

MINUTES

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE  
April 26, 1977

Members Present: Chairman Moody  
Mr. Coulter  
Mr. Kissam  
Mr. Serpa  
Mr. Ross  
Mr. Polish  
Mr. Rhoads

Members Absent: Mr. Chaney  
Mr. Jeffrey

Guests Present: Ken Kjer, Douglas County Commissioner  
Connie Picking, Resident, Douglas County  
George Finn, Resident, Douglas County  
Terry Trupp, Council For Logic  
Gene LaSage, American Legion  
Fran Breen, Attorney for Oliver Kahle & Steve Brown  
Harold Dayton, Douglas County Commissioner  
Lawrence Jacobsen, Assemblyman  
Dick Blakey, Attorney, Park Cattle Company  
Dick Scott, Washoe County Commissioner  
Dorothy Boyd  
Frank Daykin  
Bob Stewart, Governor's Office  
Nat Nellman  
Bob Berry  
Dick Heikka, Former Director, TRPA  
Senator Carl Dodge  
Senator Gary Sheerin  
George Abbott  
John M. Reily, Zephyr Cove  
Curtis Patrick

The meeting was called to order by Chairman Moody, who called for testimony on S.B. 266 and A.B. 740.

SENATE BILL 266 - Restricts gaming to certain areas under control of Tahoe Regional Planning Agency.

ASSEMBLY BILL 740 - Withdraws Nevada from Tahoe Regional Planning Compact.

Assemblyman Lawrence Jacobsen stated that the original purpose of the TRPA and the original concern was regional government. He feels that regional government is something like a cancer that devours us if we hang around long enough. Regional government

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takes the government away from the people and puts it in appointive hands. His second concern of ten years ago when this was all put into effect, and it is still true today, was the loss of sovereignty, especially for Douglas County and part of Carson City, and as it has evolved and come to us presently, he feels that even the sovereignty of Nevada is questioned. California with its twenty million people and Nevada with one-half million, makes the dual majority as it stands now, our only salvation and is the only lever we have left to arbitrate or to bargain with California. We all have a responsibility to Nevada and the counties that surround Lake Tahoe, even though you may not live in the surrounding area. The main issue of the people in California is to do away with our gaming interests, or at least control it at such time as the dual majority is abolished. The Senate should be commended for the time it spent on the red line area of the bill. One of the gravest concerns is the road problems and the relief that is needed in this area. If we give up control of our public works projects, we open the door for overall control by one of our neighboring states. His question is why should we capitulate to California, and what have they given us in return. If we believe in Nevada and its sovereignty then it is critical at this time that we maintain the dual majority and maintain jurisdiction over our public works projects.

Harold Dayton, Douglas County Commissioner and a former three year member of the TRPA Governing Board, presented a prepared statement, a copy of which is attached hereto and marked Exhibit A. He added that if the Legislature would consider A.B. 740 and pass it we would not even have to consider S.B. 266.

Ken Kjer, Douglas County Commissioner and representative on the Governing Board of the TRPA from Douglas County, presented a prepared statement from the County Commissioners regarding S.B. 266, a copy of which is attached hereto and marked Exhibit B. His personal observation was that the subject of Tahoe in regional planning versus regional government is very emotional and, at this time, very frustrating for the commissioners, and himself in particular. He feels helpless in trying to represent the people who elected him as a County Commissioner because of the situation he is being put in by the bills being presented to the Legislature. The Governor and some legislators seem to be so overwhelmed by their desire to protect the Tahoe environment that they are overlooking the rights of the state, counties and citizens. The State of Nevada and the counties involved have nothing to apologize for in their handling of the development of Lake Tahoe and he resents the State of California threatening federal intervention or withholding of funds for regional planning unless we in the State of Nevada buckle under to their demands. In our desire to cooperate they have put us in a defensive position, and he feels that they are the ones who should own up to their responsibility of working with the natural environment and with the economic demands and the rights of the residents in the basin. We should protect the State of Nevada and our counties by defending our sovereignty and refusing to react to the threats of some of the representatives of

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the State of California.

Connie Picking, a resident of Douglas County and the Lake Tahoe Basin, stated that there is a year round traffic problem at Tahoe that is so bad that anywhere else in the nation would solve it by putting in a secondary road system. Douglas County and the State of Nevada have been preparing to do this, but the State of California feels that if they do not improve the road system on the California side that the number of tourists will decrease. This has not happened and the traffic problem has become impossible. The California residents voted to approve a parkway through the Tahoe area and the right of way was obtained. One of the TRPA solutions suggested was to charge to come into the basin, which brings up the question of who we are saving Lake Tahoe for if you try to keep out citizens who have the right to be there, if they can't afford the charge. We need to retain the dual majority to retain some bargaining power with the State of California. She feels that if S.B. 266 is passed we might as well give the lake to California. She feels that the TRPA has overstepped their bounds of coordinating and planning at Tahoe, and this has resulted in a lot of panic building which would not have taken place otherwise. The answer to saving Tahoe is money and until Nevada and California and the federal government are willing to pay dollars instead of lip service there is no legislation that can come out that will solve the problem. She read into the record an article from the Tahoe Daily Tribune of April 19, 1977, having to do with the senate vote on TRPA. She does not believe that there are going to be additional casinos approved at Tahoe and that is not why she wants the dual majority retained, but for the purpose of retaining Nevada's sovereignty and so we will have some bargaining power with the State of California. The stipulations that were put on the approval of the casinos up there regarding the traffic problem was that none of them can open their doors until the loop road system has been built which California is blocking. The motel rooms that have been approved create more traffic on Highway 50 than the rooms in the large hotels as the people staying in them are mobile and use their cars to get from place to place while those in the hotels leave theirs in the parking lots as they don't have to walk to far. No provisions were made for traffic flow before the motels were approved, mostly on the California side, which is contradictory. The air pollution is created by the traffic problem, especially with cars standing idling bumper to bumper over a stretch of ten to twelve miles which would be resolved by the construction of the secondary road system. She stated that Nevada has offered to compromise and California has not accepted our offers and has offered no compromises of its own. She feels that the five million dollars proposed in a bill which has already been killed that would take the property which is disputed in Douglas County off the market, roughly 1,887 acres, would have been a good beginning. That would have reimbursed people for what they paid for the property plus what they have invested in taxes and assessments plus giving them a return of seven to eight percent per annum on their investment.

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By doing this it would take that many acres out of the market for development up there. This might eliminate 95 percent of the opposition to the TRPA and then we could get on with the business of saving Lake Tahoe instead of arguing about land values. A copy of the newspaper article and a copy of the figures having to do with these land values is attached hereto and marked Exhibit C. She recommends defeat of S.B. 266. She believes S.B. 267, proposed by Senator Sheerin, which also proposes a red line, would go much farther toward saving Lake Tahoe, and as a last resort, she would support A.B. 740, and then re-activate the NTRPA and do everything on our own.

Mr. Moody asked how many motel rooms have been built at Lake Tahoe. The figures were not available, but an estimate of 6,000 was made.

George Finn, Chairman of the Board of Directors, President, Vice President, Secretary and Treasurer of the League to Save Lake Tahoe from the League to Save Lake Tahoe, of which he is the only member. His concern is the influence exercised by certain environmental groups on government and getting the reactions they want as pressure groups against the great majority of the citizens in any area. He feels that the majority of residents of the Tahoe area are against any regional type of government. He said that there are many people now in public office who are members of the Sierra Club and the League to Save Lake Tahoe or were former members. He had a large picture-chart showing the Douglas County Masterplan, Stateline Sub-area Traffic Plan adopted, which was adopted March 15, 1974. Douglas County promised, at that time, that they would build the road themselves in order to accommodate two new casinos, Oliver's casino and Jennings' casino, which are at the far end of the photo. The conditions upon which Jennings' casino can open is predicated upon whether or not the new road is built. Oliver's casino has been eliminated from that condition by an oversight. He pointed out that many of the senators who voted or abstained from voting on S.B. 266 had conflicts of interest as they were connected with gaming. The road will be prevented from being built if S.B. 266 is passed, according to Mr. Finn, if you give California the approval authority minus the dual majority requirement in the present situation. He also mentioned the proposed monorail between the casinos which would eliminate much of the traffic problem, and said California would never approve of this because it perpetuates gaming and their main target is to get rid of gaming. He referred to the 14th Amendment to the Constitution. He pointed out that in S.B. 266 that the exception in Douglas County to ordinances passed by the TRPA is this particular small region of casinos at Tahoe. The ordinances passed by the TRPA have no controlling influence over that particular area of the total region. The rest of the residents are subject to control over the use of the land, air and water by the TRPA, so there are two governments in Douglas County, one being the elected county representatives and the other the TRPA Board of Governors. His recommendation is to defeat S.B. 266 and amend A.B. 740 to read, The State of Nevada does hereby unconditionally

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withdraw from the Tahoe Regional Planning Compact, pursuant to Article 8c of the Tahoe Regional Planning Compact, to-wit: A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Wherefore, NRS 277.200 is hereby repealed. He referred to the "garbage can" election of November 2, 1976, whereby 25 percent of those who voted in the regular election that day voted in the special balloting and 1,078 voted to disapprove the TRPA and get rid of it, 119 voted yes, 13 were undecided and there were 4 blanks. That tabulation and vote was later, by resolution, adopted as an official election of Douglas County and certified and that made it the referendum and made the Compact void as it pertains to Douglas County, according to Mr. Finn.

