

ASSEMBLY ENVIRONMENT & PUBLIC RESOURCES COMMITTEE

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MINUTESDATE: MONDAY, MAY 12, 1975

MEMBERS PRESENT: VICE-CHAIRMAN COULTER
MR. JACOBSEN
MR. CHANEY (Excused before vote taken)
MR. HEANEY
MR. JEFFREY
MR. PRICE
MR. WEISE

MEMBERS ABSENT: CHAIRMAN BREMNER
MR. BANNER

GUESTS: See Guest Register Attached.

Vice-Chairman Coulter called the meeting to order at 7:15 p.m., stating that the Committee was to consider A.B.781 repealing the Tahoe Regional Planning Compact. He said that most of the Committee members were fairly familiar with the subject and asked that speakers keep their remarks brief and try not to be repetitive.

The first speaker called was Harold Dayton, Chairman of the Douglas County Commission. Mr. Dayton had prepared a written statement of his remarks which he presented to members of the Committee. A copy of his statement read into the record is attached hereto, marked Exhibit A, and made a part of these Minutes.

Mr. Ralph King was the next speaker. He said he did not come prepared to speak, but inasmuch as he has been very much a part of what has occurred to ordinary citizens who own property he would do so.

Mr. King has lived in Echo Lake and Echo Summit for fifteen years and acquired property on Echo Lake. When this Regional Government came into effect and the Bi-State Compact, as a result he has been deprived of the use of his property. It was acquired openly and lawfully and somehow it has been taken from him. He still pays the taxes on it since it is an obligation. What the outcome is going to be he doesn't know, but he would appeal for any action that can be taken by the Legislature of the State of Nevada for the bill of Assemblyman Jacobsen to become law, since he understands that it will withdraw the State of Nevada from the Tahoe Regional Agency Planning group.

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If that is the case it will be nibbling away at something that has been detrimental to the property rights of people which have been taken away from them unlawfully and without any constitutional backing.

Mr. King said he would like to make the proposition to the people who are the directors or the governors of the Tahoe Regional Agency group: that until or unless they deprive themselves equally of their property to the extent that those who have lived in this area for years have been deprived of theirs; and that any edict that they make concerning property rights should be applicable to them as well as to anybody else. Mr. King wants to appeal for anything that can be given to citizens that is equitable and just.

Mr. Heaney asked if Mr. King's property was in Echo Lake. Mr. King replied that it is in California, but they are affected because it is like a family because of the Bi-State arrangement where the two counties in California and the three counties in Nevada became the Bi-State agency as the result of a bill signed by President Nixon.

Mr. Heaney: What I'm saying, your property is not on Lake Tahoe as such, it's up at Echo Lake, but you're nevertheless affected by ordinances or other actions of the TRPA?

Mr. King: Yes, sir. I'm definitely affected 100% as to the use of that property and that's what I'm particularly concerned about, and at my age you can't go out and start all over again. If you were younger, it wouldn't make so much difference. It's the principle, that if the property of one citizen is taken from them by condemnation, whether direct or inversely, however it may be, it not only could but probably would occur to other citizens in the same way. I believe we should have the right to the use of our property.

Mr. Heaney: Specifically, what has happened to your property?

Mr. King: Specifically? At the time that it was in escrow, and this is over 20 years ago, the State of California was invited to come and have a look at the property as to its use from the standpoint of sanitation, from the standpoint of recreational homes to be built upon it. The County of El Dorado was invited to come in at the same time and make the same appraisal as to the feasibility, and they call them percolation tests. We made

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those tests. I secured at that time valid sanitation and building permits from the use of the property which were summarily abrogated without any violation of any law on my part. I wasn't in any great hurry to use it. Neither I nor my family are able to use it. Neither is anyone else at this time. There's approximately 11 acres involved.

Mr. Heaney: Were you specifically enjoined by Court action or by directive of the TRPA from doing anything with your property, or how did the word come to you that you could not do anything with your property?

Mr. King: It came to me by way of the Health Department of El Dorado County which was ordered to --- I didn't get any official notice of that, such as cease and desist --- but it also came by reason of a policy whereby if I were to sell you some property, or you wanted to buy some property from me or join, as we have, the Juniper Terrace Club which is a club of families, before you paid any rental which is about one-third the annual lease fee that is currently assessed by the Forest Service for other lands in the same area on Echo Lake, you would go, I would suggest and have suggested to other who have been turned away, to the Tahoe Regional Planning Agency and ask them if they could have a building permit and a sanitation permit for erecting a recreational establishment on Echo Lake.

Well, when you got down there they'd just say, "No way." A man from Lake Tahoe came and wanted to post cash money for the use of the land until the year 2016, and they were denied by the people in the office, which is in the same office that is occupied by the Forest Service at South Lake Tahoe. And they were told that under no circumstances would they be given a building permit or a sanitation permit to build.

Mr. Heaney: All of this has come through the El Dorado County official to you?

Mr. King: The county officials are involved, but the county officials have no control over -- the county officials would refer you, if you were to make the inquiry, to the TRPA. And you go to that body for approval of the use of your property.

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Mr. Heaney: Have you made efforts to sell your land?

Mr. King: No. I haven't made any efforts to sell. People have come to me and wanted to buy it. The reason I have not made any efforts to sell it is because if I did I couldn't in conscience follow through taking money for the use of land which I knew in advance that I couldn't use it is I wanted to use it as the deeded owner of the property.

Mr. Heaney: If land were made available to you outside of the Basin on a swap or exchange basis, would you be willing to do so?

Mr. King: That was undertaken at the behest of the Forest Service, Bob Rice, who was then the District Ranger at South Lake Tahoe. He came to me and asked if I would prepare maps whereby the acreage would be exchanged for -- it seems to me it was 800 acres elsewhere in the El Dorado National Forest. I said, "Well, that's all right with me. I don't object to the condemnation or the protest of the use of the land originally intended, even though that were improved, but if it were an even exchange of values I would be glad to do that."

After six months the Forest Service wrote to me. By that time there'd been a new District Ranger, Jim Olson, wrote me a letter stating that the property wasn't anything that the Forest Service was interested in on an exchange basis.

The next speaker was HENRY J. MARTIN, REPRESENTING THE DOUGLAS COUNTY GRAND JURY.

A copy of Mr. Martin's statement and remarks to the Committee is attached hereto, marked Exhibit B, and made a part of these Minutes.

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TESTIMONY OF GEORGE ABBOTT, ATTORNEY AT LAW

I've read with some interest the bill that Lawrence Jacobsen, as one of your senior legislative members and probably as familiar with this immediate area as anyone could be, has introduced and I suspect because of the lateness most of our citizens believe, of the legislative session, and the opportunity for full consideration action this Session, that the bill will serve one good landmark purpose, and I would like to suggest some of the things this Committee and the Assembly might consider.

TRPA has been in existence for five years now. For five of those years they exercised authority which two weeks ago the Circuit Court at San Francisco said they never had. For five years they have zoned land, demanded in connection with that zoning, permits be renewed by them. An authority, five years later, which the Circuit Court says they do not have. And I point to that for a simple reason. There are people in this room who have lost their livelihoods, they have lost their lifetime investments, have lost their property, and I mean lost their property. One individual who came in in the last ten minutes I happen to know shared with a couple of partners the obligation under deed of trust to purchase some acreage up there, the obligation was around \$200,000. These two young men, and this was their lifetime project, had paid about \$140,000 of it when the TRPA classification of that land told them they could erect one structure on that acreage. They did what any prudent investor would do. They stopped paying the deed of trust, foreclosure was had, the lumber company which owned that property or its predecessors for a hundred years took it back. It was then worth \$100 an acre. The Nevada Attorney General's Office and the Comptroller, under law, have taken a position that the State of Nevada cannot be made to answer in dollars. They have neither authority nor responsibility for any damages which might be claimed under TRPA action. The State of California has said they have neither authority nor responsibility for paying any judgments which might be entered for the wrongdoing of the agency. And do you know what? The agency itself has no money. It has no assessment authority; it has no way of raising it. And I suggest to you that can't be due process. In all of the thousands and thousands and thousands of pages of studies that several millions of dollars have gone into, not one chapter is devoted to how to compensate these landowners. And that TRPA's function is to increase the public benefits of Lake Tahoe, and you all know that to add to something you have to take away from something else. To add to public benefits you have to take from the private sector, don't you? And under our system when you take from the private sector, you give back. No one has suggested that.

