

SENATE

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE

March 11, 1975

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

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

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

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

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

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

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

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

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

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

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

A. (inaudible)

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

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

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

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

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

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

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

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

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

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

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

A. I have referred to the guidelines. . .

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

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

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

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

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

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

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

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

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

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

A. Indistinct.

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

A. Indistinct.

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

Dyer

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

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

Q. Senator Neal:

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

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

A. Yes.

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

Over

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

Q. Senator Blakemore: What is environmental protection agency?

A. The EPA is a Federal agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. Senator Dodge: Is that plan finalized?

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

Q. Senator Dodge: When?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. It could happen, yes.

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

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

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

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

A. Currently there are ten.

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

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

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

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

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

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

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

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

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

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

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

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

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

A. No question about it.

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

A. That is not my interpretation, Senator.

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

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

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

Q. Senator Sheerin asks about condemnation on TRPA.

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

as he states

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

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

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

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

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

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

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

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

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

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

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

Q. Senator Blakemore.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No questions from Committee.

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

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

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

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

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

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

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

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

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

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

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

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

A. Yes.

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

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

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

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

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

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

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

A. Mr. Edin said he was.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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over

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

Senate Committee on Environment and Public Resources

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

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

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

A. "I beg your pardon?"

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

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

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

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

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

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

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

Senate Committee on Environment and Public Resources

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

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

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

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

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

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

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

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

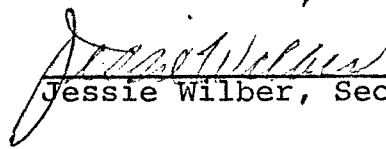
Mrs. Connie Jo Picking addresses the hearing as a resident of the Kingsbury area, Lake Tahoe. She states she is also a member of the Douglas County Grand Jury. "I am not suggesting that we are implying anything about you or your firm Mr. Wilson, I am not speaking as a member of the Grand Jury. I am speaking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

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

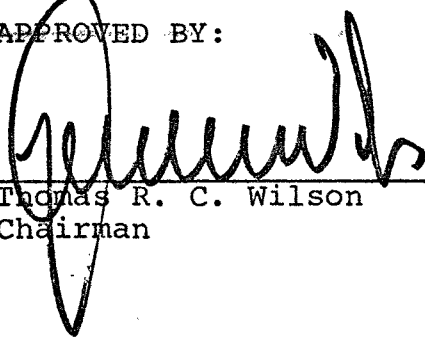
There being no further business at this time, the meeting was adjourned.

Respectfully submitted,



Jessie Wilber, Secretary

APPROVED BY:



Thomas R. C. Wilson
Chairman

NAME + Who Represent

TIME REQUIRE

E Avis King

Jeffrey A. Lincoln (none)

Heslie Bennett (none)

Greg Hansen (none)

Dorothy Kaiser RTUN News

"Kinn" Shea

Thomas E Shea

Bruce E Nelson

Robt Linnh none

Karen Rollston

Lyn Aydelott

57379

Environment & Public Resources
March 11, 1975

LIST OF EXHIBITS:

- 142
- I Letter, dated January 13, 1975
from: Office of the County Manager,
Douglas County,
to: The Honorable Mike O'Callaghan
- II Letter, dated February 26, 1975,
from: Warren W. Reed, Foreman of
Douglas County Grand Jury.
- III Ad Hoc Evaluation Committee Report
dated May 31, 1975.
- IV Letter, dated January 30, 1975,
from: Paul Laxalt, U.S. Senator, Nevada
to: Mr. Roland L. Adams, County Manager
Douglas County
- V Letter dated February 13, 1975,
from: Robert List, Attorney General
to: Mr. Roland L. Adams, County Manager
Douglas County.
- VI Decisions, Bruce Thompson, U.S. District Court,
Western International Hotels, et seq.
- VII Letter, dated January 22, 1975
from: Howard W. Cannon, U.S. Senator, Nevada
to: Mr. Roland L. Adams, County Manager
Douglas County
- VIII Letter, dated January 21, 1975,
from: Senator William Raggio
to: Mr. Roland L. Adams, County Manager
Douglas County
- IX Letter, dated January 22, 1975,
from: Senator Cliff Young
to: Roland L. Adams, County Manager
Douglas County.
- X Memorandum, dated March 10, 1975
from: Gary A. Owen, Legal Counsel, TRPA
to: Nevada State Senate Committee on
Environment and Public Resources.
- XI Report entitled, Estimated Federal Expenditures
for Lake Tahoe Basin, Period F/Y 1964 - present,
(11/13/74).