Terry Trupp, Executive Director for the Council for Logic of the Lake Tahoe based bi-state citizens' organization. Referring to S.B. 266, he referred to the fiscal note at the top of the bill whereby there is no local government impact; he feels that this is erroneous. He has seen multi-millions of dollars of property removed from the tax base. Presently, under similar jurisdiction as would be implemented under this plan, the veto powers of California over Nevada, he can see similar implementation such as the CTRPA which, in it's last action, arbitrarily from one county removed 12.5 million dollars from its tax rolls in down-zoning. The previous action of the by-state agency in that same county removed 15 million dollars from the tax rolls of the same jurisdictional area. Presently, under the guise of environmental considerations and concerns, aided and abetted by these agencies, they are presently discussing the removal of 12,500 single family homes from potential development with an estimated value of 132 million dollars. He feels that the removal of the tax base within a county's jurisdiction is a financial impact. Implementation of this bill will pre-empt all powers of local jurisdiction to deal with the needs of its citizens. He has attended many hearings in California in the Senate and Assembly and in almost every hearing which has had anything pertinent, other than individual property arguments, members of the California portion of the agency, the California Senate and Assembly, vehemently oppose gaming in the Tahoe Basin, and on every possibly opportunity, make a statement that they will do all in their power to see that it is eliminated, controlled, restricted or removed. It is the position of those in power in California at present that gaming and the Tahoe environment are not compatible. Last Friday he was part of a special meeting with Governor Brown's staff, and the people involved in that hearing in talking about the problems of California, were subjected to suggestions by the Governor's staff, obviously at his direction, that the entire problem at Lake Tahoe was gambling. And the conversations were that somehow removing it would ultimately resolve the problem. At the lake you have people and property and value under the jurisdiction of the TRPA and surrendering the sovereignty of the state is surrendering these people to a form of government that is not only alien, but which lacks a constitution, lacks the opportunity for recall, referendum and ballot, which are very important

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things, and are equal to environmental consideration. If you look at what has taken place on the California side under California planning and then take a look at what has taken place on the Nevada side there is no comparison as to the quality. He feels that if S.B. 266 is adopted and California is granted veto power over development in Nevada, there will be no more building in Nevada, because if they can't touch the gaming they are going to restrict the development of the needed facilities to accommodate the employees and the supportive facilities. Under this, all laws are applied equally, and that means the State of Nevada, in the compacted area, must adopt the California Environmental Quality Act. He represents an extremely large group of people. He feels that if the State of California continues to attempt to manipulate the Legislature of Nevada through intimidation, coercion, threats, then he suggests that the Legislature approve A.B. 740.

Gene LaSage, representing the Americal Legion at the wish of the Commander of California and the Commander of Nevada, read a resolution passed by the entire Legion, having to do with the return of rights to veterans and their widows, a copy of which is attached hereto and marked Exhibit D. Bill Johnson, the El Dorado County Supervisor, asked him to state that in living under TRPA he lives under a government that has taxing, police and legislative powers, but he does not elect a governing board nor does he have recall rights against his governors nor initiative or referendum rights against the laws which are passed. He gave examples of the extreme restrictions upon public works which have been forced upon him by the TRPA.

George Abbott stated that if S.B. 266 passes out of the committee, and becomes law it will be the first time in 44 years in the history of Nevada gaming that Nevada has succumbed to a threat to an outside state to its gaming. Governors Laxalt and Reagan were responsible, in very large measure, for this legislation. They recognized in 1967 and 1968 that it would be desirable to create a cooperative arrangement to manage Lake Tahoe. If we were to separate back into two regional planning agencies, he assumes that Nevada would continue, as it has since 1940 and before, with the type management it has had. California would probably continue to do what it has since TRPA has come into being. His records indicate that since TRPA came into being, more than 10,000 individual residential units have been issued permits through TRPA in California. In California there have been more motel rooms created since TRPA came into being than there would be if every hotel now proposed in Nevada were created. Governor Laxalt expressed concern about Nevada or California either surrendering their sovereignty to the other. Senator Laxalt, in his address to this Legislature, made it clear that he was still concerned that if we removed the dual majority that inestimable damage could be done to gaming at Lake Tahoe and might well destroy it. Regarding the good faith of California now, the day he appeared before the Senate committee on this legislation, the Senate Finance Committee in California gutted the fund request for TRPA, cutting them out entirely

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California is now on notice, and has been for a year and a half, that the Federal Highway Administration will not vote additional funds or apply additional funds for highways until California complies with the Federal Highway Administration's view that California come into line with it. Letters have been introduced in the California Transportation Agency, putting us on notice that no additional funds for upgrading highways into Lake Tahoe will be made available in the foreseeable future. That is California's idea of responsibility. He believes this leads back to gaming. In S.B. 266 there is language that would expand TRPA's authority as it exists today. As it presently exists, it relates to public works. The new language would relate to highways. If California is turned tight to do in the Tahoe Basin with highways what they have done up until now with CRTPA, there will not be another nickle spent on highways or another state highway project approved by the State of California. So we would be compromising away the keystone of Nevada's gaming. If we do away with the dual majority we will get back-doored on every single project that is proposed in this state. There will be no upgrading of any building in the Tahoe Basin that has a commercial purpose remotely related to gaming because it would require concurrence of California.

Fran Breen, Attorney representing Oliver Kahle and Steve Bourne, showed the committee a map showing the area zoned for gaming at Stateline and a small triangular area of about two acres which has been zoned non-gaming and which should be zoned for gaming because it is just a little island which belongs to Steven Bourne and is discriminating. S.B. 266 should be amended to include this small piece of land. He believes there are drafting errors in the bill. Senator Sheerin told him he thought the intent on Page 13, regarding language involving new construction and expansion, line 6, that the effect of the amendment is to say that as long as the proposed project meets all of the criteria of the land use ordinances, etc., that it is not subject to approval or disapproval by the TRPA. The bill states that any expansion of any structure or facility, and it should have the words in there, any construction or expansion. The problem is that the way it is now phrased, if you had an existing establishment you could expand and not seek approval of the TRPA, however, if you were building a new project you would have to have the approval of the TRPA. The word "construction" should have been included in there. In line 13, it should have the word "construction" also. He handed out amendments prepared by Mr. Blakey which cover these problems, a copy of which is attached hereto and marked Exhibit E. If you do away with the dual majority it will be a windfall for the attorneys as there will be so much litigation as a result. He is familiar with the TRPA from its beginnings and he does not feel the dual majority should be abolished. He does not feel that it is very well understood, but the makeup of the TRPA gives the governor of each state, if he has one elected representative on his side, the control of that particular state agency. There are five members from each state. If you do away with the dual majority and the governor is controlling two out of five

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votes, all he needs is one more vote and the governor is controlling that board. At one meeting in California, he had someone attend and tape the words of Supervisor Henry from Placer County, who is still in the TRPA, and who attended the meeting and said, "Now, since I have become a Supervisor, I have taken a few stands that I think are very important to the Lake. Number one, I have opposed gambling at the Lake. Now, I am not so stupid to know that gambling that is already there is going to go away. It is not, there is just no way. But I do feel strongly that they could move it over into Minden, Carson and Reno, and we would solve many of our problems, including the traffic problems and all the other types of problems that are brought to the Lake by the gambling interests. Now, that doesn't mean that the gambling interests couldn't provide some very fine services over in these other areas and everyone would go there and enjoy them, myself included. I am not a prude. I am not afraid to play a one armed bandit. However, I don't like those that play in pretty tough games. We feel that we brought some new innovative ideas to the Lake. I really believe that the Lake is being prostituted in this respect in the aesthetic values of what is being put up. I really think they are bad. I voted against them many times and I am told them I can't vote against them because they look bad. I must have some other reason. Well I voted against them because they look bad anyway. It is good they can't read my mind when I am voting." That is the type of person on the TRPA from California. One of the leading candidates for governor in California is Evil Younger who came to Reno and filed a lawsuit to stop Oliver's hotel on the basis that the language in the Compact didn't mean what it clearly said. Judge Thompson, in the first hearing in that case, ruled that the language was very clear, yet they went all the way to the Supreme Court twice to try to prove their point. That is the type of person you are likely to have ruling the TRPA if you do away with the dual majority. In summary, he said that California's track record is so bad that before giving up dual majority, he would suggest strongly that we let California make some move that shows that they will try and solve some of those problems instead of giving them more power so they can make those problems even worse.