In connection with TRPA I would suggest this: that this Committee and this Legislature recommend that an interim committee take a look at TRPA as it now exists and as it has functioned. If it were to be cut back to its original purpose

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of coordinating Lake Tahoe matters instead of doing what has been done, with an admission that they have been exercising authority that they couldn't possibly pay damages for if they were awarded, then a useful purpose might be served. I think that Mr. Jacobsen's bill would preserve on the Nevada side a control factor that cannot now exist.

About two months ago through three of his top seven cabinet members, the present Governor of California in effect said, "California will do nothing more to improve traffic or highways or highway funds go into Lake Tahoe." About 24 hours later his press secretary said that somehow this had been misinterpreted. I have been informed, and I don't think any of you have, I know that some of you have been in contact with the Governor, at no time has there been any retraction of the official position of California, in effect that they have constructively withdrawn from TRPA. By constructive withdrawal, I guess it's a semi-legal term, we mean that they have done everything to walk out of it. They lack confidence in the functioning of that agency, including El Dorado and Placer County Supervisors. They have proposed to set up their own CTRPA, California Tahoe Regional Planning Agency, this is the Jacobsen counterpart.

And so to conclude with this: if California has withdrawn constructively from the Tahoe Regional Planning Agency, I would hope the responsible Nevadans would continue to do what they have done. Take a look. Take a look, gentlemen, at the 35 miles or so of the Nevada side, 30 miles, and then take a look at the 50 miles of the California side. You'll see which state has fulfilled its responsibility. I am sure the State will continue to do that and I hope as a second leg then, to examine the function of TRPA as it relates to its original purposes and, for heaven's sake, let's take a look at the land owners up there. If their land is going to be taken, I don't know of any of them who wouldn't surrender that land for compensation, either in the form of exchange lands or for the dollars to which they are entitled.

I cite one other example and then I conclude. An ownership there, Paul Bettler, bought an acre and a half on the lake front next to the Nevada beach. This has been used for 60 or 70 years, I understand, as sort of a family enterprise, and the last 40 years a marina, wharf and what have you. Under the TRPA, this property, 1-1/2 acres, at one time it was worth 200,000 dollars and that was several years ago and it was certainly worth that, under my advice his use of that property now is zero because that purpose has been grandfathered out. There's his land. Evidently one of the structures collapsed, his ownership collapsed.

You, gentlemen, are elected from counties and districts all over the State. I hope you'll have a little vote of confidence in local officials, locally elected officials being able to do what they're supposed to do. I think it's inconsistent for a State Legislature to say that they want the State to intrude in the counties and then not expect the Federal Government daily to intrude in their affairs. Thank you, Mr. Chairman.

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GEORGE FINN'S TESTIMONY

Mr. Coulter: Please try to confine yourself to new information, if you can.

Mr. Finn: Oh, this is the new. It happened today - this morning. It might not be new to you, but I'm sure it will be new to the audience. I am George Finn. I am just an ordinary, garden variety citizen at Lake Tahoe. I live in Douglas County, but I am on record as representing the League to Save Lake Tahoe from the League to Save Lake Tahoe, so I might just as well establish that here. I am the Chairman of the Board of Directors, I am also the President, Vice-President, and the Secretary. I happen to be also the only member. To date we have no need for a Treasurer, although I could act in that capacity also.

Mr. Coulter: We are going to talk about the bill, aren't we?

Mr. Finn: We are going to talk about the bill. I shall have to change the name of my organization, however, to League to Save Nevada Constitution and the Lake Tahoe from Governor Mike O'Callaghan. Today the Governor, and there was a bill before the Assembly to appoint the Lieutenant Governor and add to Tahoe Regional Planning Agency two persons, the Lieutenant Governor and the Secretary of State. Mr. Jacobsen introduced a bill to amend that bill. Now I am referring to that because this bill tonight will put the Governor back into the position of being an administrator and not a legislator. When the Governor asked that this amendment, which had already passed the Assembly, be reconsidered, motions were made to reconsider the amendment and a motion was made to hold a caucus and all the Democrats got together and held a caucus and at that particular point I am sure, and it has been reported on the TV tonight, that the Governor's direction to them was "kill this amendment." And they did that. However, the Constitution of the State of Nevada prohibits such interference and if I may quote from Article 3, Section 1, it states specifically, "Three separate departments and separation of powers. The powers of the Government of the State of Nevada shall be divided into three separate departments, the legislative--

Mr. Coulter: We're all pretty well aware of what the Constitution says, we're also aware what happened in the Legislature did not happen. We're here to discuss AB-781. Confine yourself to the bill, its merits or whatever. We'd appreciate it if we could get to that. A lot of people to go through tonight.

Mr. Finn: What I am trying to do is establish a constitutionality of the present legislation, and I would like to stay with that because they all link together. If you don't mind I am not berating the legislature. I may be taking a shot at the Governor, but I am trying to establish that we have a legislature here to pass these particular bills and if they wish to correct

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the unconstitutional behavior this morning that they need only to pass 781 and that will remedy the violation of this Constitution that was occasioned today. If you will permit me, I will finish what the executive power is. So these departments are divided into the legislative, the executive and judicial. And no persons charged with the exercise of powers properly (1) belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted. Now I think that Assemblyman Weise brought that up in the Assembly today and I think that you people can correct the dictates from the Governor exercising the executive power in a legislative fashion by passing 781. 781 would eliminate Tahoe Regional Planning Compact and it would be maybe redundant for me to tell you the whole Compact was unconstitutional, but I think I do have some new information that you may not note specifically. This agency passes laws just like you do, and in order to establish conclusively that they pass laws, I offer you and I will put this in exhibit, so-called land use ordinances of the agency. And, Mr. Heaney, you don't really have to go to the agency to ask them whether or not you can use your land. You only have to read this little booklet and it tells you in here that there is a constraint map, and the constraint map will tell you that you can't use your land because it permits the building on 15% slope of a GAF soil type which is the majority of land in the basin. It permits the land use and the coverage of that land of 1% per acre. Now that's about 430 square feet and I have a living room that big.

So that the restrictions on the use of land in Lake Tahoe have been imposed by a constraint map adopted by the Agency and imposed on the people of the Basin and no other place in the United States has this kind of land use restriction except Lake Tahoe and in the Lake Tahoe Basin. Any other place in Douglas County, or any other counties, you can use your land the way you see fit according to the local codes. But we at Lake Tahoe are limited in the use of our land against whatever else use we can have in the rest of the state.

This limitation has caused and will cause a continued rate of unemployment that this bill will correct. If we want to get down to something new, the construction rate at Lake Tahoe has depreciated in this county tremendously. We have two new hotel-casinos that hopefully will be built there after they went through an ordeal and a tremendous expense of overcoming the Tahoe Regional Planning Agency's land use ordinances and dictates on height and air pollution. I am sure you are all familiar, and George Abbott referred to the Ninth Circuit Court decision which strangely said they didn't have the power to do what they did. I'm telling you here tonight that they still don't have the power to do what they're doing now. They don't

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have the authority to zone. The Ninth Circuit Court opinion said "the TRPA is not a super zoning agency that can impose its will upon either state." And they have done that. So I will implore you to pay some attention to what has been said here tonight and what is going to be said not in the light of the closing days of the session, but turn the clock back a little bit. This bill could have been proposed and should have been proposed - this is no reflection on Mr. Jacobsen, it is more or less a reflection on the political scheme of things where things aren't done promptly. But this bill should have been introduced in the early part of the session, but we had to fight our way through a different set of circumstances. The loading of the agency, as has now been done, the abrogation of the dual majority rule which preserves Nevada's sovereignty, the elimination of obligations and damages caused by the Agency's personnel, the control over all public works - those are the things we fought out of Senate Bill 254 and the skeleton that is left is the unwillingness of Bob Rose to be put on the Agency. So in order to protect the Lieutenant Governor and the unconstitutionality of putting him on there because Section 22, Article 5, prohibits this legislature from giving any additional duties to the Lieutenant Governor. In order to preserve that constitution, I recommend that you pass 781. That will solve all the problems at Lake Tahoe and the one that Bob Rose has to face. Any questions?