Office Of The County Manager

Douglas County • State of Nevada

Courthouse • Minden, Nevada 89423

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

January 13, 1975

*Senator
William
W.*

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

Dear Governor:

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

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

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

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

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

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

Respectfully,



Roland L. Adams
County Manager

RLA:jh

R E S O L U T I O N

WITHDRAWAL FROM TAHOE REGIONAL PLANNING AGENCY

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

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

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

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

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

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

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

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

Harold P. Dayton Jr.
Charles C. Munday Jr.
Garry D. Stone

ATTEST: Matt Brunas
Clerk to the Board of County Commissioners

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

February 26, 1975

*Chris
followup*

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

Dear Governor O'Callaghan:

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

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

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

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

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

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

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

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

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

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

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

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

Warren W. Reed



Foreman
Douglas County Grand Jury

AD HOC EVALUATION COMMITTEE OF THE
TAHOE REGIONAL PLANNING AGENCY

May 31, 1974

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

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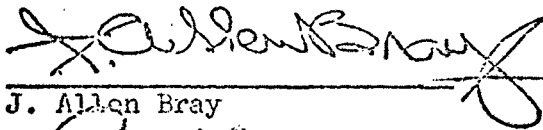
Dear Mr. Stewart:

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

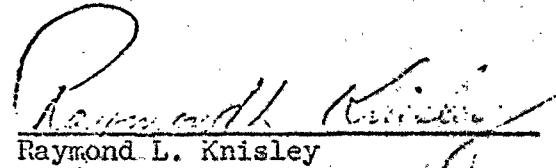
The Committee respectfully urges your attention to the two groups of recommendations; one group concerns compact modifications, the other group may be accomplished by TRPA Governing Board action.

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

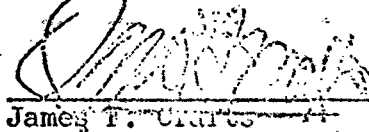
Very truly yours,



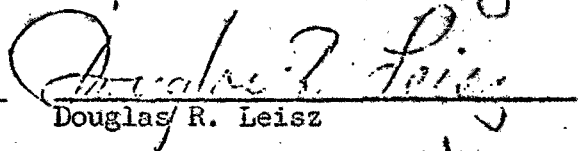
J. Allen Bray



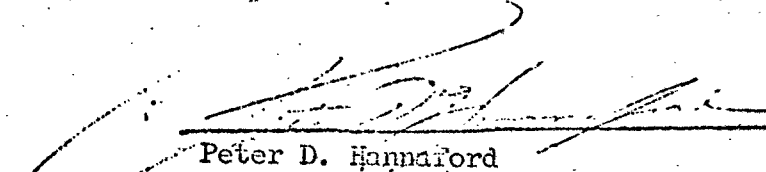
Raymond L. Knisley



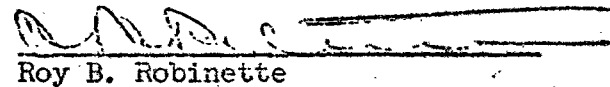
James F. Uratis



Douglas R. Leisz



Peter D. Hammarford



Roy B. Robinette

Enclosure

cc: Each Governing Board Member

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

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INTRODUCTION

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

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

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

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

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

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

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

PLANNING REQUIREMENTS OF THE COMPACT

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

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

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

Yet the Agency survived.

During this period the U.S. Forest Service Tahoe Basin Planning¹⁵³ Team rendered outstanding service, bearing much unfounded criticism by the uninformed. With the aid of State and Federal agencies, they produced an environmental analysis of the region which is regarded as a model for other planners.

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

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

Still the Agency survived and strengthened.

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

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

higher standard applicable to the same subject of regulation in its territory. The regulations shall contain general, regional standards, including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fill, excavations, cuts and grading; piers, harbors, breakwaters, or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile home parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible, without diminishing the effectiveness of the interim plan or the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or general plan."

IMPLEMENTATION OF THE COMMITTEE'S ASSIGNMENT

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

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

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

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

PROGRESS EVALUATION

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

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

PLANNING REQUIREMENTS

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

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

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

ORDINANCES, RULES AND REGULATIONS - CURRENT STATUS

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

LAND USE PLAN

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

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

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TRANSPORTATION PLAN

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

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

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CONSERVATION PLAN

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

RECREATION PLAN

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

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

PUBLIC SERVICES AND FACILITIES PLAN

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

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

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ORDINANCES

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

WATER PURITY AND CLARITY

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

SHORE ZONE

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

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

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

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

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

SIGNS AND BILLBOARDS

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

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

OTHER ORDINANCES AND REGULATIONS

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

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

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

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

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

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

COMMITTEE RECOMMENDATIONS

SECTION A - CONCERNS THOSE THAT REQUIRE COMPACT MODIFICATIONS.

