

SENATE

ENVIRONMENT, PUBLIC RESOURCES and AGRICULTURE COMMITTEE

MINUTES OF MEETING
Monday, March 14, 1977

The eleventh meeting of the Environment, Public Resources and Agriculture Committee was called to order on the above date at 1:30 p.m., for the purpose of hearing discussions and testimony on Senate bills having to do with the Tahoe Regional Planning Agency. The hearings were conducted in Room 131 of the Legislative Building. The Committee took a brief recess at 5:55 p.m. and went back into session at 7:20 p.m. It was adjourned at 11:40 p.m.

Senator Gary Sheerin was in the Chair.

COMMITTEE

PRESENT: Chairman Sheerin
Senator Echols
Senator Dodge
Senator Neal

Thirty-one interested persons spoke on the bills. They were called to the lectern by Chairman Sheerin in the order listed:

Gene Chappy, Third Assembly District, California
Dick Scott, Washoe County Commissioner, also chairman
of TRPA
Kenneth Rollston, attorney for TRPA
Garry Stone, Chairman, Douglas County Commissioners
Del Laine, Mayor, South Lake Tahoe
Don Crosby, Deputy State Highway Engineer
Ray Knisley, citizen
Edward Smith, Marla Bay
Fran Breen, representing Oliver Kahle and Steve Bourne
Thomas Cooke, member TRPA
George Abbott, special counsel to Douglas County
Dwight Steele, League to Save Lake Tahoe
Dorothy W. Boyd, Zephyr Heights
Terry A. Trupp, Council for Logic, Inc.
Dennis Small, Harvey's Resort Hotel
Bill Eadington, economist, Reno
Bob Berry, co-owner casinos, South Lake Tahoe
Richard W. Blakey, Park Cattle Co.
Henry J. Martin, resident, Lake Tahoe
Milt Manoukian, representing Harrah's and others
Lee Kosso, League of Women Voters
Tom Jacob, TRPA staff
Ken Kjer, Douglas County Commissioner
Roger Steele, Nevada North Shore Property Owners Assoc.
John Jennings, representing Ted Jennings
Connie Joe Picking, Stateline
Harold Dayton, Douglas County Commissioner
Nat Sinclair, Lake Tahoe resident
Curtis Patrick, Lake Tahoe Fire District, Glenbrook

George C. Finn, League to Save Lake Tahoe from the
League to Save Lake Tahoe
Jim Aubrey

Bills heard were:

SB 265 Adopts California version of amendments to Tahoe Regional Planning Compact. (GUALCO BILL)

SB 266 Restricts gaming to certain areas under control of Tahoe Regional Planning Agency. (GOVERNOR'R BILL)

SB 267 Restricts gaming to certain areas under control of Tahoe Regional Planning Agency. (SEN. SHEERIN'S BILL)

Chairman Sheerin gave an overview of each of the bills being heard:

SB 265 is a bill which comes to Nevada from California Legislature and was introduced by the Nevada Senate Environment, Public Resources and Agriculture Committee. It changes the make-up of the commission so there are four state people and three county people, as opposed to the present make-up of three county people and two state people. It changes the dual majority into a positive-type in place of the present negative dual majority. It makes changes in the advisory commission by spelling out the different people to sit on it. It indicates that no plan of another county can have lower standards than those set by the agency. It does away with Nevada's control of gaming by doing away with the Nevada Gaming "Grandfather" Clause. All public works projects would be reviewed by TRPA. Instead of having a violation a misdemeanor, it would change it so that a person violating it be subject to a civil fine up to \$10,000, as opposed to a criminal penalty; and the finances of the agency has various changes.

SB 266, introduced by the Senate Environment, Public Resources and Agriculture Committee, originates with the executive branch of government in Nevada. It does not change the make-up of the governing board. It does change the make-up of the advisory board by having more lay people on that board as opposed to technical planning-type people. It does create a red line to control gaming in Nevada. Maps prepared and displayed by the TRPA staff, roughly indicated what is happening. Area "A", yellow area only, hard core of Douglas County, where there are presently five existing casinos---Harrahs, Harvey's, Sahara Tahoe, Barney's, Park Tower. This bill limits gaming in that particular area. Area "B" takes in proposed Oliver's and proposed Jennings' hotels, existing Nugget, Harvey's Inn and Gary's. Area "C" is the existing Hyatt House, and across the street zoned enough area for one more gaming unit to be built at Incline Village. Area ^{General} is

the hard core of the stateline in Washoe County while there is a small area where there could be some more buildings . This bill also provides for the civil penalty idea and it changes the dual majority from a negative to a positive dual majority, that is requiring majority of both sides of the states to agree and if they do not agree, the application is deemed denied rather than being approved, and it has a clause after approval if construction does not begin within three years, then approval is denied and a new application has to be submitted.

SB 267, introduced by Senator Sheerin, changes the make-up of the advisory planning commissions so there are more lay people on the board. It, too, provides for a red line area. The basic differences are in Areas "A" and "B". There is no difference in Areas "C" and "D". However SB267 does have an expanded area in Area "A", making room in those two areas for a casino to go in each area on each side of Highway 50, however, either of those casinos could not be built for a period of 10 years. Area "B" is the same as SB266, except there is an orange area at the bottom center that expands gaming in that particular area. That parcel is not large enough for a large casino, but perhaps a one-story structure could be constructed. The thrust of this bill is in the fact that Douglas County is in need of a loop road and Highway 50 by-pass for the residents to live in any kind of safety. SB267 points out to California that Nevada is interested in limiting gaming and wants to get by the existing empass over roads and would like California to allow these two roads to go in. The second basic thrust of SB267 is the fact a report from TRPA says 14 more casinos could go into the Basin on the Nevada side. That is detrimental to Nevada and the Basin itself and we are trying to take a responsible step in limiting and protecting Nevada to that extent. It also has the aspect of the three year clause.

GENE CHAPPY, Third Assembly District, California, spoke saying he led the fight against the "Gualco" Bill. He said he thought it ill-advised and poorly timed and truly did not speak to the problems of the Basin as relates to the States of California and Nevada. He said he believes California is viewing the Nevada bills with favor. The past eight years, local legislators have virtually been eliminated from deliberations on the California side and many Governor Brown's appointments which are no-growth oriented, have really no conception of the problems of the Tahoe Basin. Mr. Chappy said he felt there was great over-reaction and a lack of effort to sit down with local folks to determine what can be done to resolve the problems across the line by way of compromise. Mr. Chappy

said he has serious concerns over the recent proposed transportation plan. He said the people of Nevada should begin to appreciate the absolute power that California Tahoe Regional Planning Agency (CTRPA) is now exercising in that Basin and some of the problems it has created. He said it has done a great deal to create a great slum on the California side because hundreds of people have panicked and are constructing things which should not be in that Basin. Mr. Chappy expressed the hope that the California Legislators that represent that area would have an opportunity to continue the cordial relations with representatives from Nevada that they have enjoyed the past 12 years. He said everyone sat down at the outset and negotiated out TRPA and it wasn't all that bad. With continuing cooperation, that can and should be the vehicle to administer the future of the Tahoe Basin. Mr. Chappy expressed his concern that if CTRPA continues there will be some serious difficulties in getting problems solved mutually.

DICK SCOTT, representing Washoe County Commissioners, also chairman of the TRPA, read a prepared statement, entered in the record, attached, EXHIBIT "A". Mr. Scott said he felt if a good compromise could not be produced that is agreeable to both states, then Nevada should pull out of the bi-state agreement because to continue on in the status quo will not work. The issue is too important to continue to be used as a political football. Mr. Scott said SB265 will not be acceptable to Nevada; SB267 will not be acceptable to California, but SB266, a compromise between the two, could be acceptable to California. He said the traffic problem is a number one priority within the Basin and believes it has to be resolved. Air quality is another concern as is water quality and quantity. Mr. Scott shared a past experience three years ago at which time he met Ray Knisley, the governor's appointee to the bi-state agency at that time. In reference to the experience pertaining to TRPA and Mr. Knisley, Mr. Scott said Mr. Knisley has put more time into the TRPA than any other man alive. He called him a legend in his own time.

KENNETH ROLLSTON, member of the law firm of Owen and Rollston, attorneys for TRPA, presented printed amendments to SB266, Article VI (a) and Article VI (k), made a part of the record and attached, EXHIBITS "B" and "B1". Mr. Rollston commented about legal problems from an attorney's standpoint, pointing up certain technical problems which the committee should deal with irrespective of what is decided to do with the bills. Page 12, lines 44-47, SB266,

presently talks about expansion of existing facilities where gaming is to be permitted. The new language, Exhibit "B", would talk not only about expansion of facilities, but would add in language which makes clear the additional areas that are being permitted for casinos to build. It would simply clarify the bill. Exhibit "B1" deals with Article VI (k), the last sentence of proposed SB266, which is identical with last sentence of that Article in SB267, so the new language is important for both bills. The present language provides for the expiration of approval by the agency three years after the date of approval. The proposed language, Exhibit "B1", would deal with two situations: The three years, from a legal point of view, is too short because regardless of the merits as this language literally reads, you can have a lawsuit tying the project up in the courts for three years regardless of the merits of the lawsuits. And by the expressed language of this last sentence the approval expires. The new language says the approval does not expire in three years if you have been tied up in litigation. But the three years is also too long in another sense. Brick by brick construction can occur. Manifestly that is not what is intended by Article VI (k). The proposed language would deal with that by the addition of the words, ".....unless construction is begun within that time and diligently pursued thereafter...." Other points are provisions of SB266 which have presented legal difficulties to TRPA. There is a provision which is new, Article VI (a), page 8, lines 9 - 12, SB266. The concept of that article is to provide that any political subdivision may adopt regulations and tougher standards than TRPA, but as the Compact presently reads, the concept is TRPA sets down some baseline standards and beyond those standards the local jurisdictions can be more restrictive if so desired. The new provision in SB266 and SB267 provides for that same liberality, still the local jurisdiction may have a stricter standard if the local government deems that appropriate. But it also provides that that higher standard shall not conflict with the plans of TRPA. One other problem that runs through SB265 and SB267 is a tendency to lock in a specific solution to a problem specifically page 7, lines 1 - 6, in SB267, and page 8, lines 10 - 21, and page 9, lines 8 - 19 in SB265. The ability and flexibility to deal with situations as they come along is lost when specific solutions are imposed.

The practical upshot of the 60-day rule is that there is often a huge majority of the board voting for rejection of a project. But the legal problems here can be described

in one word: lawsuits. Second legal problem is: What has been approved? There is a tremendous amount of ambiguity with it as it presently exists. SB266 has a provision dealing with enforcement problems. Page 13, lines 30 - 37, of the present language of the Compact provides that violation of any ordinance of the agency is a misdemeanor. Misdemeanor is a \$500 fine. It sometimes is very much cheaper to violate the ordinance than it is to comply with it. The provision here is for civil penalties in place of that much less effective misdemeanor approach. Line 33 talks about any person who violates this or governmental entity that violates this subject. As a matter of law, I am not sure that a civil penalty of this nature can be imposed against the government, Mr. Rollston said. Should governmental entities be included as the object of this type of action? Another item, page 13, line 36, provides that all such civil penalties as are imposed be awarded to the agency for the use or purposes of enforcement. You might want to analyze the political desirability of creating an incentive to the agency to go out and sue for the civil penalties. You might be better off to provide they should go to local government for local government to use, for enforcement purposes, which would be a better approach for its deterrent effect.

GARRY STONE, Chairman of Douglas County Commission, read a prepared Resolution duly adopted by that Commission. Entered in the record, attached as EXHIBIT "C". The Resolution as read drew applause. Mr. Stone indicated he was in total disagreement with SB265 as he sees nothing in the bill to support on behalf of constituents in Douglas County. The position Douglas County has taken does represent a compromise and there is no compromise whatsoever represented in SB265 and SB266 on behalf of Nevada, Douglas County or its residents. The problems at Lake Tahoe will never be solved as they will never be solved in any other location, but it is an ongoing function of government to attempt to deal with those problems as they are presented. Douglas County feels it should have the right to deal with the problems on a local level and the TRPA should function as a planning agency, the way it was set up to begin with.