Mr. Weise: I'd like to make a statement to you folks. Jake and I have worked real hard on this the last few days. We're asking you like gentlemen to not apologize for not having a prepared statement. We don't care about prepared statements.

Trying to establish a foundation which two years from now we can elect some people who are concerned with our property rights. We can have a platform to take back and some testimony to show the people who are living in the Tahoe Basin, "Well, this really happened."

I would encourage anyone to speak - particularly on what's happened to you, what's happened to your friends. We want to solidify a foundation and come back with something. I'm not saying it's going to work miracles, but we'd sure as hell like to do something that's constructive for a change. And if nothing else just eliminate some of the people who are shutting their eyes to the situation. I think your personal testimony would assist us.

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TESTIMONY OF RAY SMITH, PROFESSIONAL PLANNING CONSULTANT,
DOUGLAS COUNTY:

Mr. Smith first stated he believed Nevada should withdraw from TRPA for at least eight good reasons. A copy of Mr. Smith's 8 reasons are attached hereto, marked Exhibit C, and made a part hereof.

In support of reason #1, Mr. Smith had a clipping from the Tahoe City World, dated Friday, September 1967, in which Mr. Seberg very clearly gives all the credit for the creation of the agency bill to the League to Save Lake Tahoe; and appointed Mr. Allen Bray as a member of that group, who was Vice President of the League to Save Lake Tahoe. It also indicates that Mr. Livermore was a member of the Sierra Club as was Mr. Van Allen.

If you trace the history you'll very clearly see that throughout the entire history of the TRPA it has been motivated and controlled by various conservationist groups in California and particularly in Placer County.

I would point out to you, if you haven't read it, a recent publication called, "What is the TRPA, a Bureaucratic Hassle, an Ego Sell-out, or a Pragmatic Problem Solver," by Mr. Paul Meyers of the Tahoe Research Group. This book was approved and printed by the Environment Educational Consortium. All of those appear on the front cover.

On page 12 of this book, and it came out just last fall, it says, "By 1973, however, certain legislators and conservation groups in California had become dissatisfied with some aspects of TRPA, particularly the voting of the governing body and the agency's dependence upon spotty enforcement by local authorities. So in an attempt to create pressure for changes in the TRPA, the California Legislature was persuaded to revive the CTRPA. It was expected that certain key political interests would oppose the duplication of effort that the CTRPA appeared to represent and therefore might be willing to accept changes in the TRPA along the lines of the ad hoc committee recommendations in order to eliminate CTRPA." That's kind of an interesting statement, coming from their own group.

On the following page it says, "Apparently the stumbling block is the Nevada Legislature. A newly constituted governing body would probably take a sterner attitude towards proposed development and a stronger stand for controlling growth and protecting the interests of the general public inference against Nevada desires." This is in print, gentlemen, it's very recent and its from their own statistics.

In discussing reason #2, Mr. Smith stated that, just last week; in fact, after about 6 or 8 months of hullabaloo, the CTRPA permitted and allowed the construction of the new sewer line

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down the Truckee River, recognizing and admitting that it would create at least 3,000 new hookups, and against the recommendation of their attorney, who claimed that such an action would be growth inducing; but it was voted 7 to 0.

During the last five years the record of new lots approved in Douglas County by TRPA has continually dropped. In 1970 there were 712 such lots approved in Douglas County; in 1971 there were 250; in 1972 there were 152; in 1973 there were none; and in 1972 there were 22.. This totals 842, which is 8.1% of all of the new units which have been approved by TRPA during those five years within the Basin. 75% of all of those lots that have been approved during that period, have been approved in California. It is also interesting to note, that during that same period there were 829 building permits issued in Douglas County out of a total of 10,290 in the Basin. Douglas County had 8.9% of the new building permits actually issued. 85% of all of the new building activity has taken place in California.

In reason #3, Mr. Smith said that the Placer County member voting record is 92.8% against all Nevada projects. Of the 1,001 total California units approved in 1974, he voted against 406 of them, 40% of them, all in South Shore. Of the 1682 Nevada units approved, he voted against all but 22, a 98.7% record. None of the Placer County projects had any dissenting votes. It makes you wonder a little bit, why everything in Nevada is not good as far as Californians are concerned.

Under reason #4, Mr. Smith said that California is also taking over the California State Funding for the TRPA, which is now being transferred over to CTRPA. California is abandoning TRPA. They are transferring funds. But it is even worse than that. For the last several years there has been a great deal of lip service about a transportation plan. The transportation plan was one of the five required elements in the original general plan, which they have never really developed.

The State of Nevada, in concert with Cal-Trans, has been undertaking this transportation plan and the State of Nevada has spent a great deal of time and money on it. Within the last ten days, all of the contracts between the TRPA and the various transportation elements, Cal-Trans and the State of Nevada, have been abrogated, and CTRPA is taking over the transportation program so they can have a closer rein on the expenditures, as it has been reported in the paper.

Where does that leave a "Basinwide" Transportation Plan and where does that leave Nevada? There are other examples, but those are two very interesting ones.

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In discussing reason #5, Mr. Smith said that you should recognize the recent statements concerning pollution. The air pollution quotients at Lake Tahoe were compared with Los Angeles, and thank goodness, the State Environmental Health had enough gumption to stand up and say they were wrong. The figures were collected and interpreted wrong. The Governor also took issue on the road building and made it very clear that there will be no more growth inducing roads.

Vice-Chairman Coulter asked that Mr. Smith please summarize his remarks since many are familiar with his remarks and there are a lot of people yet to go.

Mr. Smith read point #6. In discussing point #7, he said that Douglas County has a list of some 20 planning activities and was the first such county in the State to undertake and accomplish all of these various planning functions. It is a very impressive list and indicates that Douglas County was well into the game long before TRPA came along.

The Nevada TRPA, in 1969 and 1970, developed, produced, adopted and printed a general plan, which included all of the necessary elements, in six months, at a cost of \$45,000. Washoe County also has a very long and similar record dating back to 1952.

Mr. Smith concluded by reading point #8, and saying that the record was very sad indeed, if you would take the time to look into it. It is not the rosy story the newspapers and well-meaning conservationist would have you believe.

Mr. Heaney questioned the fact that Mr. Smith mentioned 22 TRPA employees in the State of Nevada Retirement System, while Mr. Martin had mentioned 18. Mr. Smith said at the time of the budget hearing, several months ago, they admitted to 20. Last week he inquired and one of the staff members ran through it and said he thought it was 22, it is somewhere between 19 and 22, and it's a hell of a lot.

Mr. Coulter stated that we've been at this over an hour now, and have heard quite a bit of information, so he would appreciate anyone else testifying to keep it new and short.

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TESTIMONY OF JERRY TRUPP, EXECUTIVE SECRETARY OF THE COUNCIL
FOR LOGIC

We were formed to try and defend some property owners against not necessarily the bi-state agency, but the California TRPA and new master plan for disposing of Nevada gaming and other things. I find myself in a rather strange position this evening. The Council for Logic is not necessarily opposed to the TRPA as it was originally conceived, nor are we opposed to the philosophy and the benefits and regional coordination of efforts in planning. We do become enraged when these planning efforts as have been exercised by agencies under bureaucracies, rather than representative forms of government, begin to take on a thrust where they determine that they will defend and protect those belongings of the public by denying their right to come and enjoy them. Such is the situation. We went before the Governor's man, Mr. Livermore, asking him why suddenly the TRPA was inadequate to deal with the problems. We were told that there would be no need for the CTRPA had we cared enough about Lake Tahoe and not allowed the casinos.

Well, it's just that the entire thrust of California is aimed at doing one thing - removing, curtailing or eliminating gaming in the Tahoe Basin. They see this as the adversary of everything that's good in environmental ethics. We disagree with that. We believe it's a clean industry. I happen to be a California resident. I represent people on both sides of the line in our organization.