FINANCING AGENCY OPERATIONS /

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

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

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

MEMBERSHIP OF GOVERNING BODY

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

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

SIMPLE MAJORITY RULE

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

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

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

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

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

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

ENFORCEMENT

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

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

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

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

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

FEDERAL POLICY

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

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

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

ARCHITECTURAL COORDINATION

IMPLEMENT COORDINATED ARCHITECTURAL REVIEW.

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

AIR POLLUTION CONTROL PROGRAM

EXERCISE AIR QUALITY PLANNING AND CONTROL AUTHORITIES.

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

GAMING

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

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

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

STATE COORDINATION FOR LAKE TAHOE

SEEK COORDINATED STATE REVIEW.

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

ASSESSMENT OF OPERATIONS

CONTINUE PERIODIC ASSESSMENT OF PROGRESS.

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

GENERAL OBSERVATIONS

ENFORCEMENT OF AGENCY RULES AND REGULATIONS

TAKE POSITIVE ACTION TO ENFORCE ALL AGENCY DECISIONS.

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

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

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POPULATION PROJECTIONS

DEFINE PROCESS FOR POPULATION PROJECTIONS.

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

PUBLIC PARTICIPATION

ACCELERATE PUBLIC PARTICIPATION AND INFORMATION FLOW.

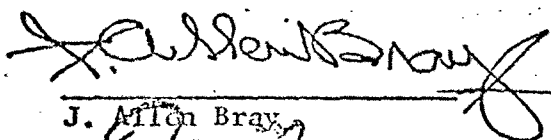
The "public" interested in Lake Tahoe lacks information and understanding of the purposes, authorities and functions of the Tahoe Regional Planning Compact and the limitations of authority of the Governing Board. At best, the results of the planning effort cannot resolve the interests and expectations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

CONCLUSION

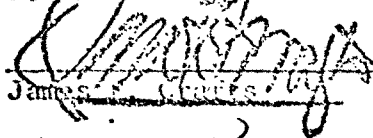
170

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

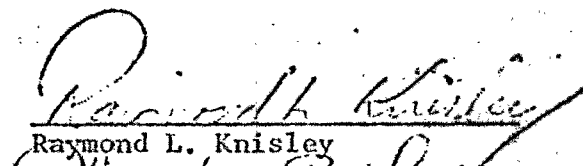
With respect to our recommendations that require legislative action at State and Federal level, we are mindful of the delays that can take place, but are confident that, if the Governing Body acts with reasonable dispatch in endorsing proposals that require legislation and approves those that call only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



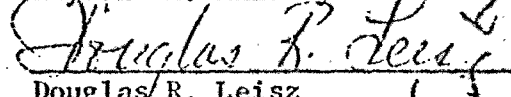
J. Allen Bray



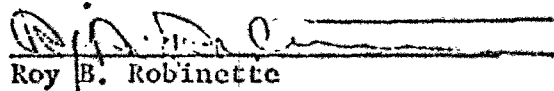
James



Raymond L. Knisley



Douglas R. Leisz



Roy B. Robinette

Peter D. Hannaford

Exhibit "B"
4

United States Senate
WASHINGTON, D.C.

RECEIVED
FEB 5 1975
DOUGLAS CO. MANAGER

January 30, 1975

Dear Roland:

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

171

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

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

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

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

Sincerely,
Paul Laxalt

PAUL LAXALT
U.S. Senator

PL/drs

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

Exhibit "5"



REC File w/
Other Comments
FEB 18 1975

DOUGLAS CO. MANAGER

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

Robert List
Attorney General

172

February 13, 1975

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

Dear Mr. Adams:

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

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

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

Sincerely,

ROBERT LIST
Attorney General

RL/cl

representatives

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

My name is George W. Abbott. I am an attorney at law with offices at 101 Bank Building, Minden, Nevada. I appear here today as a special counsel to Douglas County and to its Board of County Commissioners on Lake Tahoe matters. I appear in opposition to enactment of S. B. 254. 373

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

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

TRPA is the product of legislation approved in 1968 by Nevada (N.R.S. secs. 277.190 to 277.220) and California (West's Ann. Gov. Code sec. 66801) and ratified as a bi-state compact by the Congress on December 18, 1969 (P.L. 91-148, 83 Stat. 360).