DEL LAINE, Mayor of City of South Lake Tahoe, read a prepared statement, to-wit: "In addressing the bills that are being considered today, I would like to first point out that the City of South Lake Tahoe has historically opposed the reconstruction of the TRPA Board as is presently provided in California AB4160, and your SB265. A policy statement issued by the City of South Lake Tahoe, Placer and El Dorado Counties, established this concurrence with the present representation in a joint policy statement issued in August, 1976, and passed by all three locally elected

boards unanimously. The same policy statement addressed the dual majority rule suggesting at that time the reversal, or it best to consideration of a simple majority for approval. In view of the generous concessions included in SB266 and SB267 relating to the controlled and limited future growth of gaming establishments in the Tahoe Basin, and in consideration of the need and the desire to protect state sovereignty and local control. The question of a dual majority is mute. May I suggest inclusion in any amended bi-state compact of a provision which would abolish CTRPA and rescind its plans, ordinances, rules and regulations upon adoption of amended bi-state compact. This is certainly a strong persuasion with the counties and the city incorporated within the Basin and so stipulated in our unanimous policy agreement. The City of South Lake Tahoe has adopted the TRPA plan, their ordinances, their rules, their regulations, and we have abided by the same. SB265 locks in the CTRPA plans, ordinances, rules and regulations and thereby ties the hands and thwarts the ability of any proposed reorganization reorganized by state agency to function in what we feel is a meaningful and innovative manner. This bill would preserve and inherit the current CTRPA set of ordinances, etc..... To continue to have basically the California plan different and distinct from the all-over Basin plan would clearly undermine what we are all trying to do. A well-protected and workable plan for the entire Lake and Basin is what we desire. One particular area which directly affects all of us has to do with the problems of transportation. The City of South Lake Tahoe, the advisory planning committee of CTRPA, TRPA governing board, have adopted a short range transportation element to the TRPA plan which includes a loop road around the casino area as well as a by-pass road to alleviate congestion on Highway 50 to protect the safety of pedestrians and the motorist alike and to palliate air pollution problems. We would suggest that any amended bi-state compact include the implementation of that element as a basic part of such a compact. This is clearly in the interest of both states and local government. As an aside, I would point out that the CTRPA transportation plan would prevent both the loop road and the by-pass element. May I mention in conclusion a fiscal note which certainly impacts on local government. It is our city's experience that over a two-year period exclusive of staff time our allocation of expenditures is around \$155,000. If you consider the staff time, office expense, overhead, reproduction costs, auto expenses, it adds up to an additional \$50,000 to \$60,000 annually. These costs will escalate yearly and our finance and planning department estimate our annual costs at approximately \$250,000 a year for the next five years, if no reimbursement for

local government costs is included in any legislation. AB4160 was not supported by any locally elected body on the California side of the Tahoe Basin.....We appeared at hearings, we spoke at the Assembly Natural Resources Committee, the Assembly Ways and Means Committee, the Senate Local Government Committee and the Senate Finance Committee. At the state level, three of our four elected representatives in the Basin, in both the Senate and the Assembly, voted against the bill. Local government can and will support reasonable, realistic and equitable land use planning, planning measures that address the environment as well as the socioeconomic and the human needs and include the desires of our residents and our visitors."

In reply to Chairman Sheerin's question concerning the loop road situation which is local government, Mrs. Laine said there have been very productive meetings with the Douglas County Commissioners and a Memorandum of Understanding has been drafted which speaks to the completion of the loop road as soon as easements and funds can be arranged. And in the case of South Lake Tahoe, as soon as agency clearances can be obtained.

DON CROSBY, Nevada State Highway engineer, said the highway department very definitely supports a bi-state planning effort. He said it is the only way transportation problems in the Basin can be solved. However, highways are not necessarily the total solution to transportation problems in the Basin. There is going to have to be a heavy emphasis on transit. A stateline by-pass is a part of the solution of the transportation problems. It is the belief of the highway department there should be a single Basin-wide planning agency. A by-pass at the South Stateline is absolutely necessary in conjunction with a transit service. Nevada has been in a position to build a by-pass for several years. About 1970 the two states were within six weeks of going to a contract on that by-pass and then it blew up at that particular point in time. Nevada is ready at this time to proceed with construction of that by-pass. Nevada has the funding and the ability to go ahead, but we do not have the support and cooperation of the State of California.

RAY KNISLEY read a prepared statement, entered in the record and attached as EXHIBIT "S". In addition, he endorsed everything said by Dick Scott. Mr. Knisley said Senator Laxalt has been quoted on dual majority. He very carefully said "preserve the dual majority," he did not mention preserve the dual majority and the 60-day provision. The dual majority and 60-day provision may make life easier for Douglas County in its desire to expand at Lake Tahoe, yet it is the ruination of Washoe County and its

sewer problems and health problems of drinking water. Make a few amendments in SB266 to clean it up. The suggested amendments to SB266 as marked and attached as EXHIBIT "D1". Mr. Knisley indicated these amendments would create a bill that the agency can live with---a single state agency at Tahoe. It has a minimum of interference with the local government and it definitely would get the states out of the business of legislating contrary to a plan which they mandated by the compact that TRPA established. It appears SB266 does repeal Nevada TRPA and the bill which is now on the books which was passed by the last session.

EDWARD SMITH, Zephyr Cove, read a prepared statement, entered in the record, attached as EXHIBIT "E".

FRAN BREEN, representing Oliver Kahle and Steve Bourne, both of whom own property in areas indicated on maps displayed on the wall, entered in the record, attached as EXHIBIT "F" and EXHIBIT "F1", pointed out legal description contained in SB267 is in error on the Oliver Kahle property. He presented a corrected description for inclusion in the bills. Commented the three-year question as outlined in SB266 and SB267, should be extended by any period in which the hotel is in litigation whether it is before or after construction started. It has been said that the language appearing on page 8 of the Act (same in both SB266 and SB267) would in affect, remove gaming from the control of the TRPA, save and except the building would have to conform to the land use coverage, height limitations, etc. The language in the bill does not do that. The only change in the new language is that it does recognize gaming. Under the old Act, the TRPA has taken the position they have to approve these clubs. The new language reiterates that control of the TRPA. That is further born out on page 12 where it says in areas described, gaming shall be permitted as a conforming use and the game use shall be permitted to expand within the areas without review of such expansion by the agency. If you were building a new hotel, the agency would have to review; if you were expanding, the agency would not have the review. I suggest language similar to that on page 12 be included on page 8, except it would refer to new projects. The dual majority in the present TRPA has not been very satisfactory. Mr. Breen suggested consideration of either SB266 or SB267 doing away with that dual majority. He said the one thing to remember about TRPA that even today that once an ordinance has passed, it takes only a negative vote to keep that ordinance in effect. It takes a dual majority to pass it, but only one state to prevent its repeal. If this bill is passed, the only way you could ever change this without California consent, is to withdraw from the compact. What you would do by

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doing away with the dual majority is saying that California, "you now can stop anything on the Nevada side." And what you are giving California is an opportunity if the present tendency continues, would be to invoke not only the philosophys; but the rules and regulations of CTRPA. All a California delegation has to do is to adopt as their criteria on the TRPA, the California TRPA rules and regulations and that means a 30% land coverage instead of the 50% or 60% land coverage as we have. It means the height limitations would be as they have it and it means that for any reason whatsoever, that once you have given away your sovereignty that they could stop any project in Nevada.

TOM COOKE, member of TRPA, appointed by the Governor two years ago. However, pointed out he was not speaking for the TRPA nor the Governor, nor the administration, but representing the public at large. He said if we pass SB265, California has clearly indicated it believes the compact deficient in some very important respects and also the recent reorganization of the CTRPA and California's increased reliance upon that agency to protect its side of the lake is a pretty clear signal that unless Nevada is willing to make further substantial changes in the compact, TRPA may indeed confirm its critics and become both in theory and in fact, a "paper tiger." Gov. O'Callaghan has met the challenge head on by calling upon this particular legislature to demonstrate Nevada commitment in clearest terms to preserve Lake Tahoe and its Basin. If the states cannot agree on a workable compact this year, it will be left up to each state and to the several counties and to the City of South Lake Tahoe to individually try to plan the areas within their respective jurisdiction. To adopt this alternative is to invite federal intervention. The Federal Government owns 67% of the land in the Tahoe Basin and it has spent over a hundred million dollars in various projects, and it is obvious that it has a very significant stake in the future of this lake. If the states cannot affect a workable compact so that it can effectively defend the public interest, the Federal Government in all probability will. If the people think the TRPA is usurping local control now, they should ponder the alternative. If the states can't compromise the differences, the days of the TRPA are numbered. Mr. Cooke offered proposed amendments to SB266, entered in the record, attached as EXHIBIT "G". SB266 could serve as an affective bi-state compact with proposed amendments. Printed copy, "Impacts of Potential Hotel/Casino Expansion at Lake Tahoe," by Tahoe Regional Planning Agency, dated January, 1977, entered into the record, attached as EXHIBIT "G1". Mr. Cooke concluded by saying more tools

are needed. Nationwide advertising by casinos at the Lake bring in many visitors causing the population to burgeon particularly at the South end of the Lake, all of which contributes to the pollution and degradation of the Lake, may very well be a constitutional basis for federal interference with its theoretically state protected enterprise. The Lake may not be immune under the 10th Amendment. Gaming may just subject us to federal intervention and federal legislation. Mr. Cooke believes the dual majority rule should be changed because as it now exists, it is a sham of honest intent, and he believes SB266 can affectively take care of these situations if some of the suggested amendments are made. Mr. Cooke is opposed to SB267 for the record.

GEORGE ABBOTT, special Counsel to Douglas County, in reply to the Committee's question, "Where is the compromise?", said it is "right here," (pointing to maps displayed on the wall). Mr. Abbott said the whole keystone of the Nevada acceptance of entering into the bi-state compact was that their sovereignty would be preserved. That each state would decide what it wanted to do with gaming. Mr. Abbott supports Senator Laxalt for urging this body to please preserve the dual majority. California affectively tore up the bi-state compact two years ago when it brought the CTRPA into being. They announced there would be no bi-state compact unless the game was played their way. We would offer for exchange to them if Nevada feels compelled that having announced in the beginning that there would be no California voices in Nevada gaming, we are now going to write into the bi-state compact extensive gaming language through the red line. If Nevada feels compelled to do that, and it be the way to get California back into the compact without giving away our sovereignty, then I urge you to preserve dual majority. Mr. Abbott agrees with SB267 with some minor changes. SB265 does away with Nevada's control of gaming; it also does away with dual majority which is bad. SB266 does away with dual majority, and on page 12, lines 46 and 47, gives Nevada control of gaming and puts it back in the agency. A compact means equality. Each of you is affected in your own area by integrity of agreements. If the bi-state compact were repealed tomorrow, there would be 30 federal agencies in here telling Nevada what to do. And in one significant area alone, that 700,000 acre feet of water that spills over at Tahoe City and comes down into the Truckee Meadows, and a part of it is diverted into the Carson River, would be the first stop. In reply to Senator Dodge's question as to what can be done to make the compact workable, Mr. Abbott answered, retain the dual majority sovereignty and write in red line with slight modifications, but as a

necessary commitment of that, require California to oust CTRPA from having jurisdiction in the Basin. Nevada's acceptance to this is conditioned upon CTRPA being ousted. The CTRPA is anomaly. It was ingrafted upon TRPA to block everything that was done. They cut their funds three-quarters to TRPA and turned them over to CTRPA. If you enact legislation that would do away with dual majority, I suggest to that, it would be an admission of Nevada's estate, and its agencies and its counties and its people are either unwilling or unable to properly and wisely manage the resources at Lake Tahoe, or that Nevada believes California can do it better or that neither state can be trusted to be responsible for final action. If it is necessary to demonstrate Nevada's good faith in the compact, then I think SB267 is the way of doing it without the little tag-along line at the end which tosses the TRPA back into the thing.

Five years ago, Dick Heikka, former executive director of TRPA, made a statement quoted in Tahoe Daily Tribune, ".....faced with lack of support from the Federal Government for land acquisition program, and the threat of lawsuits from property owners, the TRPA may wind up in the awkward position of having to save Lake Tahoe by allowing some development on lands which have been zoned for recreational use only. A proposal to give private landowners back the right to develop several hundred acres to some extent was unveiled here yesterday at the meeting of the agency planning commission. Mr. Heikka said the action should be taken because there are no funds to purchase the land and property owners are threatening legal action. 'I do this with some degree of reluctance,' he said, 'but the use of zoning to hold up development puts the agency in an extremely dangerous position regarding lawsuits.' Heikka said a congressional committee earlier this week blocked a fifteen million dollar appropriation measure that would have been used to buy some of the land. 'If the U.S. wants to save Lake Tahoe, then by God it had better put up some dollars. We were not given the tools to implement a regional plan which the agency adopted last year to protect environment and control development. Until the private land is bought however, it is not appropriate to use recreational zoning as a black jack to drive down property values when we are looking at an acquisition program 20 years away,' Heikka explained."

