Basin has been discussed for some time. The future work plan for the TRPA calls for the Agency to conduct such a survey, and participation in the Tahoe Coalition of Recreation Providers furnishes a mechanism for coordination of recreation planning. Testimony supported placing an emphasis on analyzing the recreational demand and incorporating the results in the Regional Plan as soon as possible.

The functioning of the Individual Parcel Evaluation System (IPES) has also become a controversial issue. The system furnishes a quantitative mechanism for evaluating a parcel's sensitivity to development, and it is used by TRPA to establish priorities for allowing construction of new single-family dwellings. The Agency's planning activities anticipate that the IPES "line," which identifies vacant residential parcels currently eligible for development, will "move" in a manner which allows construction on more sensitive parcels as time progresses. Several factors, however, have limited the Agency's capability to move the line, and testimony emphasized the importance of eliminating the hindrances and ensuring that the line is moved as originally contemplated.

As a fourth specific concern, the economy in the Basin has suffered in recent years. Although the Tahoe Regional Planning Compact does not require the TRPA to establish economic performance standards for the Basin, the Agency

has concluded that the Region lacks a coordinated program for collection and assessment of economic data. The Lake Tahoe Economic Roundtable, in which the TRPA participates, is designed to assist in this type of effort, and it has been successful in initiating positive activities such as sponsorship of a regional conference to analyze the economic competitive of the businesses in the Basin. Testimony highlighted the need to continue these efforts and to expand the goals to include identification of impacts that TRPA plans and regulations have on the Region's economic and social well-being.

Based on this testimony and background information, the committee approved the following recommendation:

- Request, by resolution, that the TRPA:
 - a. Incorporate stronger scenic protection measures in the Agency's planning and regulatory activities;
 - b. Analyze the future demand for outdoor recreational opportunities in the Lake Tahoe Basin and report to the 1995 Session of the Legislature the results of the analysis and the manner in which the Agency intends to incorporate this information it the Regional Plan;
 - c. Continue to move the Individual Parcel Evaluation System (IPES) line that identifies residential property which may be developed in the Basin; and
 - d. Continue its involvement in the Lake Tahoe Economic Roundtable, and take appropriate steps to respond to identified impacts that the Agency's programs and regulations have on the Region's economic and social well-being. (BDR R-301)

C. TRANSPORTATION-RELATED RECOMMENDATIONS

The street and highway network represents 40 percent of the land coverage in the Basin, and runoff from streets and highways is a major factor in water

quality degradation. Thus, transportation-related issues are exceptionally significant to the Region.

Designation as "Metropolitan Planning Organization".

In 1991, the Federal Government passed the Intermodal Surface Transportation Efficiency Act (ISTEA). Designation under the Act as a Metropolitan Planning Organization (MPO) is significant as one element in obtaining Federal transit and surface transportation funds.

To qualify for such a designation, the Act requires that the Governor and at least 75 percent of the local governments in the area support the MPO classification. The TRPA has obtained resolutions of support from the relevant local governments in the Region and has been working with the the state transportation agencies, Tahoe Transportation Coalition and Tahoe Transportation District to facilitate the designation. Application has been made to Nevada's Department of Transportation (NDOT) to initiate the process, and testimony from a broad range of sources sought legislative support.

Based on this background information, the committee approved the following two recommendations:

- Direct letters from the Legislative Committee to the TRPA, NDOT, and Clark and Washoe Counties requesting that representatives from these entities participate in immediate discussions designed to review information and develop recommendations concerning designation of TRPA as a MPO under provisions of the Federal Intermodal Surface Transportation Efficiency Act of 1991.

(See Appendix D for a copy of the letter.)

- Express, by resolution, support for designation of the TRPA as an MPO under provisions of the Federal Intermodal Surface Transportation Efficiency Act of 1991, and include in the preamble recognition of the

efforts to achieve this goal by local governments in the Basin, relevant state agencies, the Tahoe Transportation Coalition, the TRPA and the Tahoe Transportation District. (BDR R-302)

Environmentally-Oriented Transportation Improvements

As previously mentioned, the street and highway network represents 40 percent of the land coverage in the Tahoe Basin, and runoff from streets and highways is a major factor in water quality degradation. Emissions from motor vehicles also contribute significantly to the degradation of air quality in the Basin.

The TRPA has participated in several transportation-related activities designed to address portions of these issues, and efforts to implement transit, rail, parking and pedestrian programs are viewed as essential to protection and enhancement of the Basin's environmental quality. At least three major activities foster environmentally-oriented transportation programs, as follows:

1. The State of California has approved funding for feasibility studies and property acquisition associated with construction of a light rail system in the southern portion of the Lake Tahoe Basin;
2. The Truckee/North Tahoe Transit Management Association has been created as a public/private partnership to enhance transit activities in the northern portion of the Basin; and
3. The TRPA has adopted an integrated "Transportation and Air Quality Management Plan" which identifies needs in these areas and projects deficiencies in funding.

The TRPA has specifically determined that \$50 million is needed for mass transit projects in the near future.

Based on this information and the considerable amount of testimony concerning environmentally-oriented transportation improvements, the committee adopted the following two recommendations:

- **Direct, by resolution, the NDOT:**
 - a. **To coordinate transit and rail efforts with similar activities on the California side of the Basin.**
 - b. **To assist TRPA in identifying sources and securing funds for environmentally-oriented transportation and transit improvements in the Basin; and**
 - c. **To allocate as many resources as possible to implementing its share of environmentally-oriented transportation and transit improvements in the Basin. (BDR R-303)**
- **Urge, by resolution, the TRPA to emphasize development of sidewalks and transit systems, and to manage the parking supply, in order to achieve a reduction in traffic congestion in the Basin. (BDR R-304)**

D. LAND COVERAGE MITIGATION PROGRAM

Runoff from solid surfaces, such as structures and roads, contributes significantly to water quality degradation at Lake Tahoe. In order to reduce runoff, the TRPA regulates the percentage of solid (nonpermeable) coverage that may be constructed on each parcel of property. When a person owning a nonconforming parcel (one which already has more coverage than allowed under the regulations) proposes modifications to the property, the owner may be required to pay a coverage mitigation fee. Money from this fee accumulates in a special account which is used to purchase property or interest in property elsewhere in the Basin. In this manner, the excess coverage on the nonconforming property is "traded" for the coverage that is "retired" when another parcel is purchased.