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

Under date of May 31, 1974, a report covering the first four years of the agency's activities was submitted to the TRPA. No action was then nor has up to now been taken adopting, rejecting, or in any way modifying or supplementing or formally acting upon the ad hoc report. S.B. 254 appears to have been directly based upon the report's recommendations, although it does not include at least one of the major recommendations made by the ad hoc committee. 358

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

Senate Bill 254, if enacted would:

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

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

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

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

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

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

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

B. Effect of Enactment.

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

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

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

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

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

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

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

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

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

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

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

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

C. The Record and Today's Testimony.

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

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

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

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

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

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

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

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

6. Each and every hotel and casino approved for construction in Nevada by Nevada counties or agencies to date -- and this is pointedly overlooked ²- was also included, without exception, within TRPA's own land classification and use classification. Yet, each and every California TRPA member has voted against each proposal each time one has been put to a vote.

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

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

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

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

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

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

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

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

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

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

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

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

Senate Bill 254 has been described as "a bill to strengthen the TRPA". If strength is added to TRPA, where is it to come from? What existing authority would be weakened? We just can't believe that the Nevada Legislature is prepared to announce to the world, by its vote, that Nevada is unwilling, or unable, to act and continue to act responsibly to manage and control, and to preserve, Lake Tahoe's assets. 186

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

— 0 —

HOWARD W. CANNON
NEVADA

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

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

RECEIVED

JAN 27 1975

DOUGLAS CO. MANAGER

January 22, 1975

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

187

Dear Mr. Adams:

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

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

With best wishes, I am

Sincerely,


HOWARD W. CANNON

HWC:KAsw

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WILLIAM J. RAGGIO
STATE SENATOR
WASHOE NO. 1

OFFICE:
ONE EAST FIRST STREET
P.O. BOX 3137
RENO, NEVADA 89505



Exhibit "8"

COMMITTEES
MEMBER
FINANCE
COMMERCE AND LABOR
TAXATION
TRANSPORTATION

Nevada Legislature

FIFTY-EIGHTH SESSION

188

January 21, 1975

RECEIVED

JAN 23 1975

DOUGLAS CO. MANAGER

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

Dear Roland:


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

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

Be assured of my continuing interest in the matter.

With best wishes, I am

Sincerely,


William J. Raggio,
State Senator

WJR:mt

273

Exhibit "9"

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



COMMITTEES

MEMBER

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

Nevada Legislature

FIFTY-SEVENTH SESSION

January 22, 1975

RECEIVED
JAN 27 1975
DOUGLAS CO. MANAGER

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

Dear Roland:

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

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

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

With kindest regards, I remain

Sincerely,

Cliff Young
Cliff Young

CCY/mcb

TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: March 10, 1975

TO: Nevada State Senate
Committee on Environment and Public Resources

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

190

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

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

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

1. Local Government Representatives.

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

2. State Representatives.

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

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

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

March 10, 1975

Three (3) Local Representatives:

from Washoe and Douglas Counties and Carson City, respectively;

and

Three (3) State Representatives:

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

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

3. Additional Member Chosen by State and Local Delegates.

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

4. Conclusion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

March 10, 1975

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

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

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

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

1. Dual Majority Voting Requirement.

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

2. "Sixty Day Rule"

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

a. Failure to Pay Filing Fee:

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

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b. Incomplete Application:

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

c. Staff Inadvertance:

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

d. Lack of Dual Quorum:

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

e. Failure of "Dual Majority" Vote:

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

3. Potential Abuse of "Sixty Day Rule".

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

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

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

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

- j. Tree Cutting Permit - Section 4.41, Tree Conservation Ordinance (no. 11). 100
- k. Timber Harvesting Permit - Section 4.40, Timber Harvesting Ordinance (No. 12).

4. The Proposed Amendment.

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

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

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

8.

March 10, 1975

Memorandum to Nevada State Senate Committee on Environment and Public Resources

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

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

357

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

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

GO:m

Exhibit "11"

ESTIMATED FEDERAL EXPENDITURES FOR LAKE TAHOE BASIN

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

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

TOTAL:

\$85,921,847

PROCESSED

1974

TAHOE REGIONAL
PLANNING AGENCY

138

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AGENCY EXPENDITURES

Bureau of Land Management

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

199

AGENCY EXPENDITURES

Bureau of Outdoor Recreation

Land and Water Conservation Fund Assistance in the Tahoe Basin

Sugar Pine Point State Park
acquisition and development \$1,241,000

Kings Beach Recreation Area
acquisition 160,140

200

Tahoe Bicycle Trail
development 49,598

El Dorado Campground
development 149,940

Kings Beach Recreation Area
development 116,535

Tahoe Bicycle Trail (Phase II)
development 17,642

Lake Tahoe Nevada State Park (Sand Harbor)
acquisition and development 3,000,000

Lake Tahoe Nevada State Park
development 797,115

Tahoe Bike Path
development 12,000

Rewrite of "Tahoe - A Special Place" 5,500

Feasibility Study - National Lakeshore 25,000

EIS Incline Powerline)
LWCF Activities) \$45,000
Transportation Coordination) 45,000