Hearing recessed at 5:55 p.m. and resumed at 7:20 p.m.

DWIGHT STEELE, Tahoe City, President of the League to Save Lake Tahoe. He stated the League supports SB265 and opposes SB266 and SB267. He outlined the objective of the League as a non-profit, public benefit organization, to protect

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the value of the Basin and make it available to all members of the public, and not to protect a special interest of people who currently live there, own property there or have vested interest at Tahoe. The League played a major role in the establishing of TRPA in 1966, but the TRPA has failed to carry out legislative mandates and to slow up urbanization at the Lake. Several reasons for decline of TRPA since 1971 include: 1) the defects in the compact which are now being considered remedied and which, in our opinion, are best addressed in SB265; 2) another reason is the majority control of TRPA decisions by local government representatives who must respond to local pressures for local development increase in the tax base, etc.; 3) the staff is being disposed to accommodation rather than forceful compliance with the compact; and 4) it is generally agreed that importance of the gaming industry to Nevada and the desire of that industry to highrise hotels at Tahoe has created a serious and so far insurmountable problem with bad results. Highrise buildings are not a moral issue, but they create more traffic in to the Basin. If gambling could be a going business without these bad effects we wouldn't get so hung up on what seems to be emotional issues. Mr. Steele said the time has come to either strengthen TRPA or to find some other alternatives to relying on TRPA. His group believes that if SB265 is given a "do pass" by this committee and finally enacted, there is some hope that TRPA will function as originally intended. Major changes in SB265 are based on several studies and recommendations and compromises were worked during debates in California last year, and it provides the means for forceful action to try to make TRPA to function as it was intended. Mr. Steele indicated his organization is opposed to SB266, although it would correct the voting flaw in the present dual majority 60-day rule and provide civil penalties, it neglects other necessary changes. SB266 would not recognize the higher standards of Nevada or California agencies--it would not improve the language of the findings and declarations, policies nor the financing provisions, nor would it give TRPA the authority to review public works project proposals. On the "Grandfather" clause issue, the approach in SB266 and SB267 would make the situation worse than it is now. It would be better to leave in the "Grandfather" clause rather than follow the red line approach. The importance of gaming to Nevada is recognized, but feels casinos and highrise hotels should not be at the Lake. SB267 contains the worse features of SB266 and practically none of its good features. In addition, it seems to mandate the construction of additional highway expansion creating an increase in automobile congestion. Mr. Scott respectively urged a "do pass" to SB265 and a "do not pass" to SB266 and SB267.

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DOROTHY W. BOYD, South Lake Tahoe, read prepared statement,
entered in the record, attached as EXHIBIT "H".

TERRY A. TRUPP, Executive Director, Council for Logic, a bi-state citizens coalition in the Lake Tahoe Basin. Mr. Trupp said, "One of the reasons that the proposed bi-state amendments are being brought before this committee is an attempt to convince the committee that it has been ineffective. To touch lightly on how ineffective it has been, in its first act, it downzoned 34,000 acres of private land into green belt. The remaining developable parcels were reduced in excess of 50% of allowable density in use.....The financial impact on El Dorado County just in the portion which resides within the Basin, was the loss of fifteen million dollars a year in tax revenue.....The CTRPA reduced it again last year in the same area by another 12.5 million dollars in revenue. We could support at least in part SB267. The other two bills shift again the power to out-of-Basin political appointees who are not responsive. There is still no mechanism in any one of these bills providing for compensation for damage to individuals, and that probably is the key thing which infringes upon the sovereignty of this state." Mr. Trupp related a court case which took place, the State of New York vs New York-New Jersey Port Authority which was tried in Supreme Court. Those states did not preserve their sovereignty and at a point in time the State of New York came before the Port Authority and said you are violating the laws of our state. Litigation was pursued and the Supreme Court decisions were very basic and simple. "Inasmuch as the State of New York failed to preserve its sovereignty, the laws of that state no longer apply to the compacted area and that compacted area became a sovereign." Mr. Trupp continued by saying, "We have heard much discussion today in regard to the rights of the states and the rights of outside of the Basin, the potential visitors, etc., but I have heard nothing about the rights of the people inside who have over the period of the last four or five years been deprived of their property, their liberty, their elected form of government and literally now are being challenged by the State of California as to their right to travel through the area in which they live. We sit here now discussing red lining a casino area,----and at the same time in the halls of the California Legislature, they are preparing to put a bill out which creates a transportation authority which has intent to stop people coming into the Tahoe Basin, charge them a user fee for coming in, or force them to ride a bus. They intend to limit the number of people coming in... As to what TRPA was supposed to be and what is being discussed today, there is a very wide spread. Both the governors who signed this into law

have now publicly stated that they regretted doing so based on the monster they created. When it was originally established, its function was to be advisory. Now we have a dictatorial body of bureaucrats who literally claim jurisdiction over the air we breathe, the water we drink, the land we live on, and the roads on which we travel....which has been assumed by them, not enacted by you. There was never any provision for the TRPA to intrude on the gaming portion in the Tahoe Basin and yet they continue to do so. The CTRPA has been established for one purpose....to be used as a stick to hold over your head to beat you into compliance with the mandates of those in the California Legislature....If Nevada intends to remain sovereign, I think now is the time for them to talk aboutIf the regulations and rules become law and the Supreme Court decision regarding the New York/New Jersey Port Authority were used as precedent, then where do the people who live within the confines of that Basin turn, because you will have taken away their state constitution, their state rights and you will have left them under the jurisdiction of a foreign body over which they have no right to even recall, referendum or anything else. These are severe problems. Socially and economically I would like you to consider something as well. All the money that has been spent at Lake Tahoe has been spoken to. A hundred million dollars in acquisition by the U. S. Government.....The first act of downzoning by TRPA deprived local residents of a billion, two-hundred million dollars worth of property.....I admit there is a problem in establishing any kind of development that brings people, but does it bring people or does it simply accommodate their desire for recreation. It's bad to build 8,000 new jobs. Unfortunately we have greater than 8,000 unemployed. Yet we are not doing anything to accommodate their needs. The agency has functioned for quite sometime and over that period of time they have paid a lot of lip service and spent a lot of money talking about the environment. I would like to have any one of their members stand up here and tell me what they have done for people. What is being created at Tahoe is a playground for the wealthy. At some point in time, there is going to have to be a decision made by you and I hope it will be to preserve the sovereignty of your state to establish for your constituents who are a part of your state within the Tahoe Basin, the right to elected form of government and also at the same time establish some kind of mechanism which allows for compensation. For although it may be expensive to the State of Nevada or to the Federal Government to buy land, it is absolutely devastating to the widows and people of little or no economic support who have retired who have now lost everything while people

manipulate and discuss the rights of states and the rights of Federal Governments without any care or consideration at all about those who are forced to comply with the regulations and pick up the check. We can support SB267. We would compel you to mandate that California for any further additions to the bi-state agency that the CTRPA be done away with immediately. There should also be adequate provision made within your bill to secure for the residents of your state some guarantee for California to create and continue access to the Tahoe Basin..... What is the cause of concern in California about gaming? Gaming is mentioned on one ground in California...it is immoral....." Mr. Trupp's presentation was followed by applause.

DENNIS SMALL, Vice President, Harvey's Resort Hotel and Harvey's Inn, stated that group supports the Douglas County position laid down by Garry Stone. They support SB267 and the concept of a red line. They oppose any change in the dual majority 60-day rule. Mr. Small related a personal experience to demonstrate why Harvey's opposes a change in the dual majority 60-day rule. He said he represented Harvey's in an appearance before the governing board of the TRPA with a casino project requesting approval. Harvey's Inn was approved in 1972 and did receive a dual majority vote from each state. However when in 1973, Mr. Small went before the TRPA with a master plan for the Harvey's Resort Hotel property, the vote was four to one in favor in Nevada, and two to three against in California---six yes and four no. That was not a dual majority so the 60-day rule went into affect and approval was gotten for Harvey's Master Plan. This is the most pertinent thing you will hear in favor of leaving the 60-day rule as it is. Without that, Nevada has lost its sovereignty.

Senator Dodge queried what were the grounds of the dissenting votes, and Mr. Small said it wasn't really that simple since it is pretty easy on a large complex project to find various questionable things that will either allow a postponement or whether it is violable. Mr. Small said he understood the red line area as now proposed, in reply to Senator Neal, could not be gone beyond with any kind of variance. Mr. Small said he would be apprehensive about giving up TRPA. He said Harvey's has been in support of the TRPA concept from the beginning and they support the red line concept because they think this is a big step toward compromise. They support SB267. Mr. Small said local government should be given a freer rein, stating the TRPA and CTRPA are holding up the local governments. Senator Echols offered his concern over added employees in the Basin to service the people coming into the Basin---their housing, transportation, etc.

BILL EADINGTON, economist, Reno, read a prepared statement, entered in the record and attached as EXHIBIT "I". Mr. Eadington said an important point on this discussion is that most of the problems being observed at Lake Tahoe about the regulatory agencies and environmental difficulties can be linked back to question of population growth. Lake Tahoe's permanent resident population has grown from 9,000 in 1960 to 26,000 in 1970, and the current estimated level is 40,000. The four approved projects at South Shore will increase permanent residents by about 24,000. If, in fact, there is a limit of how many people can recreate or exist in the Basin at any one time, then by adding permanent resident population you are taking away from all the alternative uses that you may later wish to choose for the Basin. Therefore, I think it is important to create an environment which allows at least a negotiation of this kind of buy-out of casino rights.

BOB BARRY, co-owner of two of the seven existing licensed establishments at the South Shore, directed his comments to Senator Dodge's question, saying we certainly know the problems, what are the solutions? In an attempt to resolve the problems, we have three pieces of legislation: The Gualco Bill, an attempt by California to state it hasn't worked and for whatever reason it is going to work in the future, it will be on California's terms; the Governor's Bill states we do recognize the validity of the "Grandfather" clause of the original compact, but it needs amendment changing the dual majority rule to rejection as opposed to approval; and Senator Sheerin's Bill with the red line which provides for additional areas other than those provided for by the Governor and provides for the preservation of dual majority. Mr. Barry said it is his position as co-owner and operator of Barney's Club and South Tahoe Nugget, that this board should give serious consideration to first isolate the problem areas that each of these proposed solutions will create. It is obvious, said Mr. Barry, based upon testimony, the problems of the Gualco Bill are such that this state cannot realistically live with them because gaming in and of itself, even the structure of gaming, are subject to the tightest control of any business anywhere in the U. S. A Supreme Court decision came down two weeks ago that stated in affect that if a person is applying for a gaming license he isn't even covered by the U. S. Constitution. Another Supreme Court case said that any evidence is sufficient to deny a gaming license to an individual. It is recognized that in the original "Grandfather" clause there was an exclusion for gaming licenses because gaming was and is a uniquely unique business. The Governor's Bill with a change in the dual majority, still does not eliminate the most pervasive problem before this committee which is, even if the red line

were to go into effect and accepted by California, that red line area still must comport under the Governor's Bill to the rules and regulations of the TRPA., i.e. height and land cover requirements. If the red line goes into effect under the Governor's Bill and if TRPA still controls those two key elements, then the structure of dual majority becomes crucial because it does no good to red line gaming on one hand if on the other hand California, through a majority, can tell Nevada what to do in the most highly regulated industry the world has. If the Governor's version of dual majority went into effect, the TRPA can give approval of building a casino (for instance), but it can't be more than 40 feet high and can only cover half of the ground. Thereby restricting building. That is the problem with the Governor's Bill in so far as application of dual majority goes to the issue of red lining. Mr. Barry said that is why he, Douglas County Commissioners and most of the other casino owners at the Lake, support Senator Sheerin's Bill. It is because 1) it recognizes that Nevada is trying to solve a very severe, difficult complex problem; and 2) it does provide that safeguard in the gaming industry so that if a proposal is presented within that red line and a majority of the Nevada people approve that particular project, then that project, absent an approval on the other side, will be approved by default. This bill gives up 11 casino sites, and California should be asked to agree to a road system that we need so badly at the Lake, and guarantees that the people of California will have clear access to Nevada. I think that if we red line without the preservation of the present dual majority, we will break faith with everybody who supported the bill when it was enacted, and the red lining with reverse dual majority means nothing because it would still have to go forward for variances, etc. Mr. Barry suggested the consideration of the committee of Dick Scott's extremely good point in that the reverse dual majority would give Nevada more control over the admittedly uncontrolled development of California than vice versa. A solution would be that Senator Sheerin's Bill be amended which simply deletes those areas defined in his bill as a part of the compact at all. That is to say that red line areas, the TRPA has absolutely no jurisdiction over whatsoever and that the power to develop, to zone and to construct and supervise those operations as exclusively within the control of Nevada and the local political subdivisions. Mr. Barry said he believes gaming is sufficiently unique as representative in Supreme Court decisions, to be excluded from the compact altogether in any way, to let Nevada control the gaming. That might be a long range solution to this particular problem. In testimony today, one point is very clear: That most of

the governing or the people who have anything to say about anything in California is concerned, gaming is the objective. In reply to Senator Echols, Mr. Barry said some plans have been implemented already to accommodate employees. He said a casino owner or a businessman will provide employee housing if it is necessary to operate his business.