Because the TRPA is prohibited from owning property, the "excess coverage mitigation fees" must be transferred to an entity which is authorized to manage property. In California, the money is transferred to the California Tahoe Conservancy which uses it to retire land coverage on the California side of the Basin. No similar Nevada entity has the specific authority to administer this type of program.

As discussed previously in this report, Nevada's Division of State Lands is currently completing a similar land acquisition program funded through a 1985 statewide bond. After extensive testimony, the committee determined that a special Tahoe Land Coverage Mitigation Account should be established in the State General Fund, and that the Division of State Lands should be given specific authority to implement a land coverage mitigation program on the Nevada side of the Basin.

As of September 1992, the TRPA was holding \$794,000 in coverage mitigation funds for the Nevada portion of the Basin. Testimony indicated that part of this money may be used to assist in administering the land acquisition program. The Administrator of the Division of State Lands testified that a full budget for such a program could be compiled by the time that a relevant bill was introduced in the 1993 Legislative Session.

While not advocating implementation of a "full-blown" program until the budget is projected, the committee concluded that the Division of State Lands should be given the authority to administer the program whenever adequate funding is made available. Thus, the following recommendation was adopted:

- **Establish a Tahoe Land Coverage Mitigation Account in the State General Fund and authorize the Division of State Lands to use funds from the account to implement a land coverage mitigation program, including the following general elements:**

- a. Identification of property which is subject to the program;
- b. Purchase, acceptance, sale, trade or transfer of property or interest in property (coverage rights);
- c. Elimination of physical coverage on property acquired through the program;
- d. Mitigation of environmentally negative features associated with property acquired through the program;
- e. "Retirement" of coverage rights; and
- f. Administration of the program. (BDR S-305)

E. BROAD FUNDING-RELATED RECOMMENDATION

Testimony throughout the study highlighted the need to emphasize the implementation of existing TRPA plans. In most instances, implementation of plans requires significant funding. Federal, state and local sources of revenue were discussed.

One of the very important implementation needs is related to erosion control and revegetation. These projects are most often associated with restoration of stream environment zones (SEZ's) and erosion control along streets and highways. Anticipated funding requirements to implement these two types of programs for the Nevada portion of the Basin are as follows:

Funding Requirements - Nevada Portion of Basin		
Restoration of SEZ's	\$	13.4 million short-term 31.7 million long-term
Erosion Control		21.7 million short-term 67.4 million long-term

As outlined in a previous section of this report, 15 percent of the Federal Santini-Burton program is being allocated to erosion control projects. A portion of Nevada's 1985 Tahoe Bond Program was also used to fund erosion control activities.

The California Tahoe Conservancy, likewise, provides money to implement these types of projects on the California side of the Lake. The current Conservancy budget includes \$3 million per year for these programs, and California officials anticipate that the funding will continue for the foreseeable future. Two bills proposing new bond money to be used partially in the Tahoe Basin were also introduced (but not enacted) in the 1992 California Legislature. Indications are that the legislation will be reintroduced during the 1993 Session.

Based on the needs in the Nevada portion of the Basin and the fact that the 1985 bond revenues have been expended, the committee concluded that the following recommendation should be brought before the Legislature:

- **Place on the statewide ballot a proposal to issue \$20 million in general obligation bonds to support grants to local governments and NDOT for projects associated with erosion control and restoration of stream environment zones. (BDR S-306)**

F. FUTURE OF LEGISLATIVE COMMITTEE

Testimony consistently commended the efforts of the legislative committee and suggested that its activities were helpful to the residents and agencies which function in the Basin. Participants in the hearings also expressed support for the committee's provision of a forum in which issues and programs may be discussed with the legislative policymakers.

In addition to supporting continuation of the committee's basic oversight activities, participants suggested that additional efforts be made to communicate with counterparts from the California Legislature.

Based upon this testimony, the committee approved the following recommendation:

- Continue, by resolution, the existence (during the interim and after the 1993 Legislative Session) of the Legislative Committee and direct it to monitor the budget, programs, activities, responsiveness and accountability of the TRPA. Further, direct the Committee to continue its efforts to communicate with interested members of the California Legislature. (BDR R-307)

VI. ACKNOWLEDGEMENTS AND CONCLUDING COMMENTS

The committee members wish to acknowledge the assistance of all of the participants in the interim study.

Staff of the TRPA were especially efficient in providing background information and explaining the Agency's programs. The interest groups which have traditionally been active in the Basin were helpful in furnishing testimony and assisting in the organization of legislator tours. Testimony from the general public, TRPA Governing Body members, and representatives of interested California legislators also provided varied perspectives on the relevant issues.

Copies of minutes from hearings, background materials, and previous LCB bulletins are available through the LCB's Research Library (687-6827).

VII. APPENDICES

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APPENDIX A

Assembly Joint Resolution No. 17
(File No. 140, *Statutes of Nevada 1991*)

AJR17--Committee on Government Affairs
FILE NUMBER 140

ASSEMBLY JOINT RESOLUTION--Creating a committee of Legislators from Nevada to meet with Legislators from California to review the Tahoe Regional Planning Compact.