TOTAL: \$5,619,470

AGENCY EXPENDITURES

Bureau of Reclamation

201

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

AGENCY EXPENDITURES

202

United States Coast Guard

1964-74 Personnel	\$780,000
Operations	100,000
Improvements	20,000
Equipment	15,000
OH @ 20%	183,000
TOTAL	<u>\$1,098,000</u>

AGENCY EXPENDITURES

203

U.S. Army Corps of Engineers

Processing applications (Docks & Buoys)		\$ 52,000	
Studies:	Trout-Bijou)	
	Upper Truckee)	
	Flood Hazard)	\$100,000
	studies)	<u>100,000</u>
		TOTAL	\$152,000

AGENCY EXPENDITURES

Economic Development Administration

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

1969 TCPUD - West Shore Interceptor Phase II 431,433

204

TOTAL: \$3,684,433

AGENCY EXPENDITURES

Environmental Protection Agency

1965 Tertiary Treatment STPUD	\$ 36,970	
1966 Research Grant <u>Eutrophication of Surface Waters of Lake Tahoe</u>	296,500	
1966 Tertiary Treatment STPUD	72,395	
1967 TCPUD Interceptor - Plant to Dollar Point	272,250	
1967 STPUD Effluent Export Line & Reservoir	497,390	205
1967-72 U.C. Davis - Basic Limnology	517,000	
1968 NTPUD - Interceptor - Dollar Point to Carnelian Bay	668,250	
1968 Tertiary Treatment STPUD	1,022,000	
1968 Douglas Co. SID Interceptor, pump stations, treatment plant, export line	1,536,238	
1969 NTPUD - TCPUD Treatment Plant Expansion	360,789	
1969 TCPUD West Shore Interceptor Phase I	420,910	
1964 TCPUD West Shore Interceptor Phase II	837,487	
1969 STPUD Tertiary Treatment	12,500	
1969 Incline Village Sewage Export	705,057	
1970 NTPUD Pump Station	461,120	
1970-73 Indian Creek Eutrophication Study	124,040	
1970 Incline Village Plant Expansion	495,000	
1971 Douglas Co. SID Extend Force Main & Outfall	249,150	
1971 Tahoe-Douglas District - Interceptor to Round Hill Plant	923,570	
1973 NTPUD	66,370	

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

TOTAL: \$15,087,206

206

The following cannot be separated to show Lake Tahoe share

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

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

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

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

TRPA Category 500 ? No est.

AGENCY EXPENDITURES

Federal Aviation Administration

Operations of Tower	1966	\$31,000	
	1967	50,000	
	1968	55,000	
	1969	70,000	207
	1970	71,000	
	1971	73,000	
	1972	97,000	
	1973	104,000	
	1974	<u>140,000</u>	
		\$691,000	
Grant Payments		<u>1,924,250</u>	
	Total	\$ 2,615,250	

AGENCY EXPENDITURES

Bureau of Sport Fisheries & Wildlife

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

\$ 75,000

Participate with TRPA's shoreline and
fisheries subcommittees

25,000

TOTAL: \$100,000

267

AGENCY EXPENDITURES

Federal Highway Administration

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

209

204

AGENCY EXPENDITURES

Forest Service

Lake Valley	1964	(910 & 914 & O.H. @ 40%)	\$ 159,018	
	1965		208,151	
	1966		257,151	
	1967		192,713	
	1968		159,375	
	1969		219,274	
	1970		246,905	
	1971		589,487	210
	1972		396,722	
	1973		495,877	
	1974		786,503	
68-73 Capital Investments - El Dorado			2,774,093	
65-74 Land Acquisition (mostly exchange value)			2,652,574	
64-73 Truckee District (9 years)			450,000	
64-73 Carson City District (9 years)			545,000	
Pacific Southwest Forest & Range Exp. Sta.			50,000	
1974 R-4 Land Line Survey			12,000	
1972-75 Sewer Operation & Maintenance, STPUD			96,012	
William Kent Sewer			220,381	
William Kent Campground			9,193	
Kaspian Sewer			59,571	
Barker Pass Road W/In Basin			69,212	