GEORGE ABBOTT submitted a copy of " Summary of Tahoe Transportation District Legislation," entered in the record and attached as EXHIBIT "J".

RICHARD BLAKEY, representing Park Cattle Co., said in support of Senator Sheerin's Bill, "If there is a good way to put an end to any prospective gambling at the Lake, SB265 will do it. If there is a better way to get the Federal Government into the act, I haven't read it." Mr. Blakey said Senator Sheerin's Bill with the idea of a red line district is the kind of compromise California should accept as reasonable and as a confession that is significant to the point of view of people in and about the Lake. The Park Cattle Co. is the one land owner that is making a significant concession with respect to the value of its land because presently it owns land on either side of Highway 50 which extends up to Kingsbury. With respect to SB267, Mr. Blakey proposed the so-called Area "A1" on the Lake side of Highway 50 in Area "A", be extended up to the 4-H Roadway because it is not good planning to freeze the area of a prospective gaming establishment 10 years from now in the area as drawn on the map. Limitation of importance is there should be only two licensed gambling establishments on all of that property which should accommodate the principle interest of those who would like to restrict gambling to less than it presently is. In 1969 when the statute was adopted and became the compact, it was perfectly clear to the Legislature and others that Nevada intended to keep California from having any significant control of the gaming industry and the provision was rather delicately written, and later turned out to be ineffectively written, but the provision had that plain purpose which was known also to the Legislature of California. Senator Dodge has pointed out there is something slightly immoral about departing from a pretty clear representation. There are some people in California and Nevada who would put an end to gambling altogether. That was not the intention of the Legislature in 1969 which was known to everyone. Mr. Blakey said the red line should be adopted. It should be a reservation of the Nevada sovereignty. It should be made perfectly clear that the Legislature here intends that those areas red lined are intended to be free of control of any members of the TRPA of California.

The idea that it be excised is one that will put an end not only to the controversy between the two states, but even more importantly it will prevent those who delight in bringing lawsuits. If the language is clear enough it will afford a basis for a summary judgment when surely someone from the League to Save Lake Tahoe or from the Sierra Club or both will commence an action only to appeal if they lose. It seems the legislature has an obligation when it means something to say it so perfectly clear that it cannot be misunderstood. Mr. Blakley said appropriate language should be drafted to eliminate successive lawsuits in those red line areas. With regard to transportation, Mr. Blakey said the transportation authority should be vested in one body in whom there is confidence. A plan which should be defined and Nevada and California should be committed to support and to fund it. Mr. Blakey volunteered to write some language which he thinks would spell out clearly the intent of the Nevada Legislature. Chairman Sheerin accepted the offer.

HENRY J. MARTIN, resident of Lake Tahoe, in talking, reminded the committee that the agency that is the subject of these hearings was to have been a planning agency. He read a recent decision from a district court, "It is clear from the foregoing provisions of the compact and NRS 278.025 that the legislature has delegated extensive powers to the TRPA governing board, including the power to adopt ordinances such as the land use ordinance involved in this case. These same provisions subordinate the ordinances of the respective counties involved to those adopted by TRPA." The local control concept of the Democratic system or the Republican system is no longer prevailing in the Tahoe Basin, Mr. Martin said. TRPA was also given power to enforce and ensure compliance for the ordinances and regulations enacted by it. In the taking of property and downgrading and downzoning that is being done by the agency, they propound to be legal now as they are doing it with the benefits of the police power. Mr. Martin read a document which explains police power which is defined simply as the power to govern and is without any reservation in the Constitution of the U. S., Nevada, and California. Mr. Martin continued, saying the power exercised by enactment of laws can destroy private property for the public good without just compensation, or even abolish the inalienable rights of private citizens for the public good. This awesome power must remain in the hands of the elected representatives of the people. The TRPA is not representative of the people, it is an entirely appointed, not-elected body---a sort of a satellite government disconnected from the states of Nevada and California and from the U. S. Mr. Martin said it in itself is not sovereign nor is it constitutionally official. The bi-state compact declares

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it to be a separate legal entity. As an alternative, Mr. Martin would like to see local government and the counties given the opportunity to function as our form of government is designed to let them function. Mr. Martin read a Resolution passed in August, 1976, by the National Convention of The American Legion, Seattle, Wash. Entered as part of the record, attached EXHIBIT "K". Also entered as a part of the record, a Resolution by the Lake Tahoe Jaycees, attached as EXHIBIT "K1".

MILTON MANOUKIAN, attorney representing Harrah's and other private property owners, related to the committee how he recalls having met with Governor Laxalt and other people just before a special session of Legislature convened at which time the TRPA Compact was adopted by Nevada Legislature. The substance of the testimony heard here today bears no resemblance to the intent of that conversation or compact as it was passed at that time. The matter of red lining of gaming was adequately covered in the initial legislation and is being asked to be covered here again. A compromise was made at that time with California that the gaming areas located at the shores of the Lake were clearly defined and reserved for gaming. Mr. Manoukian reiterated testimony by Mr. Blakey and Mr. Barry, saying all that is necessary is to add some language removing any question with regard to good faith of Nevada Legislature in attempting to cooperate with the California Legislature in adopting some palatable amendments to the TRPA Compact: SB267, line 42, page 13, "gaming shall be permitted as a conforming use and a gaming use shall be permitted to expand within the areas without review of such expansion by the agencies subject only to applicable state law, and shall not in any respect be subject to the jurisdiction of the agency." Mr. Manoukian said he would be supportive of strengthening that language of SB267 with regard to the definition of the areas which are going to be red lined in regard to gaming. It is certainly a good and strong step toward a compromise which should be palatable to California.

In referring to the 34,000 acres of land which have been downzoned, there have been Supreme Court cases decided in California which are called the "blight." We have 34,000 acres of "blighted" land in Lake Tahoe Basin because various members of the TRPA staff and governing body have traveled to Washington in efforts to solicit funds to acquire those properties in the name of Forest Service and other governmental agencies. The invidious feature in all this is that they have "blighted" the title and value of that property to the extent that it has been rendered totally valueless and unmerchantable on the public market. The net effect is that they have done this by ascribing their stated purpose in acquiring those lands

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and taking them out of private ownership for purposes of green belting. Mr. Manoukian said he did not quarrel with that if that is in fact the purpose and the thrust of this policy on the part of the agency, but they are not given the power of eminent domain. So until some amendment is provided for, circumscribing and limiting the powers of the TRPA to downgrade by that avenue and in so doing "blight" the title to that property, there will be some massive and tragic financial losses.

Senator Dodge asked if a red line area is defined to limit gaming expansion, then will the rest of the commercial zone that existed at the Lake be used for other commercial purposes. Mr. Manoukian replied that if you don't define the red zone and take it clearly out of the jurisdiction of the TRPA, then there will be a requirement to meet all sorts of conditions which really put that project out of reach. They say the area will be "Grandfathered" in, but that doesn't mean anything if you otherwise have to satisfy a lot other requirements. The commercial zones are left unaffected by this red line stand on whatever other amendments you choose to make occur in this proposed amendment to the compact.

Chairman Sheerin said the land is presently zoned general commercial and it would continue to be zoned that way and have those general commercial uses available to it irrespective to what any of these bills say.

LEE KOSSO, Reno, representing the Nevada League of Women Voters, read prepared statement, entered in the record, and attached as EXHIBIT "L".

TOM JACOB, with staff of TRPA, read a Resolution of the TRPA, entered in the record and attached, EXHIBIT "M". Mr. Jacob took a stand to clarify a matter raised by Mr. Manoukian regarding the agency's involvement in downzoning and property acquisition and by reference inverse condemnation. In the cases handed down to date and the initial case on this matter which probably has the greatest impact, was handed down by Judge Thompson in which he indicated that the agency did not have the power to condemn and that should the agency's ordinances be deemed to be invalid as they apply to any particular property, the remedy in that instance would be to set aside the ordinance and return the zoning which was originally on the property. In reply to Senator Neal, Mr. Jacob said during the first two years of the agency's function, the primary task was the acquisition of environmental knowledge in form of a number of planning guides which attempted to bring together professionals with expertise in various areas such as water quality, air quality, soil and vegetation to

translate their state of the art of understanding those environmental areas into recommendations for planning policies. It was from these recommendations that the 1971 general plan of the TRPA was developed and the most principle feature of that is "the land capability classification system," which was developed by the Forest Service/Tahoe Basin planning team which aggregates information on soil, hydrology, vegetation, geology, and geomorphology into an assessment for the potential for environmental damage that would result from activity normally associated with development, such as clearing of vegetation, grading of sites, etc.

KENNETH KJER, Douglas County Commissioner and Douglas County's representative on TRPA, explained Douglas County's fears of the red line concept and the affect it will have as far as dual majority in Nevada. He cited improvement districts that were created prior to TRPA that then were downzoned by TRPA, reducing the amount of units available in improvement districts ultimately causing Round Hill General Improvement District to be delinquent in the amount of three and one-half million dollars in bonds. Kingsbury General Improvement District is delinquent \$600,000 in bonds. This, said Mr. Kjer, is a direct result of downzoning or reducing units available through the zoning of TRPA. Mr. Kjer said Douglas County feels it could propose a plan to the TRPA that would bail out these districts by allowing several units be built to absorb the bonds. If the protection under dual majority is not retained, Mr. Kjer said, it is possible California could just not approve any additional units on Nevada side. It will be detrimental to Nevada and Douglas County if we do not retain some sort of sovereignty, Mr. Kjer said. It is up to Nevada Legislature to take a positive approach without giving up state rights for cooperation. Senator Neal asked Mr. Kjer if he actually ascribed to the purpose of the compact. Mr. Kjer said Douglas County ascribes to planning to protect Lake Tahoe, distinguishing between regional planning and regional government. He said Douglas County favors regional planning, but opposes regional government.

ROGER STEELE, chairman of the Nevada North Shore Property Owners Association, presented prepared statements, entered in the record and attached, EXHIBIT "N" and EXHIBIT "N1".

JOHN JENNINGS, representing Ted Jennings, owner of hotel-casino project, outlined two brief points in SB266 and SB267, saying the legal description in Area "B" is not correct, and according to the approval received from TRPA, the entire property was approved for a hotel-casino. Mr. Jennings requested the bills be amended to include the proper legal descriptions which he will furnish to the committee.

CONNIE JOE PICKING, Kingsbury Highlands, Douglas County, pointed out she is not in any way connected with gaming interests at Lake Tahoe, that she and her family own a one-family dwelling where they reside and one other 2/3 acre lot for a single family dwelling. Speaking as a private citizen about the TRPA controversy which continues year after year, Mrs. Picking said all are aware the controversy stems from the fact that through downzoning by TRPA people are being denied the use of their land without just compensation and due to a lack of understanding of the motives of Douglas County Commissioners in opposing TRPA. She said TRPA is doing its job the best way it can, but that the Douglas County Commissioners have a responsibility to their constituents and feel that in order to do that job they need to maintain as much control as possible. The residents of Douglas County do not want the Lake ruined, said Mrs. Picking, but they do want the rights of individual property owners preserved. It is going to take some courageous action on the part of some realistic legislators to break the empassé said Mrs. Picking. She opposed the Gualco Bill and supported the concept of limiting gaming through the adoption of the so-called red line. She said ideally a red line bill would be produced through a joint effort of a TRPA governing board, Douglas County Commissioners and Washoe County Commissioners, with public hearings on the matter before recommendations. Mrs. Picking respectively requested the committee to take the following steps to save Lake Tahoe: Appropriate funds from the general fund of Nevada in the sum of five million dollars to be used to purchase the smaller parcels of land especially owned by individuals which would guarantee no further development, and put the property once acquired under the State Parks and Recreation Dept. The TRPA has no acquisition powers, so the property has not been preempted by the agency.