We came down and attempted to work on Mr. Wilson's bill to reduce it to something other than the Ad Hoc Report which is all that it was with some minor modifications. I was informed at that time through my contacts with the California legislature that the CTRPA would be put out of existence if the Ad Hoc Report were accepted by the Nevada Legislature. Well, it hasn't been accepted, and I would only ask that you consider this one thing and that possibly it could be a prime part of your thrust when you seek to find legislators who believe in representative government and property rights, that there is no concern greater in the eyes of the people who live within the Basin than the preservation of it, the purity of its water and air. But we do believe that unless Nevada and California can allow us to exercise our rights as citizens and elect those who sit in judgment over us, that unless they can fund these agencies to an appropriate level under which they will have the necessary funds and the powers of eminent domain to compensate property owners not seeking that one individual bear the burden for public amenities, then I believe that the bill you have before you is the only solution for the people of at least the Nevada side.

I'm not going to stand up here and run on for two hours, although I could do that very easily, but I will tell you that I have been

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deeply involved with many of the property owners at the Lake on both sides. I'm involved in this battle daily from a citizen's level and if you have questions about the inequities, about the situation as it exists up there, and about the opposition of those who live within the Basin to what's going on and what's proposed for the future, I'll be more than happy to stand here and attempt to answer them.

Mr. Heaney: What do you do besides head up this Council for Logic? What do you do for a living?

Mr. Trupp: Well, at present I doubt whether I'm really doing anything for a living. I was a business man until I became involved in this and I became so enraged that principle took the better part of financial concern, so this is it.

Mr. Heaney: You had property of your own taken by TRPA?

Mr. Trupp: I'm going to show what kind of a nut I am. No, I have not.

Mr. Price: Your remarks are excellent, but you should understand that logic is a fleeting quality in these Legislative Halls.

Mr. Trupp: I might add that we brought these down so that you would have them. Those are not from our organization. I wish right now we didn't have papers submitted. I'd like to change the name. But we've seen this before. If you think this is new, we've had these people from the League and the Sierra Club and that type stand up at Lake Tahoe and suggest that the gaming casinos be moved out of Lake Tahoe and put on Alcatraz Island, and all kinds of nonsense, that is editorials presented in the Chronicle in San Francisco recommending things that we have gaming established in the State of California and thereby get Nevada as a Great Basin National Park as a discount. You know, that's the kind of friends you have on the other side of the line. There are a few like us, too, that happen to think you're alright.

TESTIMONY OF GERALD BISHOP, OPERATING ENGINEERS

Thank you, Chairman, Members of the Committee. I'd just like to make a brief statement on behalf of the working people. We've heard from the representatives of local government and the people who own property in the Lake Basin, and we believe they certainly have a justified position. We're in a little different position. You've heard from the Federal Government how 9% unemployment is acceptable. We were faced as of this morning

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in the construction industry in the Operating Engineer end of it with 38% unemployment. This is in the 13 northern counties that we represent. We also represent the entire Lake Basin up to Donner and Echo Summit.

We've seen over the years as has been mentioned here this evening that 90 some percent of all the construction projects suggested for the Nevada side have been summarily voted down by the California side of the TRPA. Fortunately, we've had the bi-State sovereignty rule whereby we could get a few things going. In view of the fact that California is withdrawing and we know what their view is as far as what goes on this side of the line, we urge this Committee to pass this bill and urge your fellow Assemblymen and legislators to pass it. Again, that's on behalf of the working people here in Nevada. There's a good deal of work that we have got up there over the years.

TESTIMONY OF GARY EDEN, RESIDENT OF STATELINE, NEVADA, DOUGLAS COUNTY

I heard just a while ago that Mr. Healy asked if there'd been any property damaged and I'd like to say that mine was. George Abbott spoke of mine earlier. Myself and another investor bought property which was promptly painted Green belt by TRPA. We received no damages. Out of a 250-acre parcel of property, we can now build one dwelling unit. That is, if we want to put in sewer for a mile and a half to get to it. If we also want to put in electric underground to get to it. I don't need to say that that's ridiculous.

I've sang this song before basically and it's fallen on deaf ears. Perhaps tonight here we have the appropriate ears. I would liken TRPA, or the birth of TRPA, to a couple of bad scientists who created, thank you Webster for a bastard child called the TRPA. The child can rob, commit rape, commit murder, with no liability. And I'm proof of that liability right here. It's been over five years now since TRPA was first proposed to my ears. In late February of 1970, I was told, and I was shown a map that painted my property green. I am sure that you gentlemen have heard many arguments about why our country was born, why we're celebrating its 200th birthday. What we have fought for. What we have given lives for. We have given lives to protect a system that we believe in. This system, gentlemen, quite frankly, as far as I'm concerned is right down the drain, down the tubes right now. I appreciate the fact that you mentioned that in two years when the legislature comes in again that we can consider these comments that are made here this evening. I would say right now that if there were a war breaking out, it would behoove you gentlemen to make a decision whether you wanted to declare war against it or not. And I'm also here to say that you do have the power and your tools are

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right here to get rid of this thing that is unconstitutional, that's ruining people. I'd say rather than wait for two years because of political expedience, let people know what TRPA has done to other people - all in the name of ecology.

I'd rather suggest that you scrap it and then let the people scream if they want to scream and see what's to be done. All I say is from first-hand information. I've been financially ruined, and I see no recourse in sight other than if you want to give me some. And I think that if you were one of the mad scientists, or if this office were the bedroom of one of the mad scientists that created this bastard, then you can unwind it. I'd like to thank you very much for your consideration in doing so.

Mr. Heaney: I want to understand something, Mr. Eden. Was it five years ago, you said February, 1970, that you first learned that you couldn't do with your land what you thought you could?

Mr. Eden: That's correct, sir. That's the first knowledge I ever had of this. In November '69 is when we made purchase of the 263 acres at the top of Kingsbury Grade.

Mr. Heaney: In November of 1969?

Mr. Eden: That's correct. And we did so -- I might add that at that time I was assistant vice-president of the Kemp Corporation who owned the majority of property at the top of Kingsbury Grade. The property that we purchased was contiguous with that. And at that time, having been an officer in the corporation, I was familiar with the growth patterns in the area. As an investor I was well aware, with my eyes open, and bought a piece of property. I would say that at the time and since then I was more aware of the facts up there than most people are.

Mr. Heaney: What has happened since February of 1970? Has anyone ever come to you with a land swap proposition, or any other proposition, to compensate you for your land?

Mr. Eden: None whatsoever. As I mentioned to you earlier, I've sang this song before, and my words have fallen on deaf ears. Oftentimes sympathetic, but non-productive.

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I have become interested in this area. I would say if there's a benefit to this whole thing I've probably become more concerned with the ecology of the area. In trying to make my case heard, I've spoken before Agency meetings time and again. I spoke here before the Senate; I spoke before the Assembly -- pardon me, I did not speak before the Assembly, my attorney spoke for me, -- trying to make this problem heard, but it just doesn't seem to be registering. People just don't seem to get the message. I've been wiped out. I didn't deserve this. I came into a situation that I was born into. You were born into it too. We were born in this country, but we didn't invent the system. We're just playing ball in the game, that's all. And now they've come out of left field and here we have the TRPA.

Mr. Heaney: Did you lose the property or do you still have it?

Mr. Eden: We lost the property through default.

Mr. Heaney: You couldn't make your payments?

Mr. Eden: No. Quite frankly, we had several parcels sold in this piece of property that we knew would pay for the property, and we'd be able to hold it until a good time to subdivide the property and make use of the property for people who had needs in that area. Five escrows were in process when I first became knowledgeable of TRPA's plan. Because I am licensed, and because of my conscience, I went to these people and said, "Look, our situation's changed. Here's what it is now. I don't know what will become of it. You have your choice, you can either stay in or back out." They took my advice and backed out. I had no choice.

Mr. Heaney: What amount of acreage were you selling off in parcels?

Mr. Eden: Five and ten acre parcels to junior people. It's a form of a syndication. However, it was not an actual syndication.