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

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

211

AGENCY EXPENDITURES-

U.S. Geological Survey

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

Topographic Mapping \$4,000

Mapping revisions of past mapping 14,000

Nevada District only

Project work 1964-present 81,000

Basic Record Collection '64-present 95,000

212

1972-1975 Highway Erosion

Fallen Leaf Lake Study 451,825-

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

TOTAL 705,825

AGENCY EXPENDITURES

Health Education Welfare (HEW)

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

213

AGENCY EXPENDITURES

Department of Housing and Urban Development

214

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

TOTAL: \$1,261,800

AGENCY EXPENDITURES

215

National Park Service

1968-Emerald Bay National Natural Landmark

\$ 500

Washoe Cultural Center

500

Meetings & Review of Plans

TOTAL 5,000
\$6,000

AGENCY EXPENDITURES

National Science Foundation

216

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

AGENCY EXPENDITURES

Soil Conservation Service

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

AGENCY EXPENDITURES

218

Urban Mass Transportation Administration

1975 \$ 48,200

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

Land Purchase Lake Tahoe Basin

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

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

TOTAL \$36,780,800

Environment and Public Resources
March 11, 1975

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PREPARED STATEMENTS:

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

March 11, 1975

Mr. Chairman, and Members of the Committee: It is a pleasure for me to appear before this Committee as you deliberate in the interests of ²²⁰ Lake Tahoe.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Compact provisions have been adequate in most instances to meet the test of time and needs. There are, however, several deficiencies 222 which were, in our opinion, interfering with fulfilling the basic objectives of the Compact. Many of the problems we identified related to these basic issues.

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

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

(3) The Agency, we found, also needed to move out much more aggressively in enforcement activities. Our report was made a year ago. In the last year TRPA staff has been more active in enforcement and has enjoyed better local support. Much more remains to be done if ordinances are to be effective safeguards. We recommended ammendment of Article VI(f) of the Compact to provide stiff penalties for violation of any ordinance. 307

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

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

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

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

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

TRPA is the product of legislation approved in 1968 by Nevada (N.R.S. secs. 277.190 to 277.220) and California (West's Ann. Gov. Code sec. 66801) and ratified as a bi-state compact by the Congress on December 18, 1969 (P.L. 91-148, 83 Stat. 360).

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

Under date of May 31, 1974, a report covering the first four years of the agency's activities was submitted to the TRPA. No action was then nor has up to now been taken adopting, rejecting, or in any way modifying or supplementing or formally acting upon ³⁰⁸er

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

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

Senate Bill 254, if enacted would:

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

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

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

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

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

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

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

B. Effect of Enactment.

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

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

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

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

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

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

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

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

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

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

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

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

C. The Record and Today's Testimony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

My name is Harold Dayton, chairman of the Douglas County Commission and member of the 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.

Ad Hoc here

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. The local governing boards were doing a much better job of controlling growth before the advent of the TRPA.

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

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

Billboards - There are no billboards or off premise signs in

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

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

Douglas County has had a plan at Lake Tahoe since the 1950's and has not deviated from its one mile gaming limit. In 1970 Nevada adopted a Tahoe general plan that is compatible with Douglas County's plan. These commitment should be recognized. They will not be honored under the California oriented TRPA. Nevada has lost enough at Lake Tahoe already by operations of the California staff - 18 of 20 members live in California. 240

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

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

There many people in California who would like to do away with gaming at Lake Tahoe. (After Lake Tahoe, the entire state). Jim Henry, Placer County member of TRPA made the following statement on April 18, 1974. "Number One, I've opposed gambling at the Lake. Now I'M not so stupid to know that the gambling that's already there is gonig to go away. It is not. There's just no way. But I do feel strongly that they could move it over in the Minden, Carson and Reno and we would solve many of our problems, including the traffic problems and all the other type of problems that are brought to the Lake by the gambling interest. Now that doesn't mean that the gambling interest couldn't provide very fine services over in these 325

not a pride and not afraid to play a one-arm bandit; however, I don't like those that play in pretty tough games. We feel that we've brought some new innovative ideas to the Lake. I really believe that the Lake is being prostituted in this respect; in the esthetic values of what's being put up. I really think they're bad. I vote against them many times, and I'm told I can't vote against them ~~because~~ because they look bad, I must have some other reason. Well, I vote against them because they look bad anyway; it is good they can't read my mind when I'm voting," 241

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

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

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

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

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

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

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

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

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

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Roger Tronday

TRPA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

251

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

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

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

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

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

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

1. Basin-wide objectives and standards for development and use²⁵² of the lands and waters must be established within a framework which includes positive enforcement provisions covering not only the waters of Lake Tahoe, but its shoreline developments, and the total complex of lands and waters that make up the Basin; and