Senator Carl Dodge testified in favor of S.B. 266, clarifying some of the changes and amendments which had been made in the bill by the Senate committee. The amendatory language on Page 2 of the bill, Article 2, speaking of the region, was a suggestion of the Governor's, which was just a clarification. The Governor's bill also had the definition of "gaming", which is on the bottom of Page 2, and that's the definition that's in our gaming statutes, and this was to make the language consistent. On Page 3 of the bill, the language on the top merely says that any California member may be a member of the city council or county board of supervisors and shall reside in the territorial jurisdiction of the governmental body making the appointment. It is not mandatory that they be members, and some other members might be appointed besides the elected member of the city council or county board. The Governor had the proposal, in language commencing on Line 9, where we were going to



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have our membership, one member appointed by each of the boards of county commissioners of Douglas and Washoe Counties, and one member appointed by the Board of Supervisors of Carson City. That merely recognizes the change in structure from Ormsby County to Carson City. That was done after the Compact was enacted. The committee adopted generally a provision that was in the Gualco bill, authored by an assemblyman from Southern California, which is on the bottom of Page 4, about the Advisory Planning Commission. It's not exactly structured the same, but it does create an advisory planning commission which contains a non-voting representative of the United States appointed by the governing body, five residents of the State of Nevada and five residents of the State of California, and they're appointed by the governing body. The reason they thought this was a good idea was because they actually went back to the existing representation that's been in the compact, which is a majority of the members being within the basin. They thought there was some justification for an advisory commission that would have, without doubt, some representation outside of the basin to give voice to the general constituency of the people of the State of Nevada. On the bottom of Page 5, they accepted a provision in the Gualco bill which limits the liability of members and employees of the agency for acts or omissions in the course of their official duties unless the act or omission is malicious. This provides governmental immunity.

On Page 8, the Governor's provision they retained says that any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation within its territory if that higher standard does not conflict with the adopted regional plan of the agency. There was no particular opposition to that provision. On the bottom of Page 8 and onto Page 9 is the so-called "red line" area, on which there were different proposals. Senator Sheerin's bill had a broader area which would have permitted more casinos. This red line area amended the original descriptions to include some land which had been overlooked in connection with some of the areas that have already been approved. This is the Kahle property, the Jennings property, etc. The one additional casino area over those that have already been approved would be near the Hyatt House at Incline Village. There would be no more at the South end of the Lake. It would permit the completion of the Park Tahoe and would permit the presently-licensed permitted areas of the Kahle and Jennings areas. They are not cutting out any presently licensed operations. It would permit the expansion of the existing operations of Sahara Tahoe, Harrah's and Harvey's.

On Page 13, Senator Dodge read lines 6 through 14, and explained that what this language purports to do is to say that while we red-line the area, no action of the TRPA can come through the back door and block any type of conforming expansion or construction within those gaming areas. The testimony also indicated that in the Jennings and Kahle situations, their permits actually designated these things, on height, land coverage and the other things that

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were involved. Those permits have granted them certain heights which will be protected under this legislation.

On the bottom of Page 13, we picked up the language from the Gualco bill about the public workd projects, "Shall be reviewed prior to construction and approved by the agency as to the compliance with the general plan of the interim plan." There was uncontroverted testimony from Mr. Meder that the only application this provision would have would be on roads and highways within the two states, and the road plan overall, and parks. It has no other application. He feels that it is imperative that the transportation problem at the Lake be solved. He doesn't think this provision is a major concession to California, and it is of interest to California and one of the provisions whereby we may be able to get substantially better cooperation than we have in the past. The whole thrust of what is trying to be done is make some overtures to California which might bring us back on track and get some sense of cooperation and salvage the Compact.

There was very little change in the penalty provision.

Regarding the dual majority provision of the bill, Senator Dodge explained that under the present system, "If the agency does not take final action within 60 days, the proposal shall be deemed approved." Most of the projects have not been approved by a majority of both states, notably in Nevada, many of them proposals for expansion supported by Nevada people and not by the California people, so they were finally approved after the 60 days by what is now known as the negative dual majority. We have been operating this way since the Compact was created. Senator Dodge said he is sure there is opposition to changing this feature in Nevada, but he feels that this is probably the major overture that the State of Nevada can made to try to bring about some sort of better relationships with California and salvage the Compact. The new language would say on Line 35, "If the majority vote of the members from one state does not agree with the majority vote of the members of the other state, a final action of rejection before the governing board shall be deemed to have been taken." So this turns the deal around. If you don't get the affirmative majority to approve, then it stands rejected rather than approved as it does under the present procedure. In the past the Legislature has rejected this concept so Nevada would not give up her sovereignty, but this session, with the establishment of the red-line concept, it was felt this would take away much of the objections California might have to Nevada proposals and they would not be so opposed and make an undue use of their veto power. The TRPA would not be interfering with the expansions or developments within that red lined area. Nevada would also have more say regarding the developments on the California side of the Lake, so could retaliate, if necessary. If something is not done there will eventually be federal intervention. In effect, this bill does away with the CTRPA.

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Mr. Polish asked how often Nevada has disagreed on construction on the California side. Senator Dodge did not have that information, but felt that there must have been quite a number of times.

Dick Blakey, Attorney representing the Park Cattle Company which owns the land in the basin at Stateline, testified that this is the company that has had more of its land drastically downgraded, at least in value, in his judgment, than any other one family or business. He based his remarks on the assumption that action would be taken on S.B. 266 rather than A.B. 740. In S.B. 266 the legal descriptions drastically downgrade and downzone Park Cattle Company property at Stateline. He discussed a lawsuit that has been going on since 1973 which was initiated against the Park Cattle Company by the Sierra Club and the League to Save Lake Tahoe to stop them from completing a hotel. They need an expanded description of the red line adjacent to the hotel site. If the suit prevails, they will absolutely need some additional land to comply with the kind of ordinances that the plaintiffs think should have been passed, rather than the ordinance that the agency thought it should pass, and did pass. He does not believe this change would change the nature of S.B. 266, and that it meets the purpose in the whole red line idea. He feels that the language in the bill is unsatisfactory in that he does not feel that it, in fact, would exclude California from having any say over the gaming within the red line area. The courts, in the past, have not always upheld that concept. There should be new language drafted that could not be misconstrued by any administrative agency or by any court or by the Sierra Club or the League to Save Lake Tahoe, and which could not possibly be misconstrued or turned around. Otherwise it invites lawsuits.

Senator Gary Sheerin, representing Carson City and Douglas County, addressed his remarks to the part of the bill that changes the dual majority system as it presently exists. That part of the bill is the reason he opposed the bill on the Senate floor when it came to a vote. The plan would limit peoples' use of their land. They had a higher use before that plan. The plan downzoned it, and at the present time the local government is the permit-issuing agency. But the local government cannot issue a permit that is in violation of that plan. If they do, there's injunctive relief provided. They can go to court and prevent that permit from going into existence. What happens then, once the local government issues the permit, the agency then is a reviewing body and if they're going to deny that permit, it takes a dual majority to deny it and if they fail to get their dual majority, then the permit is able to go ahead, but it goes ahead under the general plan. It cannot be in violation of the general plan. The reason for this set up was to allow each state to maintain its sovereignty, and Judge Thompson has ruled that it is constitutional. He does not feel there is any reason for a change. It maintains the balance between the landowner who wants to try to do something with his land and the environmentalist

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who doesn't want anybody to do anything with their land at any time. If you change this procedure, the balance is going to be gone. The landowner will never have a chance without going to court. With a change in the dual majority he will have to go to court just to get a permit. He gave an example of a beautiful subdivision which spent \$100,000 planning and complying with all requirements only to have the permit denied by the TRPA. He also mentioned the desperate need for a loop road for the safety of the people in Douglas County in South Lake Tahoe as there are many hours of the day and night when it is impossible for emergency vehicles to get through. S.B. 266 would provide that all public works including state public works would be reviewed by the agency. This would mean, with the dual majority change, you can kiss those roads goodbye forever. Senator Sheerin encouraged the committee to strike lines 32 through 42 on Page 14 to reinsert lines 29 through 32.