Mr. Weise: I think you may have misunderstood me. While I'm not particularly an advocate of the abolition of TRPA, I'm certainly an advocate of changes and responses that alleviate the problems. What I was alluding to earlier was that we

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fought unsuccessfully for the past week for a simple amendment to the TRPA bill that would say that TRPA would maintain a list of Federal lands that would be available for exchange if nothing else could be done, so that people could at least trade out. This legislature turned that down. The Governor turned it down. We were fortunate enough to pass one this morning that would say, "Okay, we won't include TRPA in assisting in those swaps, they don't have to assist but they should at least maintain a list." That passed, but the Governor's man came in and turned that one around.

So, when I say to you that two years from now we'd like to do something, I know we have the tools and the capability, but we don't have the people here that will go against the administration or the people who are concerned enough about the private squawking of people in Lake Tahoe.

Mr. Eden:

You and George Finn share the same information on that basis, don't you? That's realistic. I'm glad to hear that. I feel a notion for unity at the Lake. It's very hard for us to patrol half the Lake, the water and the air - both circulate. I do not feel that it is illegal for the representative of one county to actually phone and make an appointment with a representative of another county to see if they can't get together for coffee or lunch to discuss the problems, or the ramifications thereof.

I just don't see any need, quite frankly, for duplications of labor and whatever you want to call it that costs money and is not productive and it hurts individuals. I can't see that it's necessary, and I hope that you can remedy this. I don't know what it's going to take, but I think that the answer lies right in this room for starters. I think that's why we're here tonight, isn't it?

TESTIMONY OF RUDY GERSICK, ZEPHYR COVE

In December of '69 when the Tahoe Regional Planning Agency started, or had its last meeting before it officially became

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a body, so-called, every one had the opportunity of presenting their opinion about the Agency and what they thought it should do. At that particular time I presented a letter, and also stated before the meeting, that I agreed with the controls to keep Lake Tahoe pure, and I thought that the property owners up there should be treated fairly -- that taking arbitrary positions was not the thing to do. I thought the people as a whole should try to look at both sides of the picture, try to take into consideration a lot of people had their life savings in there, some of small acreage, some of quite considerable acreage. I thought that the planning was going to take considerable time to try to get down to a good, honest program, and I figured in my mind two years to give the Tahoe Regional Planning Agency a time to put through a program that was fair to all concerned.

Basically, I said then, if you want to preserve the land, the solution was really quite simple. It was to buy it. They could control whatever method they wanted after they purchased it. There would be no argument. And today the same problem exists. The casinos that they're talking so much about, if they had wanted to five years ago, four years ago, last year, they could have still bought. But they have gone on this round robin-- we don't have any money, we're not that particular agency, we're here just for other purposes.

Now, I happen to have 22 acres in the Kingsbury area I bought in 1964. Part of the deal when I made my purchase was that there would be a road put in, there would be water put in, and ready for subdivision, which was done. The piece of property that I have is a rather long piece of property. I have a 3,010 length to it. It borders on Andrea Drive. I have a 6" water line put in. I have a 25' paved road for the length of that 3,010 feet. I have power on the total portion of it. I have natural gas on approximately 2000 feet. I have sewer on approximately another 2000 feet. I can build one house on that piece of property.

Across the street from me they can build, or are building since the sewer has been put in, on acreage as low as one-third of an acre. That to me is the height of ridiculousness. It's all out of proportion. I've gone to the Tahoe Regional Planning Agency and talked to them. I talked to Haika. This was before the sewer was put in. And he just arbitrarily said, "Well, we're not approving anything." So, where do I go from there? That's about as specific as I can get with harm done to any one particular individual - me, in particular.

Mr. Price: How are they building across the street from you? Did they have prior approval?

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- Mr. Gersick: Well, yes. What they did was the properties that were there, for instance the ones they're building on across the street now, were cut up and sold in smaller pieces, so they are allowed to build on this particular piece of property. Now I can't build because I didn't file for a subdivision map. If I had filed for one I could build today, but I didn't file a subdivision map because we didn't have sewers in and I wanted to wait until we got the sewers in.
- Mr. Heaney: Mr. Gersick, have you joined in or contemplated in any sort of legal action? As an individual or with others?
- Mr. Gersick: Yes, I had talked to Noel Manoukian when he was practicing law.
- Mr. Heaney: What were you advised? I don't know what the details would be about not filing a subdivision map, but we've heard about these 350 million dollars worth of law suits pending, and in relation to that have you joined in any sort of a group action?
- Mr. Gersick: Well, I was one of the group, then I dropped out of it because I felt there were enough there already that if a decision was rendered I would be affected by it.
- Mr. Heaney: What would your feeling be if some sort of a land swap would be available to you?
- Mr. Gersick: I'm all for equity. But all we've had is conversation. Now someone mentioned before that he had a possible offer on a land swap, then the Forest Service was not interested. This seems to be the general consensus, that you just keep going around in a circle. I'm all for controls. I'm all for proper development. I say wholeheartedly the simple solution to this thing, and there's been no provision made for it at all, is if the people of the United States, or the people of the State of California, or the people of the State of Nevada are interested in saving Lake Tahoe, buy it. It's as simple as that. Thank you.

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TESTIMONY OF NAT HELLMAN

I own 40 acres. My situation is somewhat similar to the previous speaker. I came before the Senate Committee and made a passionate plea and when I left, I wondered what it was all about. I pay taxes, a lot of taxes. And I'm paying I guess in one way or another some of you gentlemen's payroll or whatever you get to be here. I'm disappointed that while I sat in this Committee, two of your committee got up and left. Therefore, I'm speaking not to the full body. I'm sure they're tired, it's been a long meeting for you gentlemen. I was up at 6 this morning and I worked till 5 before I can down here. I'm just as tired as you are.

This morning I heard on the news that Laos has now been taken over by the Communists. And they did it without a fight so we can be happy or chagrined or whatever --

Mr. Coulter: We are speaking about AB781?

Mr. Hellman: I will speak, sir, and I'd appreciate the courtesy that I will give to you. It won't be very long. The Laos take-over was not done by arms. It was done by insidious infiltration. They've been doing this for years. Now what I'm concerned about is this, if our form of government, in which you gentlemen are elected, and properly so; if we cannot depend upon you to protect us, who do we turn to? At the present time, you, your predecessors, created a body called the Tahoe Regional Planning Agency. This body is given the power of a foreign country. They can do any damn thing they want. You can plead with them; you can bribe them; and they have been done so; they get their purpose no matter how you go to them. You cannot logic with them because you have given them the power. We are ruled, not by our peers, we are ruled by people who are appointed.

Now, everything I have read in the Constitution says that it is unconstitutional. You gentlemen, as long as you sit there and say, "Well, I can't do anything today and I'm sympathetic to the gentlemen in the back. I like the way you talk, sir. I appreciate it very much." But time is running out for your; running out for me; and primarily for my children who I worked long and hard for. Now how did I work long and hard for them?

About 12 years ago, I moved to Lake Tahoe. I was going into semi-retirement, and I was stupid enough to depend on what I thought was the common way of owning land in this country. You could buy something; you could put money into it; and you could depend upon it to take care of you in your old age. And I thought I had a good buy. I bought a piece of land; paid \$5,500 an acre, for 40 acres. I didn't have all that money, but I made a sizeable down payment and I was to pay, as I recall, \$25,000 a year, a reasonable amount of interest,

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and as time went on, some of those years I had the money to make the payment and some of the years I didn't, so I'd have to go out and make a hard money second. One way or another, I was able to hold on to the land. I deprived my family, for which I'm dutifully sorry. In doing so, no trips to Europe, no trips here. No, we've got to hold on to the land; one day its going to make your future.

Well gentlemen, I'm no longer semi-retired. I'm hard back at it. Because the people I depended upon, the people I elected, and I do believe in our form of government, allowed something to be created that suddenly said, "Hey, 40 acres was zoned for 400, I believe, and 430 units, now you can build one unit upon it." I was given no chance to go to court and plead my cause. Over night I was told I could only build one unit.