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

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

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

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

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

and establish priorities based upon:

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

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

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

Our reliance on TRPA will be heavy for:

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

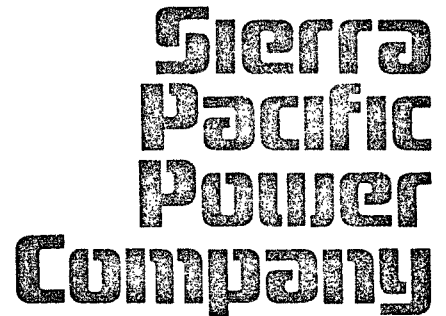
2. For a substantially improved system for plan implementation - a system that is based on informed decision making in accordance with that plan.

254

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ANALYSIS OF SB-254

Tahoe Regional Planning Agency Revisions



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

Article III, Sec. (a)

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

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

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

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

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



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

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

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

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

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

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

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

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

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

ARTICLE IV

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

ARTICLE VI

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

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

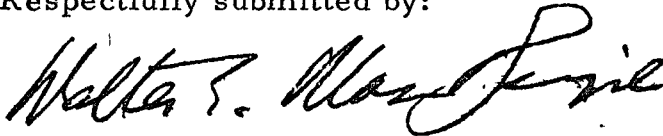
planning process at Lake Tahoe any harm.

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

ARTICLE VII

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

Respectfully submitted by:



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



SIERRA CLUB

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Toiyabe Chapter - Nevada and Eastern California

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

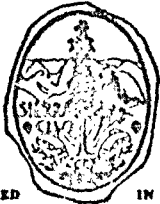
Lake Tahoe is one of the world's most spectacular lakes. Its value to science is overwhelming and as a scenic and spiritual resource it ranks high among our natural wonders. Like the Grand Canyon or Yosemite Valley, it is the living symbol of all the life it sustains. And like most natural treasures,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

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

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

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

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



FOUNDED

IN 1892

SIERRA CLUB

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Toiyabe Chapter - Nevada and Eastern California

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

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

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TAHOE REGIONAL PLANNING AGENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 - TRPA

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

5- 264

March 11, 1975

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

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

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

Lenore M. Kosso

Lenore M. Kosso
60 Anson Drive
Reno, Nevada

March 11, 1975

Senator Thomas Wilson
Chairman Environment and Public Resources
Nevada State Senate

Senator Wilson:

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

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

Sincerely,

Dennis Ghiglieri
880 Kirman Ave.
Reno, Nevada 89502

figures on B. Nevada

Dates of Bonds In debtedness

64-1 - 7/1/64 SH 254

65-1 4/30/65

65-2 #1 "

#2 "

#3 .

65-3 9/25/65

66-1 #1 3/8/67

#2 3/8/67

66-2 3/1/67

Amount of Bonds In debtedness

On Properties formerly owned

by B. Nevada 2,377,500

Principal still owing 2,050,000

327,500 Paid

Amount Delinquent:

268

Principal	1,025,000
Interest	485,000
Penalties	<u>180,000</u>
Total	1,690,000

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

5⁰⁰ Tax Limit - 5 years max inc. 75/76
(70/71 - 71/72 - 72/73 - 73/74 - 74/75)

Paid from General Fund #16,000.00

Submitted by

John G. [unclear]

SENATE STANDING COMMITTEES

Fifty-Eighth Session, 1975

(The Chairman is named first on each committee; the Vice Chairman is named second on each committee.)

COMMERCE AND LABOR—

Echols, Blakemore, Bryan, Foote, Monroe, Sheerin, Raggio.

EDUCATION—

Bryan, Schofield, Blakemore, Foote, Neal, Sheerin, Young.

ENVIRONMENT AND PUBLIC RESOURCES—

Wilson, Bryan, Blakemore, Gojack, Neal, Sheerin, Dodge.

FINANCE—

Lamb, Gibson, Brown, Monroe, Walker, Raggio, Young.

GOVERNMENT AFFAIRS—

Gibson, Walker, Foote, Gojack, Hilbrecht, Schofield, Dodge.

HEALTH, WELFARE AND STATE INSTITUTIONS—

Walker, Neal, Gojack, Herr, Hilbrecht, Schofield, Young.

JUDICIARY—

Close, Wilson, Bryan, Foote, Hilbrecht, Sheerin, Dodge.

LEGISLATIVE FUNCTIONS—

Monroe, Close, Brown, Echols, Gibson, Lamb, Young.

TAXATION—

Brown, Echols, Close, Herr, Hilbrecht, Wilson, Raggio.