Mr. Moody asked if Mr. Sheerin's original bill included the two acre parcel next to the Oliver Hotel. Senator Sheerin explained that it belonged to Mr. Bourne, who is probably a very wealthy man and who had been extremely damaged by downgrading of Round Hill property. He felt that because Bourne had been so damaged that by including this two acre parcel, this was one way where he could be helped to an extent, by allowing this to be zoned for gaming. It could only be added to Oliver's hotel or some other commercial use, such as a restaurant and a few slot machines as it is too small for a large hotel.

Dick Scott, Chairman of the TRPA and Chairman of the Washoe County Commissioners, presented a prepared statement, a copy of which is attached hereto and marked Exhibit F.

Dorothy W. Boyd presented a prepared statement, a copy of which is attached hereto and marked Exhibit G. In addition she pointed out that California would never agree to the bill's suggestion of throwing out the CTRPA and that the CTRPA is trying to usurp plans for transportation. She felt that Nevada is giving everything away, and California is not giving a thing away. She resents California trying to impose their will on Nevada.

Dick Heikka, former Director of TRPA, stated that he feels that the TRPA has been maligned through the years for downzoning property. There have been a lot of development and planning and zoning decision made since 1970. There had been a water compact agreement made 20 years previously which provided for 800,000 people. When he became executive officer in 1971, the local government planning at Tahoe provided for the 800,000 by zoning regulation. The two states had agreed on enough water for 300,000 people. There was no way they could balance the available resource with the allowable development that local government had allowed. They cut with the police powers some 500,000 people out of potential development. They were then sued in excess of 300 million dollars. Tahoe has a very complex set of problems. They are dealing with a four lane city street

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running through the South Shore gaming facilities and handling 55,000 cars a day. There is no street in Nevada or California that can see that kind of impact. There are 13,000,000 visitors in the South Shore gaming facilities annually. The TRPA has been wrestling with these problems for all these years, and he feels that S.B. 266 probably reflects the best possible compromise to make that agency effective in its continued mandates. The changes will give them the opportunity to pursue that quality of development that will continue to make Tahoe what it is. He feels that the dual majority in the past has been used by California in connection with gaming, and the red line simply removes that as a basis for consideration. The dual majority has been used by local government representatives in the State of Nevada very concerned about the quality of the Truckee River, and the development rate at Tahoe has shifted from a two to one ratio in favor of California to approximately three to one. He feels the new rule would work more in favor of Nevada. He stated that because of TRPA Lake Tahoe is as clear today as it was ten years ago and probably cleaner. Much to the amazement of California, they adopted a 30 mile visibility, figuring that no project would get through because that couldn't be met. Last year, after 365 days, they did not have a single day of violation of that 30 mile visibility. He feels that passage of S.B. 266 would increase the chances of new roads.

Nat Hellman testified that he agreed with the concepts of the previous speakers who spoke against S.B. 266 and spoke of some of the problems which he has had over the years with the TRPA regarding a piece of property and its zoning. He said that he is very much opposed to S.B. 266.

Robert Gaynor Berry, Attorney, testified that he is a co-owner of and operator of the other two small casinos at the South Shore, Barney's and the South Tahoe Nugget. He believes that, as a gambler, we have attempted to act responsibly to the problems of the South Shore of Lake Tahoe, and many of the problems are beyond our control because of the existence of the CTRPA and other agencies in that jurisdiction. He does believe that any serious consideration of A.B. 740 at this time is probably not appropriate until we make one final gesture to the State of California of our intent to comply with the regional compact and its spirit. Regarding S.B. 266, he concurs with Mr. Blakey and the amendments he proposed, as they clarify the language of the bill and questions concerning the red line. He is greatly concerned with the traffic problem and suggested that some language be inserted which would provide that this bill does not become effective until such time as the by-pass or loop road has been funded and provided for.

Curtis Patrick stated that his priority concern is the traffic problem because his ambulance service has had first hand experience in being unable to operate efficiently due to the very extreme traffic, and all emergency vehicles are greatly hampered

April 26, 1977

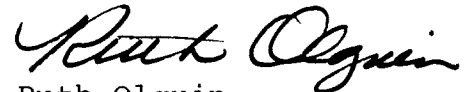
and sometimes even unable to function at all. He felt that if the red line takes away the major stumbling block between Nevada and California, why do we need to remove the dual majority since the red line is going to take care of the problem anyway. He spoke of his problems, as a resident of Glenbrook, with the TRPA.

Dennis Small, Vice President of Administration for Harvey's at the Lake, stated that the management of Harvey's supports Mr. Blakey's language changes which clarify the meaning of Lines 6 through 14 on Page 13 of S.B. 266.

The hearing on S.B. 266 and A.B. 740 was concluded.

The meeting was adjourned by Chairman Moody at 7:00 p.m.

Respectfully submitted,



Ruth Olguin  
Assembly Attache

My name is Harold Dayton, a Douglas County Commissioner and former three year member of the TRPA governing board. I ~~want to give~~<sup>have</sup> each of you a brief presentation on the TRPA. ~~I hope you had time~~<sup>I hope you had time</sup> to review this information before making any decision regarding the TRPA.

Upon taking office, I took the following oath--as you also did.

" I do solemnly swear that I will support, protect and defend the Constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office, on which I am about to enter; so help me God."

The TRPA issue is a political one and you must decide whether we in Nevada will continue to be governed constitutionally or whether under the guise of protecting Lake Tahoe, we will have an alien form of government.

The TRPA has and does violate articles IV, V, and XIV of the United States Constitution. These articles guarantee every State in this Union a Republican form of government, guarantee that private property can not be taken without just compensation and guarantee equal protection of the laws.

Article 4 section 20 of our state constitution states that the legislature shall not pass local or special laws regulating county and township ~~business~~. No where under the Constitution -- even for " the protection of all the people" is the legislature permitted to delegate ordinance making powers to non-elected people. If there is one essential characteristic inherent in legislative power, it is such power must be exercised by an elected representative or representatives of the people and not by a person, persons or agency created or designated by those representatives.

The state and federal government have ample constitutional means to protect the land, air and water of Lake Tahoe, if it is not protected by the local citizenry. Regional planning can be tolerated and is desirable at Lake Tahoe, but never regional government and that is what the TRPA is.

I don't care what the excuse, you took an oath and must uphold the constitutions. We ask your help to rid us of this insidious, unconstitutional and extremely dangerous agency. If the TRPA is allowed to continue, it will be emulated in many areas of the country. Please let your own good judgement return government to where it belongs--- the local elected level. Thank you.



COMMENTS BY THE DOUGLAS COUNTY COMMISSIONERS ON SENATE BILL 266

WE, AS THE ELECTED REPRESENTATIVES OF THE CITIZENS OF DOUGLAS COUNTY ARE AS INTERESTED IN THE PRESERVATION OF THE QUALITY OF THE WATERS OF LAKE TAHOE AND THE SURROUNDING ENVIRONMENT OF LAKE TAHOE AS ANY GROUP OR INDIVIDUAL IS. WE HAVE CONSISTENTLY ACTED IN GOOD FAITH TO FOSTER AND PRESERVE THOSE QUALITIES WE FEEL SO IMPORTANT TO THE TAHOE BASIN AND FULLY REALIZE THAT THE EXQUISITE BEAUTY OF THIS NATURAL TREASURE IS THE REASON WHY WE ARE HERE. WE FEEL THAT THE ORIGINAL INTENT OF THE COMPACT HAS BEEN STRANGLING BY BLATANT OBSTRUCTION BY CERTAIN GOVERNMENTAL AGENCIES OF THE STATE OF CALIFORNIA - NAMELY THE CTRPA - THAT ARE DETERMINED TO DESTROY THE PRINCIPAL INDUSTRY IN THE BASIN. WE STAND IN TOTAL OPPOSITION TO THE BLATANT ATTEMPT TO DESTROY THE SOVEREIGNTY OF DOUGLAS COUNTY, AND INDEED THE SOVEREIGNTY OF THE STATE OF NEVADA, BUT DO WHOLEHEARTEDLY SUPPORT SENSIBLE CONTROLS THAT BLEND THE LAUDABLE PURPOSES OF PRESERVATION OF THE BASIN WITH THE LEGITIMATE AND CONSTITUTIONAL RIGHTS OF THE PROPERTY OWNERS IN THE BASIN TOWARD THE END OF SOLVING<sup>PROBLEMS</sup> THAT EXIST WITHOUT THE ELIMINATION OF AN INDUSTRY THAT IS OUR LIFE BLOOD.