WHEREAS, The Tahoe Regional Planning Compact provides for the maintenance of the scenic, recreational, educational, scientific, natural and public health values of the entire Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Compact establishes the Tahoe Regional Planning Agency to adopt and enforce a regional plan and to provide opportunities for orderly growth and development consistent with the values of the Lake Tahoe Basin; and

WHEREAS, Progress has been made on some of the goals of the Compact, including water quality and control of erosion, but major planning and environmental goals remain unmet; and

WHEREAS, The Legislature of the State of Nevada seeks to refocus the Tahoe Regional Planning Agency on its regional mission and improve the effectiveness, efficiency and leadership of the Agency; and

WHEREAS, The last amendments to the Tahoe Regional Planning Compact were ratified by the Congress of the United States and signed by President Carter in 1980; and

WHEREAS, In 1985 and 1987, the Legislature of the State of Nevada passed, by unanimous vote in both houses, amendments to the composition of the governing body of the Agency; and

WHEREAS, There is still no representative of the Legislature of Nevada on the governing body of the Tahoe Regional Planning Agency because the Congress of the United States has not acted upon amendments to the Tahoe Regional Planning Compact that were requested by both Nevada and California; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving regional goals in conserving natural resources of the entire Lake Tahoe Basin and seeks to convene a series of meetings to address these and related matters with its counterparts from the California Legislature as soon as possible; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Legislative Commission is directed to appoint a committee of seven members of the Nevada Legislature to investigate the functioning of the Tahoe Regional Planning Compact; and be it further

RESOLVED, That the Legislature of the State of Nevada calls upon the Legislature of the State of California to establish a similar committee of legislators to meet with the committee from Nevada; and be it further

RESOLVED, That the combined committee is directed to meet to discuss the Tahoe Regional Planning Compact, including, but not limited to, the regional goals for conserving natural resources of the entire Lake Tahoe Basin, representation of the Legislatures of Nevada and California on the governing body for the Tahoe Regional Planning Agency and the efficiency and effectiveness of the Tahoe Regional Planning Agency; and be it further

RESOLVED, That if the State of California does not establish a committee in response to this resolution, the committee appointed by the Legislative Commission shall carry out the provisions of this resolution; and be it further

RESOLVED, That the Chief Clerk of the Assembly transmit copies of this resolution to each member of the California delegation to the Tahoe Regional Planning Agency and the President Pro Tem of the Senate and the Speaker of the Assembly of the State of California; and be it further

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

APPENDIX B

Tahoe Regional Planning Compact

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

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

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

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

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

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

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

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

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

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

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

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

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

ARTICLE II. Definitions

As used in this compact:

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

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

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

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

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

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

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

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

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

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

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

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

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

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity. The governing body of the agency shall be constituted as follows:

(1) California delegation:

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

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

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

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

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body

for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

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

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

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

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

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

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

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

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

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

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

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

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

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

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

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

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

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

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

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

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

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

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

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

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

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

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

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

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

ARTICLE V. Planning

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

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

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

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

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

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

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

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

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

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

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

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

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles. Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

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

The plan shall give consideration to:

- (A) Completion of the Loop Road in the states of Nevada and California;
- (B) Utilization of a light rail mass transit system in the South Shore area; and
- (C) Utilization of a transit terminal in the Kingsbury Grade area.

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

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

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

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

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

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

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

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this

subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

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

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

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

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

ARTICLE VI. Agency's Powers

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

respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

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

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

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

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

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

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

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

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

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

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

1. City of South Lake Tahoe and El Dorado

County (combined)	252
2. Placer County	278
3. Carson City	-0-
4. Douglas County	339
5. Washoe County	739

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

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

1. City of South Lake Tahoe and El Dorado

County (combined)	64,324
2. Placer County	23,000
3. Carson City	-0-
4. Douglas County	57,354
5. Washoe County	50,600

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

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

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

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

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

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

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

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

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

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

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

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

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

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

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

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

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

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

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

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

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

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by

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

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

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

(A) The location of its external walls;

(B) Its total cubic volume;

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

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

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

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

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

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

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

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

(1) This subdivision applies to:

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

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

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

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

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VII. Environmental Impact Statements

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

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

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

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

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

(C) Alternatives to the proposed project;

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

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

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

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

Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

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

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

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

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

ARTICLE IX. Transportation District

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

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

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

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

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

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

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

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

Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

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

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

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

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

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

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

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

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

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

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

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

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

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

(Added to NRS by 1968, 4; A 1979, 1135; 1980, 1)

APPENDIX C

"1991 Evaluation--Tahoe Regional Planning Agency" (Summary Table)

1991 EVALUATION

**Environmental Threshold Carrying Capacities and
the Regional Plan Package**

SUMMARY TABLE

Tahoe Regional Planning Agency

November 20, 1991

THRESHOLD

STATUS

RECOMMENDATION

WATER QUALITY AND
SOIL CONSERVATION

a) Lake Tahoe

Clarity of Lake Tahoe is declining; the rate of decline has slowed; Lake Tahoe does not attain the threshold standard.

See (b) through (g), below.

Algal productivity of Lake Tahoe is increasing; the rate of increase has not slowed; Lake Tahoe does not attain the threshold standard.

Turbidity in the littoral (shallow) zone attains the threshold standard.

b) tributaries and other lakes

California-side tributaries typically exceed state standards.

TRPA should increase controls to protect tributary water quality.

Nevada-side tributaries typically exceed state standards.

California should review its total iron objective.

Three tributaries did not attain the suspended sediment threshold in 1989-90.

Data on other lakes is insufficient to evaluate attainment of standards.

c) discharges of surface runoff

Surface runoff typically exceeds standards for discharge to surface water (more often) and groundwater (less often).

TRPA should encourage treatment, detention, and infiltration of runoff, and develop a comprehensive control plan.

d) land coverage

The Regional Plan controls land coverage on new projects and includes programs to reduce existing land coverage. But the Region does not attain the threshold standard for land coverage at this time.

TRPA should set performance targets in this area, consider additional opportunities for transfer, and encourage creation of a Nevada-side land bank.