TRANSPORTATION—

Herr, Monroe, Blakemore, Gojack, Neal, Schofield, Raggio.

MAJORITY FLOOR LEADER—

B. Mahlon Brown.

PRESIDENT PRO TEMPORE—

Warren L. Monroe.

MINORITY FLOOR LEADER—

C. Clifton Young.

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<u>Bill Number</u>	<u>DATE</u>	<u>ACTION TAKEN</u>
S.B. 7	2-5-75	Hold
S.B. 23	2-5-75	Do pass
S.B. 109	2-5-75	Hold
S.B. 110	2-5-75	Kill
S.B. 114	2-5-75	Defer till later date.
S.B. 117	2-5-75	Defer till later date.
S.B. 115	2-5-75	Do pass
S.B. 4	2-5-75	No action - hold.
S.B. 44	2-5-75	Hold
S.J.R. 4	2-17-75	Do pass
S.B. 23	2-17-75	Do pass
S.B. 109	2-17-75	Do pass
S.B. 158	2-17-75	Hold
S.B. 109	2-27-75	Amend and do pass
A.B. 162	2-27-75	Hold
A.B. 82	2-27-75	Hold
S.J.R. 9	2-27-75	Hold
S.J.R. 10	2-27-75	Hold
S.J.R. 11	2-27-75	Hold
S.B. 114	2-27-75	Hold
S.B. 117	2-27-75	Hold
S.B. 158	2-27-75	Hold
S.B. 44	2-27-75	Hold
S.B. 254	2-27-75	Hold
S.B. 4	2-27-75	No action.
A.B. 162	3-3-75	Do pass and re-refer to Finan
S.J.R. 9	3-3-75	Do pass
S.J.R. 10	3-3-75	Do pass
S.J.R. 11	3-3-75	Do pass
A.B. 82	3-3-75	Do pass
S.B. 158	3-3-75	No action
S.B. 158	3-7-75	No action
S.B. 254	3-11-75	No action
S.B. 254	3-17-75	No action
S.B. 254	3-18-75	No action
S.B. 44	3-18-75	No action
S.B. 254	3-21-75	No action
S.B. 44	3-21-75	No action

over

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S.B. 326	3-21-75	No action
S.B. 327	3-21-75	No action
S.J.R. 13	3-21-75	No action
S.B. 254	3-26-75	Amended bill
S.B. 158	4-4-75	Amend and re-refer to committ
S.B. 324	4-4-75	Re-referred to Judiciary
S.B. 342	4-4-75	Re-refer to Commerce & Labor
S.B. 254	4-4-75	See Minutes
A.B. 335	4-7-75	Amend and do pass
A.B. 47	4-7-75	Amend and do pass
A.B. 137	4-7-75	Do pass
A.B. 138	4-7-75	No action
A.B. 138	4-8-75	Indefinitely Postpone
A.B. 139	4-8-75	Do pass
A.B. 140	4-8-75	Do pass
A.B. 214	4-8-75	Do pass & Re-refer to Finance
A.B. 213	4-8-75	Do pass
A.B. 202	4-8-75	Do Pass & Re-refer to Finance
A.B. 288	4-8-75	Do pass
S.B. 158	4-8-75	No action
S.C.R. 28	4-8-75	Hold
S.J.R. 22	4-11-75	Amend and do pass
S.C.R. 28	4-11-75	Do pass
S.B. 158	4-11-75	Do pass
S.B. 418	4-14-75	Hold
S.B. 424	4-14-75	Amend and do pass
S.B. 327	4-14-75	Indefinitely postpone
A.B. 80	4-14-75	Amend and do pass
S.B. 326	4-14-75	No action
A.B. 459	4-18-75	Do pass

A.B. 644	5-7-75	No action
A.B. 142	5-7-75	No action
A.B. 143	5-7-75	No action
A.B. 552	5-7-75	No action
A.B. 590	5-7-75	No action
A.B. 480	5-7-75	No action
S.J.R. 30	5-12-75	Indefinitely Postpone
S.J.R. 31	5-12-75	Indefinitely Postpone
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A.B. 143	5-12-75	Do pass
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A.B. 716	5-12-75	Do pass
S.B. 599	5-12-75	Hold
A.B. 480	5-12-75	Hold
A.B. 707	5-13-75	Amend and do pass
A.B. 708	5-13-75	Do pass
S.B. 600	5-13-75	Do pass
A.B. 480	5-14-75	Amend and do pass
A.B. 678	5-14-75	Indefinitely Postpone
S.B. 599	5-14-75	No action
A.B. 749	5-14-75	Do pass
A.B. 556	5-14-75	No action