DOUGLAS COUNTY CANNOT SUPPORT AND MUST ACTIVELY OPPOSE, WITH ALL DUE RESPECT TO THE GOVERNOR OF THE STATE OF NEVADA, SENATE BILL 266. UNFORTUNATELY THIS BILL WOULD, IN OUR OPINION, LEAD TO THAT INEVITABLE RESULT BY STRIKING OUT THE BASIC AGREEMENT OF THE COMPACT: PRESERVATION OF EACH STATE'S SOVEREIGNTY BY THE DUAL MAJORITY AND 60 DAY RULE. THOSE PROVISIONS ARE THE HEART OF THE GOOD-FAITH RESPECT OF STATE FOR STATE, AND WE URGE THEIR RETENTION. AS SENATOR LAXALT STATED TO A JOINT SESSION OF THIS LEGISLATURE "WE INSISTED AT THAT TIME IN ORDER TO INSURE OUR SOVEREIGNTY THAT WE HAVE A DUAL MAJORITY RULE ...WE INSISTED UPON IT AS A MATTER OF NEVADA POLITICAL SURVIVAL...I WOULD HOPE IN YOUR DELIBERATIONS HERE THAT YOU NOT SACRIFICE THAT CONCEPT". THUS, WE REPEAT OUR OPPOSITION TO ANY FORM OF LEGISLATION THAT DEPRIVES OUR STATE AND THE STATE OF CALIFORNIA OF EQUAL SOVEREIGNTY PROTECTIONS.

SENATE BILL 266 AS AMENDED PROVIDES THAT ALL PUBLIC WORKS PROJECTS SHALL BE REVIEWED BY THE AGENCY. AS ALL WHO ARE FAMILIAR WITH THE SITUATION AT TAHOE ARE AWARE, ONE OF OUR MAJOR PROBLEMS IS THAT OF TRAFFIC CONGESTION. IT IS VITAL THAT A BY PASS AND LOOP ROAD SYSTEM BE CONSTRUCTED AS SOON AS POSSIBLE FOR THE SAFETY AND WELFARE OF THE RESIDENTS AND VISITORS IN THE TAHOE AREA. IF WE DO NOT TAKE STEPS IMMEDIATELY TO CORRECT THIS PROBLEM AN EMERGENCY SITUATION COULD TURN INTO COMPLETE DISASTER TO THE AREA. BY ELIMINATING THE DUAL MAJORITY FOR APPROVAL OF A PROJECT THE STATE OF NEVADA COULD FIND ITSELF HELPLESS IN CORRECTING THIS SITUATION AND WE WOULD BE SUBJECT TO THE POSSIBLE REFUSAL OF THE STATE OF CALIFORNIA TO COOPERATE IN OUR EFFORTS UNLESS WE WOULD AGREE TO CERTAIN RESTRICTIONS ON OUR PRINCIPAL INDUSTRY, NAMELY GAMING, TO CORRECT THIS MAJOR PROBLEM.

ANOTHER ARGUMENT IN FAVOR OF ELIMINATING THE AUTOMATIC APPROVAL UNDER THE DUAL MAJORITY PROVISION OF THE COMPACT IS THAT THE STATE OF NEVADA WOULD BE IN A POSITION TO CONTROL THE DEVELOPMENT IN THE CALIFORNIA PORTION OF THE BASIN. THE COMMISSIONERS REJECT THIS ARGUMENT AS IT IS NOT THE INTENT OF THE COMPACT TO CONTROL A STATE BUT TO WORK TOGETHER IN GOOD FAITH TO PROTECT THE TAHOE ENVIRONMENT. THE CALIFORNIA PORTION OF THE BASIN HAS DEVELOPED TO THE POINT THAT, UNDER THE GRANDFATHER PROVISIONS, NEVADA WOULD HAVE LITTLE TO SAY ABOUT THEIR DEVELOPMENT AND, AGAIN, IT WOULD BE THE STATE OF NEVADA THAT WOULD BE SUBJECT TO THE DESIRES OF THE CALIFORNIA REPRESENTATION.

IN CONCLUSION, LET ME RESPECTFULLY REMIND EACH OF THE COMMITTEE MEMBERS THAT WHILE THIS BILL MAY APPEAR SUPERFICIALLY TO INVOLVE AN ISOLATED LOCAL MATTER, YOUR DELIBERATIONS SHOULD KEEP A CONSTANT FOCUS ON THE OVERVIEW THAT WHAT IS DONE HERE MAY VERY WELL BE THE PRECEDENT FOR THE ENACTMENT OF SIMILAR LEGISLATION IN OTHER AREAS. WE ARE CONVINCED THAT GIVING UP OUR STATE AND COUNTY SOVEREIGNTY IN THIS INSTANCE WILL FALL IN LINE WITH THE FEDERAL PLAN FOR REGIONAL GOVERNMENT AND THE ELIMINATION OF STATE AND LOCAL CONTROLS THROUGH THE ELECTED REPRESENTATIVES OF THE PEOPLE. HOW YOU HANDLE TODAY'S PROBLEM MAY WELL DETERMINE HOW SOMEONE ELSE'S GOVERNMENT THAT GIVES YOU EVERYTHING CAN ALSO TAKE IT AWAY.

Senate vote expected today

# Nevada TRPA revamp bill failure seen

By MARTIN GRIFFITH

A key California legislator said today he is pessimistic about Nevada's efforts to compromise over the Tahoe Regional Planning Agency's future role in controlling gaming in the Tahoe Basin.

An amended bill from Nevada revising the TRPA would be unacceptable to California legislators, assemblyman Eugene Gualco (D-Sacramento) said. The bill, SB266, is scheduled for a vote today by the Nevada Senate.

"The amended bill still falls short of correcting flaws in the TRPA," Gualco said. "It appears to me we're headed for an impasse and there will be a chance for federal intervention (at Lake Tahoe)."

Gualco's statements follow those made by Sen. Gary Sheerin (D-Carson City), who is spearheading Nevada's legislature efforts to revise the TRPA. Sheerin also forecast the possibility

of an impasse.

The key issue is how much authority the bi-state planning agency should have to control gaming under the compromise measure. California wants stronger assurances that Nevada will control gaming at Lake Tahoe.

Although Nevada legislators believe they have made enough concessions, Gualco today warned that unless other steps are taken by the Silver State there might be federal intervention.

"Federal intervention might mean stronger action by the Environmental Protection Agency as to air and water quality standards," Gualco said. "It might mean the withholding of Housing and Urban Development monies in the basin."

"It also might mean the U.S. Forest Service could purchase more property ... and eventually make the basin a national park."

Gualco said a request for federal intervention is one of three

options open to California legislators. He said the following options currently exist for California legislators:

—They can approve Nevada legislation.

—They can request and work for more federal intervention and maintain the TRPA and the California Tahoe Regional Planning Agency.

—They can withdraw from the TRPA and strengthen the CTRPA.

"These are just alternatives," Gualco said. "I have no recommendations just yet. In all fairness I should wait until I see the final product of Nevada."

Gualco said he is critical of Nevada's compromise measure because it contains no provisions for changing TRPA's membership to include more statewide representations and less local representation.

TRPA's Governing Board currently is made up of six local

representatives and six state representatives. Gualco said California proposes more representations from outside the basin, but Nevada does not.

Gualco also criticized Nevada's bill saying "the redlining is still too loose. It opens the door for maybe up to three more hotel-casinos, and allows existing casinos to expand."

Gualco said California legislators want no more expansion of existing casinos, and no additional gaming development.

Under Nevada's bill there would be a reduction in the number of sites zoned for gaming development on the Nevada side of the lake from 14 to 1. Nevada legislators believe that is enough of a concession to California.

Nevada legislators also believe they made more than enough compromise when they did away with the controversial dual majority rule. The rule was used to pave the way for approval of two South Shore casinos, despite California objections.