THRESHOLD	STATUS	RECOMMENDATION
e) stream environment zones (SEZs)	In the urbanized portions of the Region, about 100 acres of SEZ have been restored since 1982, compared to a threshold target of 1,100 acres. The Region does not <u>attain</u> the threshold.	TRPA should update and expand the SEZ restoration program and integrate it with other programs.
f) Best Management Practices (BMPs)	Installation and maintenance of BMPs appear to meet performance targets set in 1988. These targets are not threshold standards	TRPA should strengthen its control measures in this area, continue to monitor installation of BMPs, and continue to stress public education about BMPs.
g) capital improvements program (CIP)	Public agencies have spent over \$60 million since 1979, and over \$30 million in 1988 through 1991. Two of eight agencies met performance targets set in 1988. These targets are not threshold standards.	TRPA should exert more leadership in program implementation, become an advocate for funding, set new performance targets, and continue to monitor progress.

AIR QUALITY

a) carbon monoxide (CO)	CO concentrations at Stateline-California <u>exceed threshold standards</u> during the winter. Trends are positive, and TRPA predicts attainment in this decade.	The City of South Lake Tahoe and Douglas County should complete the Loop Road system. TRPA should require the use of oxygenated motor fuels during the winter.
b) ozone (O ₃)	Ozone concentrations at Lake Tahoe Boulevard have <u>exceeded the threshold standard</u> every year since 1982. No trend is apparent. TRPA suspects long-range transport of ozone is occurring.	TRPA should support additional study and research regarding the causes and effects of elevated ozone levels.

<u>THRESHOLD</u>	<u>STATUS</u>	<u>RECOMMENDATION</u>
c) inhalable particulate (PM ₁₀)	PM10 concentrations at Lake Tahoe Boulevard <u>exceed the California 24-hour standard.</u>	TRPA should strengthen control measures on wood smoke and airborne soil particles.
d) visibility/ visual range	<p>Visibility measurements at Lake Tahoe Boulevard and Bliss State Park show that the Region <u>attains the thresholds for regional and subregional visibility.</u></p> <p>Components of fine particulate (PM2.5), in mass order, are: organic carbon, water, soil, ammonium sulfate, and ammonium nitrate.</p>	
e) U.S. 50 traffic volumes	Compared to 1980-81, traffic volumes at U.S. 50 and Park Avenue were 19% higher in 1986-87 and 3% higher in 1989-90. The Region <u>does not attain the threshold standard.</u>	The City of South Lake Tahoe and Douglas County should complete the Loop Road system.
f) vehicle miles of travel (VMT)	TRPA estimates VMT increased 10% from 1981 to 1987. The Region <u>does not attain the threshold standard.</u>	TRPA should do everything in its power to implement the VMT control measures of the Regional Transportation Plan.
g) atmospheric deposition	Concentrations of NO3 and NO2 monitored on the South Shore are lower than they were in 1981. The Region <u>appears to attain the threshold standard.</u>	TRPA should continue to monitor air quality and study atmospheric deposition.

THRESHOLD	STATUS	RECOMMENDATION
VEGETATION		
a) common vegetation	The proportions of other-than-mature yellow pine and red fir forests <u>do not attain the threshold standard</u> . Mature forests dominate in the Region.	TRPA should identify lands for vegetation management, increase incentives for management, and--in some cases--require remedial measures. TRPA should consider adoption of a threshold standard for old-growth forest.
b) uncommon plant communities	The loss of clarity in Lake Tahoe has affected unusual deep water plants. Except for this, uncommon plant communities <u>attain the threshold standards</u> .	TRPA should continue to monitor and map uncommon plants.
c) sensitive plants	TRPA found no adverse impacts to sensitive plants. One species was listed in error. The Region <u>attains the threshold standards</u> .	TRPA should remove one sensitive plant from its list and consider adding two sensitive plants.
WILDLIFE		
a) special interest species	TRPA found no active goshawk nests and no bald eagle nests. The Region <u>does not attain the threshold standards</u> .	TRPA and cooperating agencies should prepare an overall report on wildlife population dynamics.
b) habitats of special significance	The Regional Plan protects stream environment zones. The Region <u>attains the threshold standard</u> .	TRPA should expand and implement the SEZ restoration program. TRPA should consider adoption of a threshold standard for old-growth forest.

<u>THRESHOLD</u>	<u>STATUS</u>	<u>RECOMMENDATION</u>
FISHERIES		
a) stream habitat	About 28 miles of stream habitat benefited from treatment. Streams have not been re-rated recently. The Region <u>does not attain the threshold standard.</u>	TRPA should consider adopting a more sensitive stream rating system. TRPA and cooperating agencies should write a habitat restoration program and integrate it with other programs.
b) in-stream flows	TRPA identified optimum flows from 10 streams; new diversions are not allowed. The Region <u>attains the threshold.</u>	TRPA should adopt numerical standards for studied streams and increase compliance activity in this area.
c) Lahontan cutthroat trout	CDFG reintroduced the Lahontan cutthroat outside the Tahoe Region in Alpine County. The Region <u>does not attain the threshold standard.</u>	TRPA should follow the progress of the CDFG project and support public education about the Lahontan cutthroat trout.
d) Lake habitat	People have disturbed about 500 acres of lake habitat substrate (primarily rocky and cobbly areas). The Region <u>does not attain the threshold standard;</u> 300 acres of restoration is needed to attain the standard.	To improve lake habitat, TRPA should consider more stringent regulations and increase compliance measures. TRPA should write a complete lake habitat restoration program, integrated with other programs.