Now the previous speaker made a very, very apt statement which I think may go over a lot of people's head. He said, "contiguous" to his property they were building, and still are, on 1/3rd acre pieces of property. Well, the same situation exists with me. On one side of me is an existing subdivision. Across the street are other subdivisions. Below me is a very large property owner and he retained all his zoning, and rightfully so. I wonder where can we turn? Where can we go? We can't get redress in courts. One of the questions asked by Mr. Heaney was, "Have you gone to court." I went to an attorney. He said, "Nat," (the same attorney incidentally the previous speaker spoke to Manoukian). He said, "It would take you \$50,000." I don't have the \$50,000. He said it would end up going to the Supreme Court. He said, and this is the horrendous thing about it, and then I can't really say that you're going to win.

Now there have been many lawsuits that have been presented by unorganized individuals, some big, some horrible, some small like myself. They all go different directions. You get attorneys from different regions, just like all you folks. I can speak of land use, the constraint map, it really doesn't mean a damn to you. I don't think, and rightly so, you don't have the knowledge; but I can show you on the constraint map and the land use where they fallaciously, erroneously stole my property. My land does qualify. What they've done on it is wrong and I have to go to court to prove it.

Now, back to the attorneys. They're only human beings like you and I. They get on a certain cause of action and by the time they learn what it's all about, they're sidetracked to another issue. They cannot properly present the causes because they're buffeted from one side to the other. There always seem to be able attorneys on the side of Tahoe Regional Planning. Don't forget, planning is like motherhood. We're all for green grass, all for the air, all for good living, and how do you

overcome that when you can't make a good presentation.

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There was one good presentation. This was recently made in Judge Thompson's court, and I'll read briefly and then I'll sit down. And, hopefully, and I'm now disappointed because if it has to be two more years, I'll be broke like one of the other speakers, because I can't hold on much longer. And there were three parties that participated. I realize it's difficult to read from a brief and it's dangerous to do so, but allow me just to take excerpts and try to fill in between.

"Tahoe Regional Planning is a body of limited powers." (This is Judge Thompson, a Federal Judge in Reno, and a brilliant man.) "Those powers are enumerated in the Tahoe Regional Planning Compact. The causes of action presented here seek relief from the all alleged unconstitutionality of the Tahoe Regional Planning, or in the alternative for compensation for loss of property because of the unconstitutionally reasonable and necessary ordinance constitutes the taking of private property. The authority of Tahoe Regional Planning does not extend, of course, to unconstitutional acts." What the hell have they been doing? "It is also agreed that the authority does not expressly extend to the condemnation of private property." What have they been doing? "It cannot be said the Tahoe Regional Planning Authority extends to condemnation by implication." I'm going to skip now. "Not only does the Compact lack express language as to condemnation powers, but it also fails to provide for the necessary funding of such powers."

They have no money. The only money they get, which is over a million and a half dollars a year now, goes just for paying the salaries, the secretaries, the management, etc., whatever they're doing. And may I address myself briefly to that. Since Tahoe Regional Planning has come to bat, they have now spent a million and a half dollars each year. There is now the EPA of California. Tunney's Committee has authorized a half million dollars to study what TRPA has done. There was a study of \$800,000 for a transportation program that nothing came about effectual other than the fact than to say they didn't know what the heck they were doing. And if they did they wouldn't know how to do it.

Thank you for your patience. I would only hope that when you go back home where you came from that your local magnificent ordinance has not been created to take your house, your property, from you.

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TESTIMONY OF AN UNIDENTIFIED MAN FROM THE AUDIENCE

I first saw Lake Tahoe in 1915. I've been up at Lake Tahoe practically every summer since then. I bought a small business in 1933, operated it there till '58. I spent 15 years in Tahoe year around before moving to Nevada, and I say to you that the TRPA has done more damage to Lake Tahoe than any other one single organization. And if you don't believe it, just go over there and look at South Tahoe. Robin roosts, pidgeon lofts and sardine cans - you couldn't give it to me.

TESTIMONY OF CONNIE JO PICKERING

Mr. Coulter, I beg your indulgence, but please don't rush me. I was rushed through my testimony before the Senate on hearing SB-254, and I wouldn't like to be again. I won't take very much of your time.

No one wants to save Lake Tahoe more than I do - I live there and I enjoy it. But there's a right way and a wrong way. The right way is, as another speaker said before me, to come in and buy it. One of the fundamental concepts in the original planning of TRPA was funding. As the TPPA was finalized, funding was left out of it. Right now there are no funds in sight. California is not going to fund the purchase of all this property. The Sierra Club is not going to. Neither is the League to Save Lake Tahoe. Neither is the Federal Government. I believe that John Tunney made himself clear on that. And obviously the State of Nevada is not going to.

I would like to tell you about one piece of property, small, about 10 acres, to the north of where we live, that some people purchased over 20 years ago for \$800 per acre. They invested in that as a long range investment, thinking that it would be income for them in retirement. They paid \$800 per acre, they paid taxes on it for 20 years. It's now zoned General Forest by the TRPA. They are contiguous to U. S. Forest Service land. The Forest Service, after all this time, is now offering them \$100 per acre for that land. Is that what you consider a fair swap?

There's a lot of this going on. What the TRPA has done is to damage people's properties and property values to the point where a good many of them are being ruined. I also object very much to what the California Attorney General has done. They have filed suit in Nevada to stop the building of two casinos. I am not advocating the building of those two casinos. However, I do believe in personal property rights. Those men paid taxes on that property as zoned for gaming.

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The TRPA's own zoning zoned that property for gaming. They proceeded and met all of the TRPA constraints placed on that property. They have met everything that the State of Nevada has put before them, and yet the California Attorney General has come here and filed suit to stop construction of those casinos.

What I want to know is, why did the California Attorney General not file suit against Motel 6 and stop construction of that in the City of South Lake Tahoe. His basis for stopping construction of the two casinos is that it will damage the environment. Do you mean to tell me that Motel 6, being constructed in a flood plane right next to the Truckee River, is not going to damage the environment? The construction and approval of that Motel was after the approval of the two casinos, yet no court action was taken to stop construction of that motel. That doesn't seem right to me.

As far as I'm concerned, the Nevada Legislature has only two alternatives - either we withdraw Nevada from the TRPA, or this Legislature should appropriate 300 million dollars from the general fund of the State of Nevada for starters for buying property from the owners up there.

TESTIMONY OF TED COLBY

I have been a resident of the Lake Tahoe area for 14 years and now live in Carson City. I have followed the TRPA with a great amount of interest over the years. The first time that I had occasion to hear about the TRPA was at a Rotary meeting at Harveys where Senator Coe Swobe spoke on the beauties of the TRPA bill. At the conclusion of his talk, he opened it up for questions and answers and I asked him a question.

The question was: At any time during all your deliberations on this TRPA, was it ever considered putting it to a vote of the people? He hemmed and hawed and finally said no, it was never considered placing this on the ballot. I think that based on the testimony you have heard up to this point where California is rather actively disengaging themselves from the TRPA, the marriage has not been too successful. I like the quote that Lucius Beebe once made about California. He said it is the largest insane asylum in the country run by the inmates. I'm afraid that I have to agree with that.

My recommendations to this Committee would be two things:
1. To abolish the TRPA immediately. 2. Place the whole question on the ballot for the people in the affected areas to vote approval or disapproval, because they are the ones that are paying the bills.

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TESTIMONY OF ED McCARTHY

I am a business man at Lake Tahoe. I own two motels and am a realtor, which may in the eyes of some give me a vested interest, but I have followed the TRPA for perhaps five years. I was part of the original opposition to it simply because it didn't have elected representation, it was not funded to acquire property through eminent domain. The years passed and we have had time to get acquainted with the staff of the TRPA, we've come to know them as people. Nevertheless, all along the way there have been problems. I'd like to give you a very brief overview of the some of the circumstances that exist on the California side and it does relate to what you are attempting to do here tonight.