## Tahoe Daily Tribune

Serving All Lake Tahoe — America's All-Year Playground

build on

Acres	Acres	<del>Price</del>	Per acre	Value
01-19 (3)	9.84	<del>67</del>	5000.	50,000.
7-19 (4)	4.91		6000.	30,000. #
7-19 (8)	9.77		5000.	50,000.
7-19 (7)	9.77		5000.	50,000.
7-29 (8)	4.85		6000.	30,000.
7-30 (4)	10 AC		8000.	80,000
7-30 (10)	10 AC		8000.	80,000.
7-30 (5)	1 AC		10,000.	10,000.
7-30 (6)	1 AC		10,000.	10,000.
7-30 (7)	.96 AC		10,000.	10,000.
7-30 (8)	6.97		6,000.	42,000.
7-30 (9)	9.93		5,000.	50,000.
7-31 (22)	2.41		5,000.	12,500
7-31 (23)	37.4		3,000.	112,000.
7-31 (13)	2 AC		4000.	8000.
7-31 (14)	2 AC		4000	8000.
7-31 (15)	2 AC		4000	8000.
7-31 (16)	2 AC		4000	8000.
7-31 (17)	2 AC		4000	8000.
7-31 (18)	2 AC		4000	8000.
7-31 (19)	2 AC		4000	8000.
7-31 (20)	2 AC		4000	8000.
7-31 (21)	2 AC		4000	8000.
7-33 (3)	32.54		4000.	130,000. 388
7-34 (16)	4.66 174.01		4000.	837,000. 18,500.

7-35 (1)	10 AC	5000.	50,000.
7-35 (2)	10 AC	5000	50,000.
7-35 (4)	9048 AC	5500.	52000
7-35 (5)	10 AC	5500	55000
7-35 (8)	10 AC	4500	45000
7-35 (7)	10 AC	4500	45000.
7-35 (6)	20 AC	3500.	70000.
7-36 (6)	7.21	<del>3000.</del>	21,500.
7-38 (2)	10 AC	5000.	50000
7-38 (1)	10 AC	4000.	40000
7-38 (4)	34 AC	3000.	100,000.
7-38 (5)	4.22	3000.	12,500
7-38 (6)	1.35	4000.	5400
9-01 (1)	78 AC	3000.	234,000.
<del>9-01</del>			
11-01 (1)	145.5	<del>1000.</del>	145,000.
11-01 (2)	79.2	1000.	79,000.
11-01 (3)	39.6	1000.	40,000.
11-01 (4)	11.55	1500. ?	16,500.
11-02 (1)	102.1	1000.	102,000.
11-02 (2)	4.8	1500	7200.
11-02 (3)	4.8	1500	7200.
11-02 (4)	4.8	1500.	7200 :
11-02 (5)	19.3	1000.	19,000. 388
11-2 (6)	19.3 829.22	1000	19,000.

2,109,560

11-02(7)	77.4	1000.	77,400.
11-03(1)	97	1000.	97,000 *
11-03(2)	5	1000	5000
11-03(4)	10.1	1000.	10,000.
11-03(3)	5.3	1000.	5300.
11-03(5)	5.8	1000.	5800
11-03(6)	5.4	1000.	5400
11-04(1)	12	1000.	12000.
11-04(2)	13.6	1000	13600
11-04(3)	5.18	1000	5200
11-04(4)	5.17	1000	5200
11-04(5)	10.6	1500	16000.
11-04(6)	21.1	1500.	31,500
11-04(7)	5	1500	7500
11-04(8)	5	1500	7500.
11-04(9)	10.4	1000.	10400
11-04(10)	10	1000	10,000
11-04(11)	5.7	1000	5700
11-04(12)	5.1	1000	5100
11-04(13)	5.2	1000	5200
11-04(14)	10.9	1000	10,900.
11-04(15)	6	1000	6000
11-04(16)	6	1000.	6000.
11-04(17)	11.9	1000.	11,900.
	1184.07		

11-04 (18) 22.5	1000.	22500.
11-04 (19) 11.4	1000.	11400.
11-05 (1) 7.13	2500.	17,800.
11-05 (2) 5.79	2500.	14,500.
11-053 (1) 11	1500	16,500.
<del>11-053 (2) 1.87</del>	<del>3000</del>	
11-053 (3) 8.19	2000.	16000.
11-053 (4) 10	2000.	20,000.
11-053 (5) 10	2000	20,000.
11-053 (6) 6	3500.	21000.
11-053 (7) 8	3000.	24000.
11-053 (9) 10	2500	25000.
11-053 (18) 10	1500	15000.
11-053 (12) 10	1500	15000.
11-053 (20) 10	1500.	15000.
11-053 (21) 10	1500.	15000.
11-053 (22) 84	1000.	84000.
11-06 (1) 140	1000.	140,000.
11-07 (1) 40	2500.	100,000.
11-07 (2) 16.8	2500.	42000.
11-07 (3) 20.3	2000.	40,000.
11-07 (4) 10	2000.	20,000.
11-07 (5) 20	4000.	80000. 391
11-07 (6) 7.4	2000.	14000.
11-07 (10) 21.74	4000.	87000.

1694.32

31361,800

11-11(1)	4.49	2500.	11,200.
11-11(2)	1.22	2000.	2400. *
<del>11-22</del>			
11-22(40)	11.3	4000.	45000.
11-22(1)	21	4000.	84000.
	1732.33		
1-13(8)	18.91	3500.	66000.
1-13(11)	4.2	5000.	21000.
<del>1-13(10)</del>	<del>3.54</del>		
03-05(2)	62.16	5000.	310,800.
03-06(1)	32.89	5000.	164,450
03-06(2)	6.43	5000.	32,150
03-06(3)	30.59	5000.	153,000.
	1,887.57	4,251,800	

Over Rock Area - maybe not maximum

KGID Bonds - 350,000 on limited properties.  
 RWGID 3.5 million  
 Whittel Estate  
 Rose Estate

Kingsbury Properties  
 Land cost 3,504,000.  
 Bond amt 350,000.  


---

 3,854,400.

Over Rock Area  
 Land 747,800.  


---

 747,800

4,602,200. = 2438 acres





**AMERICAN LEGION POST NO. 795**

Post Office Box 7755  
South Lake Tahoe, California 95731

The return of rights to Veterans and thier widows.

where as: Throughout California and the nation, agencies such as the California Tahoe Regional Planning Agency, the Tahoe Regional Planning Agency, the California Costal Zone Conservation Commission are being created, which systematically deny Veterans, and their widows under their jurisdiction the constitutional protections we have so long taken for granted. The non-elected structure of these agencies violates the principles of a democracy within a republic and elected representation. They violate through the creation of laws, that cannot be repealed by the electorate, the rights of recall and referendum through ballot. On a daily basis, their actions violate the 4th, 5th and 14th amendments of the constitution which guarantees to all Veterans and all Americans that the states shall not take from any individual their property, either real or personal, without due process of law and just compensation.

And where as: Americanism is an unfailing love of country, loyalty to its institutions and ideals, eagerness to defend it against all enemies within and without, individual allegiance to the flag and a desire to secure the blessings of God upon our Country and its people.

Therefore, be it resolved that we, the members of American Legion Post #795, South Lake Tahoe, in the names of all those who have given their lives in battle -- demand the repeal of all such legislation and a swift return to all Veterans and their



**AMERICAN LEGION POST NO. 795**

Post Office Box 7755  
South Lake Tahoe, California 95731

widows of their God-given rights of self-governmant and individual freedom, eliminating forever any agency such as this CTRPA, TRPA or the California Coastal Zone Conservation Commission or any other like bureaucracy which could by their actions deny any American or Veteran his or her heritage of Freedom, liberty & Dignity.

Suggested Amendment to SB 266 - First Reprint:

Page 13, lines 6 - 7:

In the areas described, any structure housing or designed to house licensed gaming or any associated facility shall be permitted as [a] conforming [use] to the regional plan, ordinances, rules, regulations and policies adopted by the agency.

②  
Suggested Amendment to SB 266 - First Reprint:

Page 13, lines 13 - 14:

The agency may review any proposed construction or expansion in said areas and make recommendations thereon, but [any] such recommendations are advisory only.