<u>THRESHOLD</u>	<u>STATUS</u>	<u>RECOMMENDATION</u>
NOISE		
a) single noise events	Single-event data are limited. <u>Most</u> aircraft, snowmobiles, and motorcycles monitored <u>attained the threshold standards.</u>	TRPA should undertake a long-term single-event noise monitoring program and supplement noise control measures.
b) cumulative noise levels (CNEL)	<p>TRPA sampled community noise at 57 locations. The following locations <u>attained the threshold standards:</u></p> <p>12 of 14 high-density residential areas,</p> <p>6 of 8 low-density residential areas,</p> <p>13 of 13 commercial/public service/tourist areas,</p> <p>4 of 5 urban recreation areas,</p> <p>1 of 2 outdoor recreation areas,</p> <p>0 of 1 wilderness areas, and</p> <p>13 of 14 transportation corridors.</p> <p>TRPA has had problems applying the CNEL threshold in developing areas.</p>	<p>TRPA should consider lowering the commercial/public service threshold and should raise the wilderness/roadless area threshold to a realistic level.</p> <p>TRPA should maintain strong anti-degradation policies but acknowledge adverse noise impacts of build-out.</p>

THRESHOLD	STATUS	RECOMMENDATION
RECREATION		
a) high-quality recreation experience	The opportunity for high quality outdoor recreation is available throughout the Region. <u>TRPA needs survey data to determine the status of threshold attainment.</u>	TRPA should survey user groups to evaluate threshold attainment by 1986, with the cooperating agencies.
b) capacity available to the general public	More recreational lands have come into public ownership since 1982, including shoreline. Facilities are being upgraded; little expansion of developed recreation has occurred. Although there is concern for the future, the Region <u>attains</u> the threshold standard.	TRPA should write a long-term recreation improvement program with the cooperating agencies and integrate it with other programs.
SCENIC RESOURCES		
a) travel route ratings (TRRs)	Ratings of five roadway units and four shoreline units have decreased. <u>These units do not attain the threshold standard.</u> Decreased ratings are found in transitional (urban-rural) areas.	TRPA should make, and encourage, greater use of the Design Review Guidelines. TRPA should consider separate threshold attainment criteria for urban, rural, and transitional areas.
b) scenic quality ratings	Ratings of five natural features have decreased. <u>These features do not attain the threshold standard.</u> One of the five features is visible from a roadway. The other four are visible from Lake Tahoe.	TRPA should review and review the Regional Plan in the areas of setbacks, height, exempt activities, and activities in the shorezone. TRPA should consider the elimination of "composite" ratings.
c) public recreation areas	TRPA has not adopted numerical standards completed in 1983.	TRPA should adopt numerical scenic quality ratings for natural features seen from bike paths and outdoor recreation areas open to the general public.

<u>THRESHOLD</u>	<u>STATUS</u>	<u>RECOMMENDATION</u>
ECONOMICS	<p>There are no threshold standards for the economy.</p> <p>The Region lacks a coordinated program for collection and assessment of economic data.</p> <p>Visitation will be the primary source of continued economic health. Visitation markets continue to grow.</p> <p>The Region needs low- and moderate-income housing. The lack of housing promotes leakage and commuting.</p> <p>The Region's economy is, at best, stable. Future expansion will require a better product.</p> <p>Opportunities exist for new commercial operations focusing on goods and services with high capture rates.</p> <p>Allocations of additional residential development have had positive impacts on stability, assessed valuation, and housing.</p>	<p>TRPA should help establish an economic round table to collect and assess economic data.</p>

APPENDIX D

Letter Concerning The Federal Intermodal Surface Transportation Efficiency Act

RAY SHAFFER

SENATOR

Clark No. 2

MAJORITY WHIP

COMMITTEES:

Chairman

Legislative Affairs and Operations

Vice Chairman

Natural Resources

Member

Commerce and Labor



**State of Nevada
Senate**

Sixty-Sixth Session

July 29, 1992

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Letter to:

**Chairman, Tahoe Regional Planning Agency Governing Body
Director, Nevada's Department of Transportation
Clark County Manager
Washoe County Manager**

Dear :

The Federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) specifies that the Lake Tahoe Basin may be designated as a Transportation Management Area. Such a designation requires that a Metropolitan Planning Organization (MPO) be established to conduct the necessary planning. Testimony in the *Congressional Record* further clarifies Congressional understanding that the MPO status is appropriate.

At its meeting of June 12, 1992, the Legislative Commission's Committee to Study the Functioning of the Tahoe Regional Planning Compact adopted the following recommendation:

Direct letters from the Committee to the Tahoe Regional Planning Agency (TRPA), Nevada's Department of Transportation, and Clark and Washoe Counties, requesting that representatives from these entities participate in immediate discussions designed to review information and develop recommendations concerning designation of TRPA as a Metropolitan Planning Organization.

Application has been made to the State's Department of Transportation to initiate the designation process. Testimony before the Legislative Committee indicates that TRPA does not wish to impact

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transportation funding for Clark or Washoe Counties, but rather the agency is seeking to increase its own access to Federal transit funds. Therefore, pursuant to the Committee's recommendation, I would request your active assistance in this effort.

Very truly yours,

Senator Raymond C. Shaffer
Chairman, Committee to Study
the Functioning of the Tahoe
Regional Planning Compact

RS/gj:TRPA,L6

APPENDIX E

Suggested Legislation

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SUMMARY--Urges Congress to expedite ratification of amendments to Tahoe Regional Planning Compact made by State of California and adopted by Nevada Legislature. (BDR R-297)

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

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

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

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

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

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

the Nevada delegation and further expand the powers of the Tahoe Transportation District; and

WHEREAS, The compact was enacted to achieve regional goals in conserving natural resources of the entire Lake Tahoe Basin and the amendments are consistent with this objective; now, therefore, be it

RESOLVED BY THE AND THE OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada hereby urges the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

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

SUMMARY--Urges Tahoe Regional Planning Agency to carry out its current plans. (BDR R-298)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging the Tahoe Regional Planning Agency to carry out its current plans.