As an example, we have now a CTRPA. The California TRPA has four out-of-Basin appointees, appointed by environmental movement groups. The net effect of that is that they have effectively taken all local control away from local citizens. Virtually every situation is a four to three vote. Three locals, four out-of-Basin people. Sierra Club appointees, League to Save Lake Tahoe appointees, and they have effectively stalled all planning. As that relates to you, let me give you an example of what my feeling is. The CTRPA is currently about to adopt a new plan on the California side of the Basin. The net effect of that is in their proposals they are saying that the plan for the TRPA is going to be changed. As strongent as it was, as totally in violation of private property rights as it was formerly, they are saying they are going to completely down-zone all commercial property on the California side of the Basin, all commercial tourist property on the California side of the Basin, and are currently and still toying with the fact that they may not allow single family dwellings in existing subdivisions. The original Bi-State TRPA, when formed, created an enormous amount of damage, but then after they did it they in effect grandfathered in that which existed which means that no further injury would come to the private property owners on the land that they owned that was down-zoned.

And let me give you a brief review of that. As an example, in high density property they down-zoned from 43 units an acre to 15 units to an acre and then, as I just indicated, they grandfathered it in which in effect gave the private property owner protection if it happened to be an existing subdivision.

The CTRPA now is removing the grandfathering and saying that they're going to further down-zone, and a further ludicrous approach on their part, they are about to adopt in their plan is that they are also saying that the maximum land coverage

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that they are going to allow, and listen to this, the maximum land coverage they are going to allow is 30%, irrespective of zoning, which means an industrial parcel, a commercial or whatever. If you know anything at all about developing, that simply means you cannot develop. There's no way to cover 30% of a piece of property and build on it because they squeeze it from the other end as well and say you have a full height maximum. So, they are effectively preventing any further development.

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Now how does that relate to you in our circumstances here tonight? Because if Wilson's bill prevails, you're simply transferring the monster that is CTRPA now on to the TRPA, and believe me Nevada's going to live with that problem. Now, take a step back. If we had elected representation, I'd favor regional government. But, since in this instance elected people are not going to be part of it, we favor what Mr. Jacobsen's bill proposes.

One further thought, what has the TRPA done? I don't know if you can list any benefits, but I can tell you some things that they haven't done. As an example, they've made the multitude of properties, and I'm thinking now of commercial, motel properties and restaurant properties, instantly non-conforming by virtue of the original adoption of their plan. When they did that, the people that had the property can't in effect tear them down and rebuilt to improve which would be a credit to the area. The Stateline motels, as an example, are locked in. There's no way, even if the property is such that it's no credit to the community, there's no way they can tear down and build back because in the Stateline region they tore down an acre of buildings that's on an acre of land which previously allowed 72 units, and all they could put back would be 40 units. Who would do it on that basis?

They've been two years coming up with a shore-line ordinance. In the meantime they don't allow pier improvements or the granting of new permits on the shore line. How about the parkways? South Lake Tahoe citizens voted that they wanted a parkway, and we have an enormous traffic problem in this area. Has the TRPA created a solution for that after five years? I'll let you answer that. What about the fear and panic that's been instilled in the minds of property owners because there are every more increasing stringencies upon what they can do with their property.

It would be a beautiful thing to know that some day in the future, when the timing was right and circumstances were right, you could develop your property. But you're not blessed with that passage of time because you have to develop immediately

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before the next new stringencies is produced. What's the proof of that? Well, North Shore and the masses of condominiums built over there - overbuilt, built for the market and they're having to rent out instead of sell simply because of the fear and panic that's been instilled in people. Because of the land coverage allowance which in effect minimizes how much of a piece of property you can cover, they have forced condominium building on this community. I can tell you that I believe the barracks-like structures that ring Lake Tahoe are no credit to the Tahoe Community or for the future of Tahoe. And they are conceived by the supposed good planning.

Mr. Weise moved that the bill be moved out of Committee with a "do pass" recommendation. Mr. Jacobsen seconded the motion.

Mr. Coulter: I would rather hold any action until we have finished with the testimony. We also don't have a full Committee here. We're missing the Chairman and two other members.

Mr. George Finn: Geroge Abbott tells me that this Committee has the power to vote this bill out of Committee and on to the floor for discussion. Is that so?

Mr. Coulter: This Committee can do anything it wants.

Mr. Finn: Well, with the compelling testimony you have here tonight, you examine your own conscience. I think that if you will agree to vote this out tonight and on to the floor for discussion, let the chips fall where they may, you'll satisfy everybody in this audience and yourselves and do a good job. Please do that.

Mr. Ralph King spoke from the audience and said he forgot to say that they own 40 acres in Douglas County, and therefore also pay taxes in Nevada.

TESTIMONY OF BOB OSWALD:

I am a resident of Skyland. My parents brought me to Lake Tahoe in 1915, and I have been coming here since right after World War I every summer. I became a resident in 1965. I bought from Ralph King in 1955 on Echo Lake which is within the Basin, a parcel of land 300 feet on the Lake. At that time I was given an irrevocable permit for a septic tank so that I could build a cabin there. I did not want to subdivide it into small pieces because I don't like that. I want something that's nice. The TRPA made that permit useless.

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The land is useless, although a doctor from San Francisco has an adjoining piece and he was asking \$150 per front foot, making his piece or my piece worth at least \$150,000 about three years ago. Getting back to our side of the Lake, Nevada has done far more to keep the beauty of the Lake than California. All you have to do is cross the line and you can see it.

Secondly, this is our 200th anniversary coming up for this country and it was founded on taxation without representation. In this case it is confiscation without any representation. I do not believe from all of the travels I have made around the world that anyone outside of the Basin or outside of any area should go into another area or another country and try to tell those people how they should conduct themselves or how they should live.

Mr. Finn: Mr. Chairman, may I make an observation for the record that there has not been one word of testimony against this bill tonight.

Mr. Coulter: I think we're quite aware of that.
This will conclude our testimony. Thank you
for coming here tonight.
The Committee will take a five minute recess.

(Recess)

Mr. Jacobsen said they would withdraw the original motion, and moved that AB-781 be passed out of Committee without recommendation. Mr. Weise seconded the motion.

Aye votes: Vice-Chairman Coulter, Mr. Jacobsen, Mr. Heaney,
Mr. Jeffrey, Mr. Price, Mr. Weise.

No votes; None.

Motion carried.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Jane Dunne, Acting Secretary

ASSEMBLY
HEARING

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COMMITTEE ON ENVIRONMENT & PUBLIC RESOURCES.....

Date Mon., May 12 Time 3:00 p.m. Room 214.....

Bill or Resolution
to be considered

Subject

SCR 36

Directs the director of the state department of conservation and natural resources in exercising powers under chapter 321 of NRS to utilize county planning activities as the basic component of state land use plan.

SB 117

Reduces residence requirement for persons over 65 years of age to qualify for reduced hunting and fishing license fee.

Cancelled

ASSEMBLY
HEARING

2-521

COMMITTEE ON ENVIRONMENT & PUBLIC RESOURCES
Monday
Date May 12, 1975 Time 7:00 P.M. Room 131

Bill or Resolution
to be considered

Subject

AB-781

Repeals the Tahoe Regional Planning Compact and consolidates the provisions relating to the 1973 Nevada Tahoe regional planning agency with the provisions relating to the 1969 Nevada Tahoe regional planning agency.

ASSEMBLY ENVIRONMENT & PUBLIC RESOURCES

Monday, 7:00 p.m.

DATE: May 12, 1975

Wish to Speak FOR	to Speak AGAINST	NAME	REPRESENTING
+		Ralph King x	HIS OWN PROPERTY, Condemned by The Tahoe Regional Planning Agency
+		Harold Dayton x	Co. Commissioner
+		George Fann x	
+		Henry J. Martin x	Do Co. Grand Jury
		George Abbott x	
?		J. Leroy Anderson	Myself
?		Norm Tieslan x	"
+		Roy Marks x	"
+		Ed Kolbe x	"
+		Jerry Trupp x	Co. for Logic
?		Mr & Mrs M.F. Jones	Themselves
+		Ray Smith x	Myself
		Sub Morrow	Press
+		Stanton A. Meyer	Myself
		Jail Bishop x	Opier Enges
		Mike Callahan	Opier Enges
		NATHANIEL HELMAN	LAND OWNER
		GARY EDIN x	- -

My name is Harold Dayton, chairman of the Douglas County Commission ²⁻⁵⁵² and member of the TRPA governing board. First let me say that I am a conservationist. I was one of the founders of the Lake Tahoe Area Council and a past president of that organization. I still serve on its executive committee.