Suggested Amendment to SB 266 - First Reprint:

Page 13, lines 8 - 12:

Any construction or expansion of any such structure or facility is subject only to standards [equal to or higher than any] provided by applicable state law or [to any] applicable county ordinances in effect on April 15, 1977 except that the construction of any such structure or facility shall not exceed the maximum height, land coverage or density [permitted] existing in [the respective] said areas as of April 15, 1977.

CHAIRMAN - TRPA  
WASHOE COUNTY

26 MARCH 1977 ASSEMBLY

WHEN THE TAHOE REGIONAL PLANNING AGENCY WAS FORMED IN 1970, I, LIKE MANY OTHER NEVADANS WITH A STRONG COMMITMENT TO LOCAL CONTROL, WAS APPREHENSIVE ABOUT WHAT HAD BEEN CREATED. IN MY TENURE AS A COUNTY COMMISSIONER I HAVE HAD MANY OCCASIONS IN WHICH I, FROM MY OFFICE IN RENO, WONDERED WHAT WAS GOING ON UP <sup>AT LAKE TAHOE -</sup> ~~THERE~~. THREE YEARS AGO I WAS DIRECTED BY MY FELLOW COMMISSIONERS TO GO UP TO LAKE TAHOE AND FIND OUT WHAT WAS GOING ON WHEN THEY APPOINTED ME TO REPRESENT WASHOE COUNTY ON THE TRPA GOVERNING BOARD. NOW, AFTER THREE YEARS OF INVOLVEMENT AT LAKE TAHOE MY RESERVATIONS ABOUT THE ROLE OF TRPA HAVE DISAPPEARED. I NOW KNOW WHAT IS GOING ON AT TAHOE AND AM ABSOLUTELY CONVINCED THAT THE TRPA AND ITS CONTROLS OVER LAND USE IN THE BASIN ARE NECESSARY.

UNFORTUNATELY, I AM JUST AS FIRMLY CONVINCED THAT THE POLITICS SURROUNDING LAKE TAHOE AT THE MOMENT WILL DESTROY THE TRPA WITHIN A VERY SHORT TIME UNLESS REASONABLE COMPROMISES ARE MADE BY ALL PARTIES. THE CURRENT SITUATION MAINTAINS ONLY THE BAREST PRETENSE OF BISTATE COOPERATION. THE FACT OF THE MATTER IS THAT CALIFORNIA IS ATTEMPTING TO MAINTAIN COMPLETE INDEPENDENCE OVER PLANNING FOR ITS HALF OF THE TAHOE BASIN, WHILE THE BISTATE TRPA IS LEFT AS THE PLANNING AND REGULATORY AGENCY FOR ONLY THE NEVADA SIDE OF THE BASIN. THE CALIFORNIA TAHOE REGIONAL PLANNING AGENCY MAINTAINS A SEPARATE STAFF, CONDUCTING THE SAME PLANNING

ACTIVITIES AS THE BISTATE AGENCY, DEVELOPING THE SAME REGULATIONS AS THE BISTATE AGENCY, WITH FINANCIAL AND TECHNICAL SUPPORT FROM CALIFORNIA THAT USED TO BE DEVOTED TO COOPERATIVE PLANNING THROUGH THE TRPA. AS A RESULT, NEVADAN'S HAVE BEEN LEFT WITH VIRTUALLY NO VOICE WHATEVER IN THE PLANNING AND DECISION MAKING FOR THE CALIFORNIA SIDE OF THE BASIN, WHILE CALIFORNIA HAS RETAINED ITS VOICE IN NEVADA AFFAIRS BECAUSE WE CONTINUED TO SUPPORT THE CONCEPT OF BISTATE PLANNING AND THE ROLE OF THE TRPA.

AS A NEVADAN I VIEW THIS SITUATION AS A COMPLETE <sup>A-BOM-I-NA-TION</sup> ~~ABOMINATION~~. IT MAKES A MOCKERY OF THE SPIRIT OF BISTATE COOPERATION, AND I FIND IT TOTALLY UNACCEPTABLE.

AS MUCH AS I OBJECT TO CALIFORNIA'S FAILURE TO SUPPORT THE BISTATE AGENCY, HOWEVER, I MUST ALSO ACKNOWLEDGE THAT THE CONCERNS WHICH HAVE PROMPTED THAT CALIFORNIA POSITION CAN BE RESOLVED. THE CONTROVERSY SURROUNDING TAHOE ISSUES CAN BE REMOVED. CALIFORNIA HAS OFFERED TO US LEGISLATION WHICH WOULD CHANGE THE COMPACT. WHILE THAT LEGISLATION WOULD REQUIRE THE PLANS OF THE CTRPA TO BE APPLIED TO NEVADA WITHOUT SO MUCH AS A PUBLIC HEARING, AND THEREFORE WOULD EFFECTIVELY PURPETUATE THE CURRENT SITUATION, IT ALSO POINTS OUT THE AREAS OF CONCERN. CALIFORNIA OFFICIALS HAVE EXPRESSED A WILLINGNESS TO COMPROMISE ON THIS LEGISLATION; AND THEIR CONTINUED INVESTMENT OF SUPPORT FOR TAHOE PLANNING, THOUGH MISPLACED, IS EVIDENCE THAT THEY ARE CONCERNED ABOUT THE FUTURE OF LAKE TAHOE. I BELIEVE A COOPERATIVE BISTATE PROGRAM IS

PAGE THREE

NECESSARY TO PRESERVE NEVADA'S INTERESTS IN THE TAHOE BASIN. TO RESTORE THAT WE MUST ASSUME GOOD FAITH ON THE PART OF THE CALIFORNIA LEGISLATURE AND RETURN TO THEM A COMPROMISE BILL WHICH WILL ENABLE BOTH STATES TO ONCE AGAIN PLAN COOPERATIVELY THROUGH A SINGLE AGENCY.

THERE ARE SEVERAL KEY ISSUES WHICH MUST BE RESOLVED. THEY ARE: REPRESENTATION ON THE GOVERNING BOARD; CTRPA; GAMING; AND THE DUAL MAJORITY AND 60 DAY RULES. IN MY JUDGEMENT, THE ONLY LEGISLATION WHICH PRESERVES THE INTERESTS OF THE STATE OF NEVADA AND THE LOCAL GOVERNMENTS OF THE LAKE TAHOE REGION, AND STILL ADDRESSES THE MAJOR ISSUES OF CONCERN TO CALIFORNIA IS SENATE BILL 266.

IN TERMS OF PUBLIC CONTROVERSY, GAMING SEEMS TO BE THE MOST IMPORTANT OF THESE ISSUES. AS A NEVADAN, AND A COUNTY COMMISSIONER, I CANNOT SUPPORT ANY PROVISIONS WHICH WOULD REMOVE EXCLUSIVE NEVADA CONTROL OF GAMING. AT THE SAME TIME, I BELIEVE THAT THE PRESENT COMPACT LANGUAGE GRANDFATHERING IN ALL GAMING SITES ACCORDING TO 1968 ZONING MUST BE CHANGED. WE HAVE LEARNED A LOT ABOUT THE TAHOE BASIN SINCE THE 1960'S. ONE OF THE THINGS WE HAVE LEARNED IS THAT THE AMOUNT OF DEVELOPMENT PROJECTED BY ZONING AT THAT TIME WAS FAR TOO GREAT FOR THE TAHOE BASIN TO HANDLE. NEVADA RECOGNIZED THAT AND CALLED FOR THE CREATION OF THE TRPA TO DEAL WITH THAT SITUATION. THE TRPA HAS DONE ITS JOB



IN CONTROLLING NON-GAMING LAND USE. UNFORTUNATELY, NEVADA HAS NOT AS YET RECOGNIZED THAT POTENTIAL GAMING DEVELOPMENT WAS ALSO FAR BEYOND THE BASIN'S LIMITS. THAT POTENTIAL FOR GAMING DEVELOPMENT MUST BE REDUCED TO A MORE REALISTIC LEVEL. S. B. 266 DOES JUST THAT, AND IT DOES SO BY NEVADA ACTION, LEAVING ALL FUTURE DECISIONS ON GAMING TO BE REGULATED JUST AS THEY ARE EVERYWHERE ELSE IN NEVADA. ~~WHILE I HAVE GREAT RESPECT FOR SENATOR SHEERIN AND HIS PROPOSED LEGISLATION, I BELIEVE IT WOULD ALLOW MORE GAMING DEVELOPMENT THAN THE TAHOE BASIN CAN TOLERATE.~~