WHEREAS, The Tahoe Regional Planning Agency has adopted several major plans for the protection of the environment and the development of real property in the Tahoe Basin, including its Regional Transportation and Air Quality Plan, Regional Water Quality Management Plan and Five-Year Strategic Plan, all of which currently contain provisions for their implementation; and

WHEREAS, The Tahoe Regional Planning Agency has entered into numerous memoranda of understanding with local governmental agencies and other entities to coordinate the implementation of those plans and the regulations adopted to carry out those plans; and

WHEREAS, The implementation of those plans without unnecessary delay would be beneficial to the environment of the Tahoe Basin and the people of the State of Nevada; and

WHEREAS, The regulations adopted to carry out those plans appear generally sufficient to achieve that purpose without the adoption of additional restrictions; and

WHEREAS, The implementation of those plans would be greatly facilitated through efforts by the Tahoe Regional Planning Agency actively to assist in the design of proposals for the development of real property that will not detract from the environmental quality of the Tahoe Basin; now, therefore, be it

RESOLVED BY THE AND THE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges the Tahoe Regional Planning Agency to carry out its current plans:

1. Through the implementation of existing regulations instead of through the adoption of additional restrictions; and

2. By actively assisting in the design of proposals for the development of real property that will not detract from the environmental quality of the Tahoe Basin;

and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the governing body of the Tahoe Regional Planning Agency; and be it further

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

SUMMARY--Urges Tahoe Regional Planning Agency to continue to increase efforts to simplify its ordinances and procedures. (BDR R-299)

CONCURRENT RESOLUTION--Urging the Tahoe Regional Planning Agency to continue to increase its efforts to simplify its code of ordinances and its procedures for planning, reviewing and approving development projects.

WHEREAS, The Tahoe Regional Planning Compact established the Tahoe Regional Planning Agency to adopt and enforce a regional plan and to provide opportunities for orderly growth and development in the Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Agency has adopted a code of ordinances which specifies the procedures and regulations governing proposals for development in the Lake Tahoe Basin; and

WHEREAS, The code of ordinances is voluminous and unduly complicated; and

WHEREAS, The Tahoe Regional Planning Agency has initiated efforts to simplify its code of ordinances, but the requirements remain voluminous and complicated; and

WHEREAS, The Tahoe Regional Planning Agency has initiated efforts to simplify its procedures for planning, reviewing and approving development projects by entering into numerous memoranda of understanding which:

1. Delegate specified responsibilities to local governments for the review of development projects proposed for the Lake Tahoe Basin;

2. Allow local governments in the Lake Tahoe Basin to perform routine maintenance and repairs without being required to obtain the approval of the Tahoe Regional Planning Agency; and

3. Provide for greater coordination between local, state and federal agencies interested in carrying out plans and enforcing regulations in the Lake Tahoe Basin;

now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE

CONCURRING, That the Tahoe Regional Planning Agency is hereby urged to continue to increase its efforts to simplify its code of ordinances and its procedures for planning, reviewing and approving development projects in the Lake Tahoe Basin through such mechanisms as the increased utilization of memoranda of understanding with other local, state, regional and federal agencies; and be it further

RESOLVED, That the Tahoe Regional Planning Agency is hereby urged to report its progress in these areas to the regular sessions of the Nevada Legislature; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the governing board of the Tahoe Regional Planning Agency; and be it further

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

SUMMARY--Urges Tahoe Regional Planning Agency to determine whether it is authorized to establish procedures to grant variances from its ordinances for certain projects, and, if authorized, to establish those procedures. (BDR R-300)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging the Tahoe Regional Planning Agency to determine whether it is authorized to establish procedures to grant variances from the ordinances adopted pursuant to the Tahoe Regional Planning Compact for certain projects and, if authorized, to establish those procedures.

WHEREAS, The Tahoe Regional Planning Compact specifies the powers and duties of the Tahoe Regional Planning Agency; and

WHEREAS, A considerable number of decisions by courts have interpreted the provisions of the Tahoe Regional Planning Compact; and

WHEREAS, Subject to its authority under the Tahoe Regional Planning Compact, the Tahoe Regional Planning Agency has adopted ordinances which are detailed, complicated and relatively inflexible; and

WHEREAS, Strict enforcement of the ordinances of the Tahoe Regional Planning Agency in all circumstances may create unfairness because the

physical characteristics of the property in the Lake Tahoe Basin are diverse, and unique and peculiar conditions may be associated with certain projects; and

WHEREAS, Procedures to grant variances are necessary to provide flexibility in the enforcement of the ordinances of the Tahoe Regional Planning Agency when the strict enforcement of the ordinances would result in unnecessary and undue hardship; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada urges the Tahoe Regional Planning Agency to analyze the provisions of the Tahoe Regional Planning Compact and relevant court cases to determine if it is authorized to establish procedures to grant variances from the ordinances adopted pursuant to the Tahoe Regional Planning Compact for certain projects; and be it further

RESOLVED, That the Legislature of the State of Nevada urges that, if the Tahoe Regional Planning Agency determines that it is authorized to establish such procedures, the Tahoe Regional Planning Agency establish procedures for granting variances when, based on unique and peculiar conditions associated with certain projects, the strict enforcement of the ordinances would result in unnecessary and undue hardship; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to each member of the governing body of the Tahoe Regional Planning Agency; and be it further

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

SUMMARY--Urges Tahoe Regional Planning Agency to consider certain factors in regulating development in the Lake Tahoe Basin.
(BDR R-301)

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

JOINT RESOLUTION--Urging the Tahoe Regional Planning Agency to increase its protection of scenery, consider the future demand for outdoor recreation, continue to authorize the appropriate expansion of residential development and avoid damage to the economy in the Lake Tahoe Basin.