HAROLD DAYTON, Douglas County Commissioner and former member of TRPA governing board, read prepared speech, entered in the record and attached, EXHIBIT "O". A prepared overview on TRPA, entered in the record and attached EXHIBIT "O1". (Applause).

NAT SINCLAIR, Lake Tahoe resident, urged adoption of SB267 with dual majority control, saying Nevada must retain its sovereignty. Mr. Sinclair said he believes things that have happened at Lake Tahoe were primarily inspired so that California could eliminate gaming in Nevada. He said the CTRPA definitely states the TRPA is a planning agency, and in the first paragraph it specifically states there should be a compatibility between the environment and the economy. CTRPA was supposed to be subordinated to TRPA and its sole purpose was a transportation plan, yet it has become involved in every one of

the factors at Lake Tahoe. He said California is talking about installing 40 acres of parking lots with a user tax. Mr. Sinclair said the final trust is California is trying to get Nevada out of the gaming business. He stated there is sufficient housing at Lake Tahoe. Last year the City of South Lake Tahoe issued 1,250 building permits in the city for a total building cost of fifty million dollars. These are small people building homes who are afraid they won't be able to build. In conclusion, Mr. Sinclair said if Lake Tahoe is to be saved for the masses, then let the Federal Government handle their fair share of the problems at Lake Tahoe.

CURTIS PATRICK, member of the Commission of the Lake Tahoe Fire Protection and a member of the property owners association at Glenbrook, discussed two issues. He said in supporting SB267, the hope is this will make meaningful changes in the compact and also that there is a very grave fire danger and catastrophe danger problem previously mentioned pursuant to the by-pass road. There are tremendous traffic tie-ups from the fire department headquarters at Elk Point Road and because of that and because the traffic backs all the way up from the casinos and Kingsbury Grade to Round Hill, the fire apparatus has to drive on the opposite side of the street facing oncoming traffic. He respectfully asked that this alleviating factor be considered.

GEORGE FINN, representing the League to Save Lake Tahoe from the League to Save Lake Tahoe, said the subject of the hearing seems to be that we are going to "cut off the good leg and hope the bad leg will get well, but we are still going to be crippled badly if we pass some of this legislation. Mr. Finn presented the "great garbage can election" of 1976, displaying a 30-gallon garbage can painted red, white and blue which was the ballot box. Citizens of Douglas County conducted their own election concerning TRPA, as to the desire of Douglas County residents to retain that agency. Final outcome of the election was: No - 1078; Yes - 119; undecided - 13. "Question - Referendum," entered into record, attached, EXHIBIT "P". "TRPA Referendum Ballot," entered into record, attached, EXHIBIT "P1". "Legal Opinion on Referendum Right in Nevada," entered into record, attached, EXHIBIT "P2". Mr. Finn said approximately 90% of the people of Douglas County voted against TRPA. Mr. Finn proposed control by local government and proposed to limit Nevada and California to elected representatives who pass the laws. He said there is no way a bi-state agency can be elected. In putting the compact into effect the lawmakers failed to

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recognize there were limitations to the structure of it. Neither can there be under the Constitutions of California and Nevada and U. S., a non-elected body passing laws. Mr. Finn said it is necessary to go back 200 years and forget about changing the form of government to non-elected people passing laws governing the use of all the land, air, water, both public and private at Lake Tahoe. There is a statute that reads, "If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered appealed upon certification of the election results." Resolution exhibited, entered into the record, attached EXHIBIT "P3". Mr. Finn proposed that attention be paid to the people in Douglas County and return to local control. The bill proposed here is detrimental to Douglas County. Mr. Finn said why not destroy the casinos at Lake Tahoe? They pay 2/3 of the taxes. They support the schools and build roads and they are the most important part of Douglas County's business, and you people can't, under the Constitution, regulate that by state law. When you set up an agency called a separate legal entity unidentifiable in law to pass legislation as supercedes those of our elective representatives to control the use of all land, air and water, both public and private, in the Tahoe Basin you are effecting the citizens. Mr. Finn said he has studied four years on the TRPA and in reply to Senator Dodge, the casinos do not have to go to the TRPA for approval. Under the compact as it presently stands they have no control over the building of casinos, even the formation of the building or the open space in any respect whatsoever. Under the maximum of law, one cannot do indirectly what one is prohibited from doing directly. And in the compact it says, "TRPA shall have no control over businesses licensed by the State of Nevada." That is the way the compact is now. We don't need SB267. If the casino area is eliminated from control by California, then eliminate the commercial from control by California. And if that is done with the casinos and commercial, why not move into the residential section also and take the control of California out of the whole Basin as far as Nevada is concerned and go back to the kind of government we had before TRPA came into existence.

About the loop road, Mr. Finn said unbeknownst to this committee, there is a Douglas County sub area traffic plan that was adopted by the County Commissioners March 15, 1974, which is still in force which was the basis upon which Jennings and Oliver obtained permission for their casinos. The hearings on that were held by Nevada TRPA, and it passed that agency only because a sub area traffic plan was presented to the agency and

Douglas County Commissioners certified that the casinos would not be allowed to open their doors until that road was built, and they also certified that if no one else would build it, then Douglas County would build it themselves. And that road plan was not a by-pass. It divided Highway 50 into one-way North and an additional road South around the Sahara and Harvey casinos and that road plan was endorsed as a double-A plan by the Nevada Highway Department, and it was said that road would carry upwards to 100,000 to 150,000 cars a day.

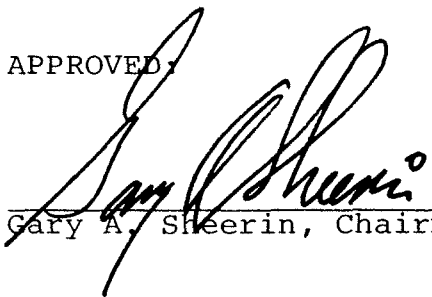
Mr. Finn said don't be fooled into believing that the U. S. Government is going to take over Lake Tahoe. It has already been stated by the Secretary of Interior, at least in the former administration, the government had enough parks and land and problems in the Interior without taking over Lake Tahoe. In conclusion, Mr. Finn said there is no reason to believe Lake Tahoe is ever going to be polluted in the air and the water. It has a self-circulating system. It is 20 miles long and 12 miles wide and 1600 feet deep and that water circulates by the minute and hour and there is no way to pollute Lake Tahoe. The configuration of the Basin causes a self-cleaning, air-conditioning system. Air currents at Lake Tahoe will clean that Basin out at least every three days. Lake Tahoe has a self-executing environmental purification system.

JIM AUBREY, resident of Tahoe Basin, read a letter addressed to all the lawmakers of Nevada stating: You have been legislating laws against the will of the people of the Tahoe Basin and asking the lawmakers to eliminate the TRPA.

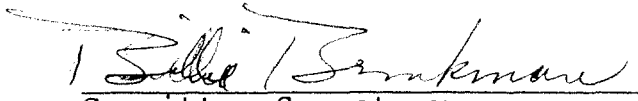
The hearings were adjourned at 11:40 p.m.

Respectfully submitted,

APPROVED:



Gary A. Sheerin, Chairman



Committee Secretary

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 DATE: Mar 14, 1977

COMMITTEE

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

FOR

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING	
EDWARD SMITH (8)		SB 266, 267	SELF	✓
RAY KRISLEY (7)	YES	SB 266		✓
DOROTHY W. BOYD (13)	YES	SB 267	Self	✓
THOMAS COOK (10)	YES	SB 266	SELF	✓
DICK SCOTT (2)	YES	SB 266	Washoe County	✓
KENNETH ROLLSTON (3)	YES	.. 265-267 266	} TRPA	✓
GREG HANSEN				✓
TOM JACOB				✓
MARY STONE (4)	YES	SB 267	Douglas County	✓
B. FARNUM	-	-	HARVEY'S WAGON WHEEL	✓
DWIGHT STEEL (12)	YES	SB 265	LEAGUE TO SAVE LAKE TAHOE	✓
Don Crosby (6)	YES	-	State Highway Dept.	✓
Bill Endington (16)	YES	SB 265	Self	✓
Art Sindow (27)				
Jean Aubrey (30)				
Pat Laine				✓
George Abbott (11)				✓
Donald Dutton				✓
Bob Berry (16)				✓
George Finn				
John				

GUEST REGISTER

Against

DATE: Mar 14, 1977

COMMITTEE

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

Against
DO YOU WISH TO TESTIFY

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
<i>Dora Breen</i> (9)	<i>yes</i>	<i>265-26 267</i>	<i>Oliver Kahl - Stevon Bourne</i> ✓
<i>Jean Cooke</i>	<i>yes</i>	<i>267</i>	<i>SELF</i> ✓
<i>Renae Francis</i> ?	<i>?</i>		<i>Lake Tahoe - Nev. Rep. Wm. [unclear]</i> ✓
<i>Greta Campbell</i> ?	<i>?</i>		<i>" " " "</i> ✓
<i>Balu Wardell</i>			<i>Self</i> ✓
<i>Frank Barley</i>	<i>?</i>		<i>No decision made yet</i> ✓
<i>Grey Stone</i>	<i>Yes</i>	<i>265 266</i>	<i>Douglas County</i> ✓
<i>Richard W. Blazey</i> (17)	<i>yes</i>	<i>265, 266 267</i>	<i>Park Cathe Co</i> ✓
<i>WIGHT STEEF</i>	<i>YES</i>	<i>266, 267</i>	<i>LEAGUE TO SAVE LAKE TAHOE</i> ✓
<i>De/ Laine</i> (3)	<i>yes</i>	<i>ALL</i>	<i>City of South Lake Tahoe</i> ✓

GUEST REGISTER

Environment COMMITTEE

DATE: 3-14

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

FOR

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
Lee Kesse (20)	Yes		League of Women Voters ✓
Margaret Hill	Yes	265	Green Club ✓
Patricia Smith			

GUEST REGISTER

Environment COMMITTEE

DATE: 3-14

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

AGAINST

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
Terry J Martin (18)	Yes	265-87	
Terry A Trapp (14)	Yes	265	Council for Logie Inc.
MILT MANAKIA (19)	Yes	All the bills	HARRAH (AND OTHERS)
George Alford	Yes	all	self - Ding City
Kent Hays (22)	Yes	all	Douglas County
Roger Steel (23)	Yes	All	Nevada North Shore Property Owners Assn
John Jennings (24)	Yes		Ted Jennings
Winnie Dickson (25)	Yes		Council for Dickson
Annita Small (15)	Yes	265, 266 For 267	Norve's Resort Hotel
John M Reedy	Yes	Against 265	Ward Valley Co
Harold Dayton			
John			

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 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 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

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 TOTTALLING 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.

PAGE SIX

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.

120-38

PAGE SEVEN

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.

Kalston

Exhibit "15"

S.B. 266; Last Sentence of Article VI(a)

"In the areas described, gaming shall be permitted as a conforming use and a gaming use shall be permitted to be established or to be expanded within said areas without review by the agency, provided that any such gaming use hereafter established or expanded does not violate any plan, ordinance, rule, or regulation of the agency."

S.B. 266; Last Sentence of Article VI(a)

"In the areas described, gaming shall be permitted as a conforming use and a gaming use shall be permitted to be established or to be expanded within said areas without review by the agency, provided that any such gaming use hereafter established or expanded does not violate any plan, ordinance, rule, or regulation of the agency."

Majority control within cases.