The only excuse for the TRPA is an emotional one -- Lake Tahoe must be saved. Lake Tahoe has been saved and will continue to be. Nevada and California State agencies have ample power to protect the environment and maintain the ecology at Lake Tahoe. Personnel from these agencies have testified to this fact before this committee. I maintain that it is far more important to preserve our constitutional government than to listen to the radical misinformed "conservationists".

Douglas County has no desire to endanger or destroy the environment of its county and we fully realize that Lake Tahoe is one of our most valuable assets. All you need to do is go to Lake Tahoe and anyone can tell immediately where any over development and "pollution" is occurring. It is in California and not Douglas County. Douglas County has had a plan at Lake Tahoe since the 1950's and has not deviated from its one mile gaming limit. In 1970 Nevada adopted a Tahoe general plan that is compatible with Douglas County's plan. These commitments must be recognized. They will not be honored under the California oriented TRPA.

Our greatest opposition to the TRPA is the fact that it is not an acceptable type of government under the U.S. and Nevada State Constitutions. Under the TRPA the people are governed by non-elected officials. On August 25, 1974 an article appeared in the San Francisco Chronicle and I quote: "Legislation which Richmond Democrat John Knox had fought to have passed for eight years died in the State Senate in Sacramento, after the Senate Local Government Committee voted 5 to 3 against the proposed Bay Area Regional Planning Agency to oversee development in nine Bay Area counties deciding it would impose another layer of government without consent of the people -- its governing board, according to terms of the proposed bill, would not have been completely elected."

There is no right of recall of the governing board and the board passes and enforces its own ordinances. Private property rights have not been protected. When property rights are eroded, so is the foundation of America. We live under a representative form of government by design of the people. We elect our spokesmen to the state legislature and the Congress. We do not elect the TRPA governing board.

How can this unconstitutional body be allowed to continue?

The TRPA has been and is a failure. El Dorado County passed a resolution

STATEMENT OF HENRY MARTIN, LAKE TAHOE, REPRESENTING THE
DOUGLAS COUNTY GRAND JURY IN REGARD TO A.B. 781.

554

Chairman and Members of the Environment and Public Resources
Committee:

Speaking against ecology and TRPA is the same as speaking
against motherhood, and we who are speaking for Assemblyman
Jacobsen's bill find ourselves in an unpopular, uncomfortable
situation.

This should not be the case since we all love the pristine
grandeur of Lake Tahoe and we are all ecologists. We support
coordinated, strict building and development codes administered
and monitored by locally elected officials.

Involuntarily the Nevada and California Legislatures, together
with the United States Congress, created a monster, The TRPA
Compact, Public Law 91-148. This monster is seizing our prop-
erty, violating our rights to Constitutional Government,
replacing local government, destroying citizens' faith in
our form of government, and in its own tryannical way operating
without control by the Governor, the Attorney General, or any
other elected officials. Its officials are not subject to
election or recall.

Let us place this on a very elementary basis. Let us quickly
recall our high school "civics" where we learned about the
3 branches of government - executive, legislative and judicial.
The Douglas County Grand Jury sees these branches being by-
passed by an appointive organization that ignores the protection
of property rights, which is basic in our form of government.

The Grand Jury was requested by Douglas County Commissioners to
study and investigate the TRPA and the effect of its actions on
Douglas County. The Grand Jury has done so and among several
disturbing items, one that merits your particular attention
when considering this bill, is the participation of 18 TRPA
personnel in the State of Nevada Public Employees Retirement
System.

Please take cognizance of these important facts:

1. TRPA personnel were brought into the Nevada Retirement
System without the approval of the Retirement Board.
2. They were brought into the System without the normally
required actuarial studies.
3. Prior to entering the Nevada Retirement System they were
refused entry into the California System and a Federal
Plan.

Statement of Henry MartinA.B. 781

4. The funding cost for a participant in Nevada's system is 18% of salary. Currently TRPA is contributing 7% and TRPA employees are matching that with their 7% contribution. This leaves a gap of 4% which can only come from Nevada taxpayers.
5. California assumes no liability, contributes no funds, provides no benefits, only houses the Agency while their 18 personnel belong to the Nevada Retirement System, live in California
6. One TRPA employee has retired and draws a monthly pension of \$750.57 which represents 42% of the \$1768.58 contributed monthly by TRPA employees. Obviously this is not actuarially sound and deficiency must be made up by Nevada taxpayers.

Why all this detail? The Douglas County Grand Jury is attempting to support Assemblyman Jacobsen's bill, which is passed will halt this "rip-off" of Nevada taxpayers; remove this tyrannical form of non-representative government from Lake Tahoe; rejuvenate the Basin economy; help alleviate the current recession; remove hundreds of workers from the unemployment insurance rolls; and restore pride and confidence in our American system.

The Douglas County Grand Jury urgently requests this bill be given your unqualified support so that the errors of the past can be left behind and a new start based on experience and constitutional government can begin to create a coordinating assisting Agency for the Lake, which was what was recommended by the Fleischman Foundation Funded Study in 1967.

RAY SMITH:

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Nevada should withdraw from TRPA for at least 8 good reasons:

1. The Tahoe Regional Planning Agency was created by, and foisted on, Nevada by California conservationists (notably the League to Save Lake Tahoe & Sierra Club) both aimed at stopping (gaming) activities in Nevada. Almost all California (and Nevada) State appointees have been and are noted conservationists (Bray, Livermore, Van Allen, Chattin Brown, Knisley, Cooke and probably DeRicco and Meder). The Compact talks about an "equilibrium between man made and natural endowments," but never is there a State representative (on either side) who is "man" oriented. Nevada is now again being overtly manipulated in the back rooms. (See "What is TRPA," Paul Meyers, page 14).
2. TRPA has stopped Nevada while allowing, if not encouraging, development in California. Statistics of TRPA and building permit issuances confirm this. Even the "new" California Tahoe Regional Planning Agency is not about to stop allowing "growth inducing" activities in California, such as the Truckee River Sewer Line, Motel 6 and the like, not to mention unlimited growths at Squaw and Martis Valleys.
3. California has a distinct negative voting record in TRPA, especially for Nevada projects. The Placer County member voting record is virtually totally negative -- for Nevada.
4. California has now developed a new, unlimited and duplicative basin planning function (CTRPA) which is taking over California State fiscal contributions to TRPA, assuming control of the "Basinwide" Transportation Study and other activities which are of basin import but now under California control only.
5. The new Brown administration has exhibited recent new attitudes which are highly critical if not insulting to Nevada.
 - Air Pollution Statements -- (wrong data -- misrepresentations)
 - Road Building -- "no more growth including roads"
 - Younger Suit -- 9th District Court against hotels
 - Recent (Sunday) Editorial
 - California has already declared "war" on Nevada (Lake Tahoe); it is quite evident
6. TRPA is staffed by (22) Californians -- oriented to California -- dominated by California, headquartered in California, but belongs to Nevada retirement system. The staff is arrogant, opinionated, predetermined, conniving, intractable and expensive! Some outstanding examples are:
 - The Ad Hoc Report and supporting (erroneous) data
 - Proposed Shorezone Controls, which have been under study for over 2 years and are still unacceptable
 - "Friends and enemies" lists
 - A continued hassle, as evidenced by staff attempts to continue reviews of actions -- hotels, Motel 6, etc.
 - South Tahoe and T/C Urban Design Plans -- hardly "regional" in applications.
 - The outright fabrications in the so-called Stateline Traffic Report (by staff)

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7. Nevada Counties (and NTRPA) can and has done the job:

Douglas County -- has an enviable and undisputed record.

Nevada TRPA -- General Plan -- produced and adopted in 5 months at a cost
of \$45,000

Washoe County -- first and still sound

8. TRPA hasn't done the job:

\$350 M suits -- mostly still unresolved.

Divisional, emotional and controversial

Admitted "grand experiment" -- abuse of power (Heyman)

Not adopted Plan as required (new General Plan adoption ordinance under
consideration)

Now being sued by League to Save Lake Tahoe -- for noncompliance