WHEREAS, The deterioration of scenery in the Lake Tahoe Basin would detract from its unique nature and adversely affect the quality of life there; and

WHEREAS, The lack of objective criteria to evaluate the effect of proposed projects on the scenery of the Lake Tahoe Basin has hampered the ability of the Tahoe Regional Planning Agency to adopt stronger measures for the protection of that scenery; and

WHEREAS, The recent completion of a study of the management of scenery has provided the Tahoe Regional Planning Agency with the objective criteria necessary to strengthen its efforts to protect the scenery of the Lake Tahoe Basin; and

WHEREAS, The environmental quality of the Lake Tahoe Basin could be adversely affected by the future demand for outdoor recreation; and

WHEREAS, The Tahoe Regional Planning Agency, through its participation in the Tahoe Coalition of Recreation Providers, has the means to analyze the future demand for outdoor recreation and develop a plan for coping with that demand; and

WHEREAS, The environmental quality of the Lake Tahoe Basin could be adversely affected by the development of environmentally sensitive parcels of land; and

WHEREAS, The Tahoe Regional Planning Agency has developed an individual parcel evaluation system to evaluate the environmental sensitivity of parcels of land and establish appropriate priorities for the residential development of parcels in the Lake Tahoe Basin; and

WHEREAS, Through the use of its individual parcel evaluation system, the Tahoe Regional Planning Agency has been able to authorize the expansion of residential development to more environmentally sensitive parcels of land in the Lake Tahoe Basin without further detriment to the environment, thereby allowing additional people to build houses in the Lake Tahoe Basin; and

WHEREAS, The economy of the Lake Tahoe Basin may be affected by activities of the Tahoe Regional Planning Agency; and

WHEREAS, The Tahoe Regional Planning Agency, through its participation in the Lake Tahoe Economic Roundtable, has resources available to obtain the economic data necessary to ascertain whether and to what extent its activities

affect the economy of the Lake Tahoe Basin, and to determine the appropriate measures to avoid damage to that economy; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges the Tahoe Regional Planning Agency to:

1. Adopt stronger measures to protect the scenery in the Lake Tahoe Basin;
 2. Analyze the future demand for outdoor recreation in the Lake Tahoe Basin, devise a method for incorporating that information into the Tahoe Regional Plan and report to the 68th session of the Nevada Legislature the results of that analysis and the method devised;
 3. Continue its current activities for authorizing the appropriate expansion of residential development in the Lake Tahoe Basin to more environmentally sensitive parcels of land; and
 4. Continue its involvement in the Lake Tahoe Economic Roundtable and take such measures as appropriate to avoid damage to the economy of the Lake Tahoe Basin;
- and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted by the of the to the governing body of the Tahoe Regional Planning Agency; and be it further

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

SUMMARY--Expresses support for designation of Tahoe Regional Planning Agency as Metropolitan Planning Organization. (BDR R-302)

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

JOINT RESOLUTION--Expressing support for the designation of the Tahoe Regional Planning Agency as a Metropolitan Planning Organization in accordance with the Intermodal Surface Transportation Efficiency Act of 1991.

WHEREAS, The Federal Government passed the Intermodal Surface Transportation Efficiency Act of 1991; and

WHEREAS, That Act and Title 49 of the United States Code provide money for the provision of public transportation systems and other transportation projects for areas which are designated as Metropolitan Planning Organizations; and

WHEREAS, To qualify for such a designation, the Federal Act requires that the Governor of this state and at least 75 percent of the local governments in the particular area agree to the designation of the area as a Metropolitan Planning Organization; and

WHEREAS, the Governor, Department of Transportation of this state, Douglas County Board of County Commissioners, Washoe County Board of

County Commissioners, Carson City Board of Supervisors, Tahoe Transportation District and Tahoe Regional Planning Agency have worked diligently to attain the required agreement to designate the Tahoe Regional Planning Agency as a Metropolitan Planning Organization; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature support the designation of the Tahoe Regional Planning Agency as a Metropolitan Planning Organization in accordance with the Intermodal Surface Transportation Efficiency Act of 1991; and be it further

RESOLVED, That copies of this resolution be prepared and transmitted by the of the to the Governor, Department of Transportation of this state, Douglas County Board of County Commissioners, Washoe County Board of County Commissioners, Carson City Board of Supervisors, Tahoe Transportation District and the Tahoe Regional Planning Agency; and be it further

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

SUMMARY--Directs Department of Transportation to perform certain functions relating to alternative methods of transportation for Lake Tahoe Basin. (BDR R-303)

CONCURRENT RESOLUTION--Directing the Department of Transportation to perform certain functions relating to alternative methods of transportation for the Lake Tahoe Basin.

WHEREAS, Streets and highways occupy approximately 40 percent of the total ground covered in the Lake Tahoe Basin; and

WHEREAS, Runoff from streets and highways contributes to the degradation of the supply of water in the Lake Tahoe Basin; and

WHEREAS, Emissions from motor vehicles contribute to the degradation of the quality of air in the Lake Tahoe Basin; and

WHEREAS, The State of California has approved funding for studies of feasibility and acquisition of property relating to the construction of a light-rail system in the Lake Tahoe Basin; and

WHEREAS, The Nevada Legislature approves the study of the feasibility of constructing a light-rail system in the Lake Tahoe Basin and other analyses of the feasibility of increasing mass transit activities in that region; and

WHEREAS, The Tahoe Regional Planning Agency has adopted an integrated plan for transportation and the management of air quality for this area, but lacks the funding to carry out the plan; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE
CONCURRING, That the Department of Transportation is hereby
directed to:

1. Coordinate with the State of California in studying the feasibility of constructing a light-rail system and increasing mass transit activities in the Lake Tahoe Basin;

2. Assist the Tahoe Regional Planning Agency in identifying sources of funding and securing money for studying alternative methods of transportation in the Lake Tahoe Basin; and

3. Allocate as many of its resources as is reasonably possible to improve mass transit activities in the Lake Tahoe Basin and carry out a program of transportation in that area that emphasizes the protection of the environment; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the of the to the Director of the Department of Transportation.

SUMMARY--Urges Tahoe Regional Planning Agency to take certain actions to reduce traffic congestion in Lake Tahoe Basin. (BDR R-304)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging the Tahoe Regional Planning Agency to take certain actions to reduce traffic congestion in the Lake Tahoe Basin.