Every scene *Exhibit C*

DOUGLAS COUNTY

WHEREAS, WE, AS THE ELECTED REPRESENTATIVES OF THE CITIZENS
1 OF DOUGLAS COUNTY ARE AS INTERESTED IN THE PRESERVATION OF THE
2 QUALITY OF THE WATERS OF LAKE TAHOE AND THE SURROUNDING ENVIRONMENT
3 OF LAKE TAHOE AS ANY GROUP OR INDIVIDUAL IS. AND,

4 WHEREAS, WE HAVE CONSISTENTLY ACTED IN GOOD FAITH TO FOSTER
5 AND PRESERVE THOSE QUALITIES WE FEEL SO IMPORTANT TO THE TAHOE
6 BASIN AND FULLY REALIZE THAT THE EXQUISITE BEAUTY OF THE ~~NATURAL~~ ^{NATURAL}
7 TREASURE IS THE REASON WHY WE ARE HERE, AND

8 WHEREAS, WE FEEL THAT THE ORIGINAL INTENT OF THE COMPACT
9 HAS BEEN STRANGLING BY BLATANT OBSTRUCTION BY CERTAIN GOVERNMENT
10 AGENCIES OF THE STATE OF CALIFORNIA - NAMELY THE CTRPA - THAT
11 ARE DETERMINED TO DESTROY THE PRINCIPAL INDUSTRY IN THE BASIN.

12 AND, WHEREAS, WE STAND IN TOTAL OPPOSITION TO THE BLATANT
13 ATTEMPT TO DESTROY GAMING IN THE TAHOE BASIN, DEPLORE THE ATTEMPT
14 TO DESTROY THE SOVEREIGNTY OF DOUGLAS COUNTY, AND INDEED THE
15 SOVEREIGNTY OF THE STATE OF NEVADA, BUT DO WHOLEHEARTEDLY
16 SUPPORT SENSIBLE CONTROLS THAT BLEND THE LAUDABLE PURPOSES OF
17 PRESERVATION OF THE BASIN WITH THE LEGITIMATE AND CONSTITUTIONAL
18 RIGHTS OF THE PROPERTY OWNERS IN THE BASIN TOWARD THE END OF
19 SOLVING THE PROBLEMS THAT EXIST WITHOUT THE ELIMINATION OF AN
20 INDUSTRY THAT IS OUR LIFE BLOOD.

21 NOW, THEREFORE BE IT RESOLVED, THIS COUNTY CANNOT SUPPORT
22 MUST ACTIVELY OPPOSE THE GUALCO BILL AND, WITH ALL DUE RESPECT,
23 THE GOVERNOR'S BILL. WE FIND NOTHING WHATSOEVER TO COMMEND THE
24 GUALCO BILL BECAUSE WE SEE IT AS AN UNVARNISHED ATTEMPT ON THE PART
25 OF CALIFORNIA TO RE-WRITE THE COMPACT ON TERMS THAT GIVE TO
26 CALIFORNIA LIFE-AND-DEATH CONTROL OVER THIS STATE'S LEGITIMATE
27 INTERESTS IN THE TAHOE BASIN. UNFORTUNATELY, BOTH THE GUALCO
28 BILL AND THE GOVERNOR'S BILL WOULD, IN OUR OPINION, LEAD TO
29 THAT INEVITABLE RESULT BY STRIKING OUT THE BASIC AGREEMENT OF
30 THE COMPACT: PRESERVATION OF EACH STATE'S SOVEREIGNTY BY THE
31 DUAL MAJORITY AND THE 60-DAY RULE. THOSE PROVISIONS ARE THE
32 HEART OF THE GOOD-FAITH RESPECT OF STATE FOR STATE, AND WE URGE
THEIR RETENTION.

1 AS SENATOR PAUL LAXALT STATED TO A JOINT SESSION OF THIS
2 LEGISLATURE JUST A COUPLD OF WEEKS AGO: "WE INSISTED AT THAT TIME
3 IN ORDER TO INSURE OUR SOVEREIGNTY THAT WE HAVE A DUAL MAJORITY
4 RULE...WE INSISTED UPON IT AS A MATTER OF NEVADA POLITICAL
5 SURVIVAL...I WOULD HOPE IN YOUR DELIBERATIONS HERE THAT YOU
6 NOT SACRIFICE THAT CONCEPT."

7 THUS, WE REPEAT OUR OPPOSITION TO ANY FORM OF LEGISLATION
8 THAT DEPRIVES OUR STATE AND THE STATE OF CLAIFORNIA OF EQUAL SOVEREI
9 PROTECTIONS.

10 WE DO FIND MERIT IN THE GOVERNOR'S BILL IN THE GAMING EXCLUSION
11 CONCEPT. HOWEVER, WE FIND IT BEST EXPRESSED AND EACH STATE'S
12 SOVEREIGNTY BEST PROTECTED IN SENATOR SHEERIN'S BILL---WHICH
13 I WOULD NOW LIKE TO DISCUSS.

14 NOW, THEREFORE BE IT RESOLVED THAT THE DOULGAS COUNTY
15 COMMISSIONERS INDICATE THEIR SUPPORT FOR SENATE BILL 267 WITH
16 CERTAIN MODIFICATIONS AND OPPOSITIONS TO SENATE BILLS 265 and
17 266. THE COMMISSIONERS SUPPORT THE CONCEPT OF THE LIMITATION
18 OF GAMING IN THE TAHOE BASIN AS COMPATIBLE WITH THE PRESERVATION
19 OF LAKE TAHOE. THIS CONCEPT IS EMBODIED IN SENATE BILL 267 UNDER
20 ARTICLE VI AND DESIGNATED AS AREAS A, A-1, A-2 (EXTENDED NORTHERLY
21 TO THE 4-H ROAD, B, B-1, C-1, C-2 and D. WE WOULD URGE THE
22 LEGISLATURE, HOWEVER TO AMEND ARTICLE VI TO PROVIDE THAT THOSE
23 AREAS SO DESIGNATED BE REMOVED FROM THE JURISDICTION OF THE
24 TAHOE REGIONAL PLANNING AGENCY AND BE SUBJECT TO THE CONTROL OF
25 THE STATE OF NEVADA AND THE NEVADA COUNTIES SITUATED IN THE BASIN.

26 THE COMMISSIONERS WOULD FURTHER URGE THAT SB 267, ARTICLE VI (K)
27 BE AMENDED TO PROVIDE THAT THE 3 YEAR TIME LIMIT FOR CONSTRUCTION
28 BE TOLLED DURING ANY PERIODS IN WHICH THE PROJECT IS STOPPED
29 THROUGH LEGAL ACTION.

30 FURTHER, THE COMMISSIONERS WOULD URGE THAT SB 267 BE AMENDED
31 TO PROVIDE THAT THE BILL WOULD PROVIDE THAT THE BILL IS A LEGAL
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TO PROVIDE THAT THE BILL WOULD PROVIDE THAT THERE IS A LEGAL AND
BINDING OBLIGATION ON THE STATE OF CALIFORNIA AND NEVADA TO
FUND AND CONSTRUCT THE LOOP AND THE BY-PASS ROADS.

FINALLY, THE COMMISSIONERS WOULD URGE AN AMENDMENT OF SB 267
TO PROVIDE UNDER ARTICLE III THAT THE RESIDENTS OF THE STATE OF
CALIFORNIA AND NEVADA BE RESIDENTS OF THE TAHOE BASIN.

WITH THE ABOVE MODIFICATIONS, THE DOULGAS COUNTY COMMISSIONERS
BELIEVE THAT THE ADOPTION OF SB 267 WOULD STRENGTHEN THE ORIGINAL
CONCEPT OF THE TRPA WHICH WAS AND SHOULD BE TO PRESERVE AND
ENHANCE THE ~~NATIONAL~~ ^{NATURAL} BEAUTY OF THE TAHOE BASIN AND MAINTAIN
THAT BEAUTY FOR GENERATIONS TO COME AND YET RECOGNIZING THE
NEED FOR PRESERVING THE INTEGRITY OF OUR LOCAL GOVERNING BODIES.

IN CONCLUSION, LET ME RESPECTFULLY REMIND EACH OF THE
COMMITTEE MEMBERS THAT WHILE THESE BILLS MAY APPEAR SUPERFICIALLY
TO ONLY 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. TODAY, IT IS NEVADA-CALIFORNIA. TOMORROW, IT
VERY WELL COULD BE NEVADA - ARIZONA, NEVADA - UTAH, NEVADA - IDAHO,
NEVADA - OREGON. HOW YOU HANDLE TODAY'S PROBLEM MAY WELL DETERMINE
HOW SOMEONE ELSE'S GOVERNMENT THAT GIVES YOU EVERYTHING CAN ALSO
TAKE IT AWAY.

The matter before you is not complex, it is not entering into a new Compact. We have a Compact now but it needs amendments to make it more workable. Last session Nevada's Legislature passed proposed changes which were unacceptable to California. By the language found in SB-265, California has proposed changes more acceptable to its people.

You now have before you SB-265 - the California Act, SB-266, basically the Governor's message language, and SB-267. SB-267 would be a good beginning if we were negotiating as a new Compact, but it does not fit present needs. By incorporating some of the language of SB-265 into SB-266, and adding a few other pertinent changes, a good solution can be had. These changes are shown on the attached copies of SB-265 and SB-266.

If you cannot agree upon a solution to the present impasse, Nevada should seriously consider withdrawing from the Compact, and leave the field to the Federal Government.

Ray Kinley
3-14-77

37-17

RLK Exhibit "D1"
3-14-77

S. B. 266

SENATE BILL NO. 266—COMMITTEE ON ENVIRONMENT,
PUBLIC RESOURCES AND AGRICULTURE

FEBRUARY 24, 1977

Referred to Committee on Environment, Public Resources
and Agriculture

SUMMARY—Restricts gaming to certain areas under control of Tahoe Regional
Planning Agency. (BDR 22-1002)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Tahoe Regional Planning Agency; restricting certain
gaming activities to certain places within the area under the control of the
agency; providing changes in the composition of the agency's governing body;
providing certain civil penalties; and providing other matters properly relating
thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 277.200 is hereby amended to read as follows:
- 2 277.200 The Tahoe Regional Planning Compact is as follows:
- 3
- 4 Tahoe Regional Planning Compact
- 5
- 6 ARTICLE I. Findings and Declarations of Policy
- 7
- 8 (a) It is found and declared that the waters of Lake Tahoe and other
- 9 resources of the Lake Tahoe region are threatened with deterioration or
- 10 degeneration, which may endanger the natural beauty and economic
- 11 productivity of the region.
- 12 (b) It is further declared that by virtue of the special conditions and
- 13 circumstances of the natural ecology, developmental pattern, population
- 14 distribution and human needs in the Lake Tahoe region, the region is
- 15 experiencing problems of resource use and deficiencies of environmental
- 16 control.
- 17 (c) It is further found and declared that there is a need to maintain
- 18 an equilibrium between the region's natural endowment and its manmade
- 19 environment, to preserve the scenic beauty and recreational opportunities
- 20 of the region, and it is recognized that for the purpose of enhancing the

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

6
7 ARTICLE II. Definitions

8
9 As used in this compact:

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

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

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

27 (d) "Regional plan" shall mean the long-term general plan for the
28 development of the region.

29 (e) ["Interim plan" shall mean the interim regional plan adopted
30 pending the adoption of the regional plan.

31 (f) "Planning commission" means the advisory planning commis-
32 sion appointed pursuant to paragraph (h) of Article III.

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

43
44 ARTICLE III. Organization

45 (a) There is created the Tahoe Regional Planning Agency as a sep-
46 arate legal entity.

47 The governing body of the agency shall be constituted as follows:

48 One member appointed by each of the County Boards of Supervisors
49 of the Counties of El Dorado and Placer and one member appointed by
50

1 the City Council of the City of South Lake Tahoe. [Each member shall
2 be a member of the city council or county board of supervisors which
3 he represents and, in the case of a supervisor, shall be a resident of a
4 county supervisorial district lying wholly or partly within the region.]
5 *Any member may be a member of the city council or county board of*
6 *supervisors and shall reside in the territorial jurisdiction of the govern-*
7 *mental body making the appointment.*

8 One member appointed by each of the boards of county commissioners
9 of Douglas [, Ormsby] and Washoe counties [.] *and one member*
10 *appointed by the board of supervisors of Carson City. Any member so*
11 *appointed shall be a resident of the county or city from which he is*
12 *appointed and may be, but is not required to be:*

13 (1) A member of the board which appoints him; and

14 (2) A resident of or the owner of real property in the region,
15 as each board [of county commissioners] may in its own discretion
16 determine. The manner of selecting the person so to be appointed may
17 be further prescribed by [county] ordinance.