THE DUAL MAJORITY AND 60 DAY RULES ARE RELATED TO THE GAMING QUESTION, SINCE THEY WERE A FACTOR IN THE GAMING APPLICATIONS WHICH PROMPTED MUCH OF THE PUBLIC CONTROVERSY. I BELIEVE THE DUAL MAJORITY MUST BE MAINTAINED. IT PRESERVES THE SOVEREIGNTY OF BOTH STATES AND PROVIDES STABILITY TO THE PLANNING PROCESS, SINCE BOTH STATES MUST BE IN FAVOR OF ANY POLICY CHANGE IF IT IS TO BE ADOPTED. BUT, I BELIEVE IT IS IN THE LONG TERM INTERESTS OF THE STATE OF NEVADA AND THE LOCAL GOVERNMENTS ON THE NEVADA SIDE OF THE TAHOE BASIN TO REVERSE THE 60 DAY RULE. WHILE CALIFORNIA HAS VOICED NEED FOR THE REVERSAL OF THE 60 DAY RULE TO PREVENT NEVADA FROM APPROVING PROJECTS WHICH CALIFORNIA DOES NOT FAVOR, MY CONCERN IS PRECISELY THE OPPOSITE. OVER THE PAST THREE YEARS, 79% OF ALL THE BUILDING PERMITS ISSUED IN THE TAHOE BASIN HAVE BEEN CALIFORNIA PROJECTS, WITH THE HIGHEST TOTAL HAVING BEEN ISSUED JUST LAST YEAR. IN 1975, WHEN THE SEWAGE TREATMENT

SYSTEM OF THE NORTH TAHOE AREA WAS AT ITS CAPACITY, AND HAD ACTUALLY OVERFLOWED INTO THE TRUCKEE RIVER, THREE MAJOR CALIFORNIA PROJECTS TALLING 240 UNITS WERE ALLOWED TO PROCEED WHEN THE CALIFORNIA GOVERNOR'S APPOINTEE LED A CALIFORNIA VOTE OF APPROVAL OVER THE VIGOROUS OBJECTIONS OF NEVADA REPRESENTATIVES, FORCING A DUAL MAJORITY SPLIT AND APPLICATION OF THE 60 DAY RULE. WITH SEVERE LIMITATIONS ON SEWAGE CAPACITY EVEN IN THE NEW SYSTEM CURRENTLY BEING CONSTRUCTED FOR THE NORTH SHORE, AND WITH DEGRADATION OF AIR QUALITY AND OUR CURRENT LOW WATER SUPPLY CONDITION, I WANT NEVADA TO HAVE VETO POWER OVER CALIFORNIA DEVELOPMENT. BECAUSE OF ITS IMPLICATIONS FOR NEVADA'S DOWNSTREAM AND UPWIND FROM THE INTENSELY DEVELOPED CALIFORNIA SIDE OF THE TAHOE BASIN, I BELIEVE THAT THIS IS FAR MORE SIGNIFICANT THAN THE CONCERNS OVER THE ROLE OF CALIFORNIA IN NEVADA PROJECTS.

AS A LOCAL GOVERNMENT REPRESENTATIVE TO THE TRPA I CANNOT ENDORSE ANY CHANGE IN THE MAKE-UP OF THE TRPA GOVERNING BOARD. THE CONCERN OF THOSE SEEKING AN EXPANSION OF STATE REPRESENTATION ON THE BOARD SEEMS TO BE CENTERED AROUND THE POTENTIAL FOR A COALITION OF LOCAL REPRESENTATIVES TO FORCE APPROVAL OF A PROJECT THROUGH THE 60 DAY RULE. THE FACT OF THE MATTER IS THAT OUT OF 11 PROJECTS ALLOWED TO PROCEED BECAUSE OF THE 60 DAY RULE, ONLY THREE WERE SITUATIONS IN WHICH THE THREE LOCAL REPRESENTATIVES VOTED IN OPPOSITION TO THEIR STATE COUNTERPARTS. ALL THREE OF THOSE WERE GAMING FACILITY APPLICATIONS WHICH WOULD NO LONGER BE AT ISSUE UNDER THE TERMS OF S. B. 266, AND THE 60 DAY RULE ITSELF WOULD NO LONGER APPLY IN THAT FASHION.

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BEYOND THAT CONCERN, HOWEVER, I BELIEVE THERE IS A DEFINITE NEED TO MAINTAIN THE CURRENT ORGANIZATION. THE REASON IS THAT THE COMPACT SPECIFICALLY PLACES A MAJOR BURDEN FOR IMPLEMENTATION OF TRPA POLICY ON THE LOCAL GOVERNMENTS OF THE REGION. THE ROLE OF LOCAL GOVERNMENTS IN HELPING TO DETERMINE THAT POLICY IS AN IMPORTANT FACTOR IN ACHIEVING THIS END. THE CTRPA IS AN EXAMPLE OF THE DANGER OF CHANGING THE BALANCE. WITH THE SHIFT IN BALANCE AWAY FROM A MAJORITY OF LOCAL REPRESENTATIVES, THE CTRPA HAS SPAWNED AN ATMOSPHERE IN WHICH THERE IS VIRTUALLY NO COOPERATION FROM THE LOCAL GOVERNMENTS IN THE IMPLEMENTATION OF CTRPA POLICIES. THE LOCAL GOVERNMENTS ARE RESPONSIBLE REPRESENTATIVES AND SHOULD RETAIN THEIR CURRENT VOICE IN POLICY FORMULATION. THE ENDORSEMENT OF THE 1971 TRPA GENERAL PLAN WITH ITS 63% REDUCTION IN DEVELOPMENT POTENTIAL IS EVIDENCE OF RESPONSIBLE ACTIONS BY THE LOCAL MAJORITY ON THE TRPA GOVERNING BOARD. THE DANGER OF COMPLETELY ALIENATING LOCALS FROM THE DECISION MAKING PROCESS MORE THAN OUTWEIGHS ANY CONCERNS TO THE CONTRARY.

ON THE FINAL ITEM, THE CTRPA, I AM ADAMANT THAT CALIFORNIA MUST COMPROMISE ON THIS POINT AND DISBAND THAT ORGANIZATION ALTOGETHER IF WE ARE TO PROCEED WITH COOPERATIVE PLANNING AT LAKE TAHOE. ANY PROVISION WHICH WOULD MANDATE IMPOSITION OF CTRPA POLICIES UPON THE TRPA IS EQUALLY UNACCEPTABLE. (SB 266 DOES JUST THAT!)

*AW*  
IN SUMMARY, I BELIEVE YOU HAVE BEFORE YOU IN SENATE BILL 266  
THE LEGISLATION NECESSARY TO RESTORE SOME SEMBLANCE OF SANITY  
TO THE PLANNING AND DECISION MAKING PROCESS AT LAKE TAHOE.  
I STRONGLY URGE YOU TO PASS IT, SO WE CAN INITIATE A SPIRIT  
OF COMPROMISE AND GET BACK ON THE ROAD TO THE GOAL OF PRESERVING  
NEVADA'S INTEREST IN THAT BASIN.

My name is Dorothy W. Boyd, I live in Zephyr Heights, Nevada, and I am the former Chairman of the TRPA Citizen's Committee (now disbanded), and the Vice-Chairman of the Nevada-Tahoe Conservation District. I speak as an individual.

I believe we MUST continue the bi-state planning agency. It is obvious that we cannot plan for air quality, water quality and transportation for only a portion of the Basin. Whatever is done in any part affects the whole, just as South Lake Tahoe's building problems have caused development pressures on the Nevada side.

However, since Gualco seems to be running the state of California, and he finds the Governor's bill, as amended, unacceptable, I believe Nevada should decide to retain the original Compact as is. Obviously, compromise is unknown to Gualco -- he wants all the marbles or he won't play!

There is, in my view, no way that CTRPA (the chief source of all the problems) will be eliminated through this effort at reasonableness, and I don't like to see our state in a position of prostration before the unreasoned, quixotic behavior of a few henchmen from our neighboring state.

One of the major concerns is the by-pass road, which is necessary, not only to solve the traffic problem, but for the health and safety of Nevada residents. This is not addressed.

If the Governor's bill is passed, I see no hope of getting the road built, because elimination of the dual majority, and the addition of roads to the public service review, <sup>will allow</sup> any roadwork <sup>to</sup> can be delayed indefinitely. I ~~am~~ do not believe withdrawal from the bi-state agency is the answer either, since there has to be cooperation to do the job.

I therefore urge you to defeat both of these approaches, and to continue to work in and with the bi-state agency as devised by the original Compact.

Thank you.