WHEREAS, Air pollution in the Lake Tahoe Basin provides a threat to the public health and to the natural beauty of the area; and

WHEREAS, Air pollution can be decreased by decreasing the traffic congestion in the Lake Tahoe Basin; and

WHEREAS, The further development of sidewalks and other paths for safe walking will encourage people to walk rather than drive personal vehicles in the Lake Tahoe Basin; and

WHEREAS, The further development of public transportation systems will encourage people to use such systems in the Lake Tahoe Basin; and

WHEREAS, A parking system whose location encourages the use of public transportation systems would decrease the traffic congestion in the Lake Tahoe Basin; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges the Tahoe Regional Planning Agency to reduce the traffic congestion in the Lake Tahoe Basin by emphasizing:

1. The development of sidewalks and other paths for safe walking;
2. The development of an extensive public transportation system; and
3. The management of the location and amount of parking facilities and spaces;

and be it further

RESOLVED, That the of the transmit a copy of this resolution to the governing body of the Tahoe Regional Planning Agency; and be it further

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

SUMMARY--Establishes program to mitigate environmentally detrimental effects of certain uses of land in Lake Tahoe Basin. (BDR S-305)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the Lake Tahoe Basin; establishing a program to mitigate the environmentally detrimental effects of certain uses of land in the Lake Tahoe Basin; and providing other matters properly relating thereto.

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

Section 1. 1. The division of state lands of the state department of conservation and natural resources shall, within the limits of available money, establish a program to mitigate the environmentally detrimental effects of land coverage in the Lake Tahoe Basin.

2. In carrying out the program the division may, as the state land registrar deems appropriate regarding particular parcels of land:

(a) Acquire by donation, purchase or exchange real property or any interest in real property in the Lake Tahoe Basin.

(b) Transfer by sale, lease or exchange real property or any interest in real property in the Lake Tahoe Basin.

(c) Eliminate land coverage on real property acquired pursuant to paragraph (a).

(d) Eliminate, or mitigate the effects of, features or conditions of real property acquired pursuant to paragraph (a) which are detrimental to the environment of the Lake Tahoe Basin.

(e) Retire or otherwise terminate rights to place land coverage on real property in the Lake Tahoe Basin.

3. As used in this section, "land coverage" means any covering over the natural surface of the ground that prevents water from percolating into the ground.

Sec. 2. 1. The account for mitigation of land coverage in the Lake Tahoe Basin is hereby created in the state general fund. The state land registrar may expend money in the account to administer and carry out the program established pursuant to section 1 of this act. All money received by the division of state lands of the state department of conservation and natural resources for that program from any source must be deposited in the state treasury to the credit of the account.

2. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not lapse to the state general fund but must be carried over into the next fiscal year.

3. All claims against the account must be paid as other claims against the state are paid.

Sec. 3. This act becomes effective on July 1, 1993.

SUMMARY--Requires submission of proposal to issue general obligation bonds to provide grants to local governments and department of transportation for projects for controlling erosion and restoring natural watercourses in Lake Tahoe Basin. (BDR S-306)

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

AN ACT relating to natural resources; requiring the submission to a vote of the people of a proposal to issue state general obligation bonds to provide grants to local governments and the department of transportation to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin; requiring the state land registrar to adopt regulations to carry out a program for awarding such grants if the proposal is carried; and providing other matters properly relating thereto.

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

Section 1. At the general election to be held in the State of Nevada in 1994, there must be submitted to the voters of the state, in the manner prescribed by chapter 349 of NRS, a proposal to issue general obligation bonds of the state

for the purpose of providing grants to local governments and the department of transportation to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin in an amount of not more than \$20,000,000. If the proposal is carried, the bonds may be issued at one time or from time to time.

Sec. 2. If the proposal is carried, the state land registrar shall adopt regulations necessary to carry out a program for awarding grants pursuant to the provisions of section 1 of this act. The regulations must:

1. Set forth the procedure for applying for a grant;
2. Set forth the criteria that will be considered in awarding a grant; and
3. State whether and to what degree an applicant must match any money awarded.

Sec. 3. The state land registrar may use proceeds from any bonds issued pursuant to the provisions of section 1 of this act to defray the costs of administering the program for awarding grants.

SUMMARY--Directs Legislative Commission to continue committee to review
Tahoe Regional Planning Compact. (BDR R-307)

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

JOINT RESOLUTION--Directing the Legislative Commission to
continue the committee to review the Tahoe Regional Planning
Compact.

WHEREAS, The Tahoe Regional Planning Compact provides for the
maintenance of the scenic, recreational, educational, scientific, natural and
public health values of the entire Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Compact establishes the Tahoe
Regional Planning Agency to adopt and enforce a regional plan and to provide
opportunities for orderly growth and development consistent with the values of
the Lake Tahoe Basin; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned
with achieving regional goals in conserving the natural resources of the entire
Lake Tahoe Basin and with the programs and activities of the Tahoe Regional
Planning Agency which affect these goals; and

WHEREAS, Subcommittees of the Legislative Commission have successfully conducted reviews of the programs and activities of the Tahoe Regional Planning Agency on previous occasions; and

WHEREAS, Assembly Joint Resolution No. 17 of the 66th Legislative Session directed the Legislative Commission to appoint a committee of seven members of the Nevada Legislature to review and oversee the functioning of the Tahoe Regional Planning Compact; and

WHEREAS, The review and oversight of the programs and activities of the Tahoe Regional Planning Agency continue to be necessary to ensure proper functioning of the agency; and

WHEREAS, It is vital to remain in communication with members of the Legislature of the State of California to continue to achieve the goals set forth in the Tahoe Regional Planning Compact; now, therefore, be it

RESOLVED BY THE AND THE OF THE STATE OF NEVADA, JOINTLY, That the Legislative Commission is directed to continue the existence of the committee established pursuant to Assembly Joint Resolution No. 17 of the 66th Legislative Session to review the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency; and be it further

RESOLVED, That the committee is directed to monitor the budget, program, activities, responsiveness and accountability of the Tahoe Regional Planning Agency; and be it further

RESOLVED, That the committee is directed to continue to communicate with interested members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact; and be it further

RESOLVED, That the of the transmit copies of this resolution to each member of the California delegation to the Tahoe Regional Planning Agency, the President Pro Tem of the Senate and the Speaker of the Assembly of the State of California; and be it further

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