18 A person so appointed shall before taking his seat on the governing
19 body disclose all his economic interests in the region, and shall there-
20 after disclose any further economic interest which he acquires, as soon
21 as feasible after he acquires it. If any board [of county commissioners]
22 fails to make an appointment required by this paragraph within 30 days
23 after the effective date of this act or the occurrence of a vacancy on the
24 governing body, the governor shall make such appointment. The position
25 of a member appointed by a board [of county commissioners] shall be
26 deemed vacant if such member is absent from three consecutive meetings
27 of the governing body in any calendar year.

28 One member appointed by the Governor of California and one mem-
29 ber appointed by the Governor of Nevada. The appointment of the Cali-
30 fornia member is subject to Senate confirmation, he shall not be a
31 resident of the region and shall represent the public at large. The mem-
32 ber appointed by the Governor of Nevada shall not be a resident of
33 the region and shall represent the public at large.

34 The Administrator of the California Resources Agency or his designee
35 and the Director of the Nevada Department of Conservation and
36 Natural Resources or his designee.

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

43 (c) The term of office of the members of the governing body shall be
44 at the pleasure of the appointing authority in each case, but each appoint-
45 ment shall be reviewed no less often than every 4 years.

46 (d) The governing body of the agency shall meet at least monthly. All
47 meetings shall be open to the public to the extent required by the law
48 of the State of California or the State of Nevada, whichever imposes the
49 greater requirement, applicable to local governments at the time such
50 meeting is held. The governing body shall fix a date for its regular

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after 11/1/68 was amended. Language from SB 265 - page 4 - lines 44-45-46-47.

1 monthly meeting in such terms as "the first Monday of each month,"
2 and shall not change such date oftener than once in any calendar year.
3 Notice of the date so fixed shall be given by publication at least once in
4 a newspaper or combination of newspapers whose circulation is general
5 throughout the region and in each county a portion of whose territory
6 lies within the region. Notice of any special meeting, except an emer-
7 gency meeting, shall be given by so publishing the date, place and
8 agenda at least 5 days prior to the meeting.

9 (e) The position of a member of the governing body shall be con-
10 sidered vacated upon his loss of any of the qualifications required for
11 his appointment and in such event the appointing authority shall appoint
12 a successor.

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

17 (g) A majority of the members of the governing body from each
18 state shall constitute a quorum for the transaction of the business of the
19 agency. A majority vote of the members present representing each state
20 shall be required to take action with respect to any matter. The vote
21 of each member of the governing body shall be individually recorded. The
22 governing body shall adopt its own rules, regulations and procedures.

23 (h) [An advisory planning commission shall be appointed by the
24 agency, which shall consist of an equal number of members from each
25 state. The commission shall include but shall not be limited to: the
26 chief planning officers of Placer County, El Dorado County, and the
27 City of South Lake Tahoe in California and of the Counties of Douglas,
28 Ormsby, and Washoe in Nevada, the Placer County Director of Sanitation,
29 the El Dorado County Director of Sanitation, the county health
30 officer of Douglas County or his designee, the county health officer of
31 Washoe County or his designee, the Chief of the Bureau of Environmental
32 Health of the Health Division of the Department of Health, Welfare and
33 Rehabilitation of the State of Nevada or his designee, the executive officer
34 of the Lahontan Regional Water Quality Control Board or his designee,
35 the executive officer of the Tahoe Regional Planning Agency who shall
36 act as chairman, and at least four lay members each of whom shall be a
37 resident of the region.] *An advisory planning commission to the agency
38 is created. A majority of the members of the advisory planning commis-
39 sion constitute a quorum for the transaction of the business of the com-
40 mission. A majority vote of the quorum present is required to take action
41 with respect to any matter. The commission shall elect from its own
42 members a chairman and a vice chairman, whose terms of office are 2
43 years and who may be reelected. If a vacancy occurs in either office, the
44 advisory planning commission shall fill such vacancy for the unexpired
45 term. The advisory planning commission consists of:*

46 (1) *The chief planning officers of Placer County, El Dorado County
47 and the City of South Lake Tahoe in California and Douglas County,
48 Washoe County and Carson City in Nevada, or a designee may represent
49 any of these planning officers.*

1 (2) *The nonvoting representative of the United States appointed to
2 the governing body, or his designee.*

3 (3) *Five residents of the State of Nevada, each of whom shall be
4 appointed by the governing body.*

5 (4) *Five residents of the State of California, each of whom shall be
6 appointed by the governing body.*

7 (i) *FOR THIS PURPOSE* The agency shall establish and maintain an office within the region,
8 The agency may rent or own property and equipment. Every plan, ordi-
9 nance and other record of the agency which is of such nature as to
10 constitute a public record under the law of either the State of California
11 or the State of Nevada shall be open to inspection and copying during
12 regular office hours.

13 (j) Each authority charged under this compact or by the law of either
14 state with the duty of appointing a member of the governing body of
15 the agency shall by certified copy of its resolution or other action notify
16 the Secretary of State of its own state of the action taken. [Upon receipt
17 of certified copies of the resolutions or notifications appointing the mem-
18 bers of the governing body, the Secretary of State of each respective state
19 shall notify the Governor of the state who shall, after consultation with
20 the Governor of the other state, issue a concurrent call for the organization
21 meeting of the governing body at a location determined jointly by the
22 two governors.]

23 (k) Each state may provide by law for the disclosure or elimination
24 of conflicts of interest on the part of members of the governing body
25 appointed from that state.

26
27 ARTICLE IV. Personnel

28
29 (a) The governing body shall determine the qualification of, and it
30 shall appoint and fix the salary of, the executive officer of the agency,
31 and shall employ such other staff and legal counsel as may be necessary
32 to execute the powers and functions provided for under this act or in
33 accordance with any intergovernmental contracts or agreements the
34 agency may be responsible for administering.

35 (b) Agency personnel standards and regulations shall conform insofar
36 as possible to the regulations and procedures of the civil service of the
37 State of California or the State of Nevada, as may be determined by
38 the governing body of the agency; and shall be regional and bistate in
39 application and effect; provided that the governing body may, for
40 administrative convenience and at its discretion, assign the administra-
41 tion of designated personnel arrangements to an agency of either state,
42 and provided that administratively convenient adjustments be made in
43 the standards and regulations governing personnel assigned under inter-
44 governmental agreements.

45 (c) The agency may establish and maintain or participate in such
46 additional programs of employee benefits as may be appropriate to
47 afford employees of the agency terms and conditions of employment
48 similar to those enjoyed by employees of California and Nevada gen-
49 erally.

(d) add sub-sec. (d) from page 6 of SB 265 - (lines 36-37-38)

ARTICLE V. Planning

1
2
3 (a) In preparing each of the plans required by this article and each
4 amendment thereto, if any, subsequent to its adoption, the planning
5 commission after due notice shall hold at least one public hearing which
6 may be continued from time to time, and shall review the testimony and
7 any written recommendations presented at such hearing before recom-
8 mending the plan or amendment. The notice required by this paragraph
9 shall be given at least 20 days prior to the public hearing by publication
10 at least once in a newspaper or combination of newspapers whose cir-
11 culation is general throughout the region and in each county a portion
12 of whose territory lies within the region.

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

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

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

23 (2) The owner or lessee of real property which would be affected
24 by such amendment,
25 the governing body shall complete its action on such amendment within
26 60 days after such request is delivered to the agency.

Tahoe Regional Plan

27
28
29
30 (b) [Within 15 months after the formation of the agency, the] *The*
31 *planning commission shall recommend [a regional plan. Within 18*
32 *months after the formation of the agency,] and the governing body shall*
33 *adopt a regional plan. After adoption, the planning commission and gov-*
34 *erning body shall continuously review and maintain the regional plan.*
35 *The regional plan shall consist of a diagram, or diagrams, and text, or*
36 *texts setting forth the projects and proposals for implementation of the*
37 *regional plan, a description of the needs and goals of the region and a*
38 *statement of the policies, standards and elements of the regional plan.*

39 The regional plan shall include the following correlated elements:

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

45 (2) A transportation plan for the integrated development of a
46 regional system of transportation, including but not limited to, freeways,
47 parkways, highways, transportation facilities, transit routes, waterways,
48 navigation and aviation aids and facilities, and appurtenant terminals and
49 facilities for the movement of people and goods within the region.

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

6 (4) A recreation plan for the development, utilization, and manage-
7 ment of the recreational resources of the region, including but not limited
8 to, wilderness and forested lands, parks and parkways, riding and hiking
9 trails, beaches and playgrounds, marinas and other recreational facilities.

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

14 In formulating and maintaining the regional plan, the planning com-
15 mission and governing body shall take account of and shall seek to har-
16 monize the needs of the region as a whole, the plans of the counties and
17 cities within the region, the plans and planning activities of the state,
18 federal and other public agencies and nongovernmental agencies and
19 organizations which affect or are concerned with planning and develop-
20 ment within the region. Where necessary for the realization of the
21 regional plan, the agency may engage in collaborative planning with
22 local governmental jurisdictions located outside the region, but contigu-
23 ous to its boundaries. In formulating and implementing the regional
24 plan, the agency shall seek the cooperation and consider the recommen-
25 dations of counties and cities and other agencies of local government, of
26 state and federal agencies, of educational institutions and research orga-
27 nizations, whether public or private, and of civic groups and private indi-
28 viduals.

29 (c) All provisions of the Tahoe regional general plan shall be enforced
30 by the agency and by the states, counties and cities in the region.

[Tahoe Regional Interim Plan

31
32
33
34 (d) Within 60 days after the formation of the agency, the planning
35 commission shall recommend a regional interim plan. Within 90 days
36 after the formation of the agency, the governing body shall adopt a
37 regional interim plan. The interim plan shall consist of statements of
38 development policies, criteria and standards for planning and develop-
39 ment, of plans or portions of plans, and projects and planning decisions,
40 which the agency finds it necessary to adopt and administer on an interim
41 basis in accordance with the substantive powers granted to it in this
42 agreement.

43 (e) The agency shall maintain the data, maps and other information
44 developed in the course of formulating and administering the regional
45 plan and interim plan, in a form suitable to assure a consistent view of
46 developmental trends and other relevant information for the availa-
47 bility of and use by other agencies of government and by private organi-
48 zations and individuals concerned.

49 (f) All provisions of the interim plan shall be enforced by the agency
50 and by the states, the counties, and cities.]

ARTICLE VI. Agency's Powers

1
2
3 (a) The governing body shall adopt all necessary ordinances, rules,
4 regulations and policies to effectuate the adopted regional [and interim
5 plans.] plan. Every such ordinance, rule or regulation shall establish a
6 minimum standard applicable throughout the [basin, and any political
7 subdivision may adopt and enforce an equal or higher standard applicable
8 to the same subject of regulation in its territory. The regulations] region.
9 Any political subdivision may adopt and enforce an equal or higher
10 standard applicable to the same subject of regulation within its territory,
11 if that higher standard does not conflict with the adopted regional plan
12 of the agency. The agency regulations shall contain general, regional
13 standards including but not limited to the following: water purity and
14 clarity; subdivision; zoning, tree removal; solid waste disposal; sewage
15 disposal; land fills, excavations, cuts and grading; piers; harbors, break-
16 waters; or channels and other shoreline developments; waste disposal in
17 shoreline areas; waste disposal from boats; mobile-home parks; house
18 relocation; outdoor advertising; flood plain protection; soil and sedimen-
19 tation control; air pollution; and watershed protection. Whenever possi-
20 ble without diminishing the effectiveness of the [interim plan or the]
21 general plan, the ordinances, rules, regulations and policies shall be con-
22 fined to matters which are general and regional in application, leaving to
23 the jurisdiction of the respective states, counties and cities the enact-
24 ment of specific and local ordinances, rules, regulations and policies
25 which conform to the [interim or] general plan.

26 Every ordinance adopted by the agency shall be published at least
27 once by title in a newspaper or combination of newspapers whose circula-
28 tion is general throughout the region. Except an ordinance adopting or
29 amending the [interim plan or the] regional plan, no ordinance shall
30 become effective until 60 days after its adoption. Immediately after its
31 adoption, a copy of each ordinance shall be transmitted to the governing
32 body of each political subdivision having territory within the region.

33 [Interim regulations shall be adopted within 90 days from the forma-
34 tion of the agency and final regulations within 18 months after the forma-
35 tion of the agency.

36 Every plan, ordinance, rule, regulation or policy adopted by the
37 agency shall recognize as a permitted and conforming use any business or
38 recreational establishment which is required by law of the state in which
39 it is located to be individually licensed by the state, if such business or
40 establishment:

41 (1) Was so licensed on February 5, 1968, or was licensed for a
42 limited season during any part of the calendar year immediately preced-
43 ing February 5, 1968.

44 (2) Is to be constructed on land which was so zoned or designated
45 in a finally adopted master plan on February 5, 1968, as to permit the
46 construction of such a business or establishment. Any plan, ordinance,
47 rule, regulation or policy adopted by the agency shall recognize gaming
48 as a permitted or conforming use within the region in the following
49 described areas and no others:

1 AREA A. Commencing at a point which is the state line monu-
2 ment at the intersection of the western right-of-way line of U.S. High-
3 way 50 and the California-Nevada boundary, being in section 27, T.
4 13 N., R. 18 E., M.D.B. & M. and the true point of beginning; thence
5 south 48°43'03" east, 82.19 feet; thence south 48°43'00" east, 862
6 feet, more or less, to a point which is the intersection of the California-
7 Nevada boundary and the 1/16 section line of section 27, T. 13 N.,
8 R. 18 E., M.D.B. & M.; thence south 89°42'40" east, a distance of
9 500 feet, more or less, to a point 685.44 feet westerly of the 1/16 corner
10 of section 27; thence north 0°25'42" west, 600 feet; thence north
11 28°02'00" east, 1550 feet; thence north 61°58'00" west, 480 feet;
12 thence south 28°02'00" west, 510 feet; thence north 61°58'00" west,
13 500 feet, more or less, to a point on the easterly right-of-way line of
14 U.S. Highway 50; thence in a northwesterly direction, 80 feet, more
15 or less, to a point which bears north 28°02'00" east, 1633.33 feet from
16 the true point of beginning; thence north 62°03'50" west, 1105.84
17 feet; thence south 28°02'00" west, 787.82 feet; thence north 62°03'50"
18 west, 253.26 feet; thence south 15°08'51" west, 61.68 feet; thence
19 south 19°11'58" west, 69.66 feet; thence south 23°36'05" west, 67.21
20 feet; thence south 28°22'23" west, 68.43 feet; thence south 42°46'11"
21 west, 111.93 feet; thence south 48°34'46" west, 34.30 feet; thence
22 south 31°41'47" west, 15.19 feet to a point on the California-Nevada
23 boundary; thence south 48°43'00" east, 1412.11 feet to the true point
24 of beginning. The described area contains approximately 85 acres.

25 AREA B. Commencing at a point from which the common section
26 corner of sections 22, 23, 26 and 27, T. 13 N., R. 18 E., M.D.B. & M.
27 bears north 60°13'00" east, 127.20 feet; thence along the westerly
28 right-of-way line of U.S. Highway 50 a distance of 194.96 feet to the
29 true point of beginning; thence north 61°00'33" west, 199.72 feet;
30 thence south 24°26'47" west, 75 feet; thence south 61°00'00" east,
31 12.36 feet; thence south 18°24'08" west, 121.97 feet; thence north
32 61°00'00" west, 180 feet; thence north 18°23'35" east a distance of
33 20 feet, more or less to a point which is the southeast corner of Lot 12,
34 Block 1 of the Oliver Park subdivision; thence north 60°56'54" west,
35 112.24 feet; thence north 29°03'06" east, 15.58 feet; thence along the
36 arc of a tangent curve to the left with a radius of 430 feet, a central
37 angle of 10°39'31" and an arc length of 79.99 feet; thence north
38 18°23'35" east, 180 feet, more or less; thence in a northwesterly direc-
39 tion, 60 feet, more or less, to a point which is the southeast corner of
40 Lot 12, Block 2, of the Oliver Park subdivision; thence along the
41 southerly boundary of that lot, 100 feet; thence along the westerly
42 boundary of Lots 12, 11, 10, 9, 8, 7, 6 and 5, Block 2, of the Oliver
43 Park subdivision, 503.63 feet, to a point on the southerly right-of-way
44 line of Kahle Drive; thence south 61°11'11" east, 250 feet, more or less,
45 to the northeastern corner of Lot 1, Block 1, of the Oliver Park sub-
46 division; thence north 18°23'33" east, 50 feet, to a point on the northerly
47 right-of-way line of Kahle Drive; thence north 61°09'47" west along the
48 right-of-way line, 743 feet, more or less, to a point which bears north
49 61°09'47" west, 1092.94 feet from the intersection of the northerly
50 right-of-way line of Kahle Drive and the westerly right-of-way line of

1 U.S. Highway 50; thence north $28^{\circ}50'13''$ east, 464.33 feet; thence
 2 south $61^{\circ}09'47''$ east, 635.67 feet; thence north $83^{\circ}34'41''$ east, 190.22
 3 feet, to a point on the westerly right-of-way line of U.S. Highway 50;
 4 thence along that right-of-way line in a southerly direction, 195 feet,
 5 more or less; thence in an easterly direction, 80 feet, more or less, to a
 6 point on the easterly right-of-way line of U.S. Highway 50, which is
 7 1445.91 feet, along the right-of-way line, from the intersection of the
 8 easterly right-of-way line of U.S. Highway 50 and the northerly right-
 9 of-way line of Kingsbury Grade; thence north $89^{\circ}54'00''$ east, 702.68
 10 feet; thence north 1185 feet, more or less, to a point on the northerly
 11 right-of-way line of Kingsbury Grade; thence south $89^{\circ}42'00''$ west,
 12 along that right-of-way line, 252.02 feet; thence north, 190 feet; thence
 13 north $33^{\circ}18'32''$ west, 251.28 feet; thence north $89^{\circ}42'00''$ west, 100
 14 feet; thence south, 260 feet, more or less, to a point that bears north,
 15 180.07 feet from the northerly right-of-way line of Kingsbury Grade;
 16 thence north $89^{\circ}42'00''$ west, 373.26 feet, to a point on the easterly
 17 right-of-way line of U.S. Highway 50; thence in a northwesterly direc-
 18 tion, 80 feet, more or less, to a point on the westerly right-of-way line
 19 of U.S. Highway 50; thence along that right-of-way line, 135 feet, more
 20 or less, to the true point of beginning. The described area contains
 21 approximately 40 acres.

22 AREA C-1. All that real property being a portion of Block F,
 23 Commercial subdivision #1, Incline Village, Washoe County, Nevada,
 24 according to the map thereof filed in the office of the county recorder of
 25 Washoe County, State of Nevada, on March 2, 1965, more particularly
 26 described as follows:

27 Commencing at the northeast corner of section 22, T. 16 N., R. 18
 28 E., M.D.B. & M., as that section corner is shown on the map of the
 29 Commercial subdivision #1; thence south $1^{\circ}33'46''$ west, 797.10 feet
 30 to a point on the exterior boundary line of said Block F of Commercial
 31 subdivision #1 and the true point of beginning of this description; thence
 32 along the exterior boundary of said Block F the following 8 courses and
 33 distances: north $50^{\circ}55'10''$ east 186.91 feet to a tangent curve to the
 34 left having a radius of 360 feet and a central angle of $45^{\circ}35'42''$; thence
 35 northeasterly along the arc of that curve an arc distance of 286.48 feet;
 36 thence north $5^{\circ}19'28''$ east, 403.88 feet to a tangent curve to the right,
 37 having a radius of 1040 feet and a central angle of $11^{\circ}43'02''$; thence
 38 northeasterly along the arc of that curve an arc distance of 212.68 feet;
 39 thence north $17^{\circ}02'30''$ east, 9.46 feet to a tangent curve to the left,
 40 having a radius of 40 feet and a central angle of $67^{\circ}35'32''$; thence
 41 northeasterly, easterly and northwesterly along the arc of that curve an
 42 arc distance of 47.19 feet; thence north $50^{\circ}33'02''$ west, 471.82 feet;
 43 thence south $39^{\circ}26'58''$ west, 390 feet; thence leaving the exterior
 44 boundary south $39^{\circ}26'58''$ west, 432.53 feet; thence north $50^{\circ}33'02''$
 45 west, 694.33 feet; thence south $21^{\circ}36'05''$ west, 345.49 feet; thence
 46 south $65^{\circ}01'56''$ east, 624.79 feet; thence south $58^{\circ}19'00''$ east, 396.02
 47 feet; thence south $41^{\circ}41'06''$ east, 453.70 feet more or less to the true
 48 point of beginning of this description. The described area contains 20.62
 49 acres, more or less.

50 AREA C-2. Beginning at the intersection of the western line of

1 Lot 1, Block A, Mill Creek Estates with the northerly line of the former
 2 Nevada state highway 28; thence north $69^{\circ}24'25''$ west, along the
 3 northerly line of the former Nevada state highway 28, 592.07 feet to the
 4 true point of beginning; thence north $69^{\circ}24'25''$ west, 619.97 feet,
 5 thence north $37^{\circ}48'16''$ east, 1159.50 feet, to the beginning of a curve,
 6 thence south to the right around the curve having a radius of 1030 feet
 7 and with a tangent distance of 449.42 feet; thence south $39^{\circ}04'50''$ east
 8 along that tangent 85 feet; thence southeasterly, southerly and southwest-
 9 erly on the arc of a curve to the right with a radius of 40 feet in a
 10 tangent length of 62.83 feet; thence south $50^{\circ}55'10''$ west, along the
 11 tangent 888.83 feet; thence southwesterly, westerly and northwesterly
 12 around a curve to the line with a radius of 150 feet, a tangent distance
 13 of 156.22 feet to the true point of beginning. The described property
 14 contains approximately 20 acres and is located within the east $\frac{1}{2}$ of
 15 section 22, T. 16 N., R. 18 E., M.D.B. & M.

16 AREA D. All that real property situated in the County of Washoe
 17 State of Nevada, described as follows:

18 Commencing at the intersection of the easterly line of Wassou Road
 19 and the south line of section 19, T. 16 N., R. 18 E., M.D.B. & M.
 20 which point bears south $89^{\circ}17'50''$ west, along that south line, 148.2
 21 feet, from the south $\frac{1}{4}$ section corner of section 19, and being the true
 22 point of beginning; thence north $0^{\circ}35'38''$ east, 500 feet; thence along the
 23 arc of a tangent curve to the right with a radius of 2352.94 feet, a cen-
 24 tral angle of $7^{\circ}19'29''$ and an arc length of 300.80 feet; thence north
 25 $89^{\circ}17'50''$ east, 196.87 feet, to the westerly line of Nevada state high-
 26 way 28; thence along that westerly line from a tangent bearing south
 27 $7^{\circ}47'31''$ west along the arc of a curve to the left, with a radius
 28 2040 feet, a central angle of $7^{\circ}47'31''$ and an arc length of 256.
 29 feet; thence south $0^{\circ}35'38''$ west, 626.36 feet; thence along the westerly
 30 line of Nevada state highway 28, 300 feet, more or less; thence in a
 31 southeasterly direction 80 feet, more or less, to a point on the easterly
 32 line of Nevada state highway 28, being the northwesterly corner of Lot
 33 2, Block F of Nevada Vista subdivision as shown by map of that sub-
 34 division recorded in the office of the county recorder of Washoe County,
 35 State of Nevada, on August 26, 1926; thence south $60^{\circ}02'00''$ east,
 36 273.01 feet; thence south $43^{\circ}15'00''$ west, 103.12 feet; to the nor-
 37 easterly corner of Lot 3, Block F, of the Nevada Vista subdivision;
 38 thence in a southwesterly direction, along the easterly line of that Lot
 39 100 feet, more or less, to the northeasterly corner of Lot 4, Block F
 40 the Nevada Vista subdivision, thence along the easterly and southe-
 41 lines of that Lot 4, 330 feet, more or less, to the northeasterly corner
 42 Lot 5, Block B, of the Nevada Vista subdivision; thence in a southe-
 43 direction, 45 feet, more or less, to the northeasterly corner of Lot
 44 Block A, of the addition to Nevada Vista subdivision, as shown by map
 45 of the subdivision recorded in the office of the county recorder,
 46 Washoe County, State of Nevada, on February 15, 1928; thence in a
 47 southerly direction along the easterly lines of Lots 8 and 9 of the addi-
 48 tion to Nevada Vista subdivision, 300 feet; thence in a westerly direction
 49 along the northerly line of Crystal Drive as shown on the map of the
 50 addition to Nevada Vista subdivision, 125 feet; thence in a southe-

1 direction to a point on the southerly line of Crystal Drive, which is 125
 2 feet westerly along the southerly line of Crystal Drive, from the intersec-
 3 tion of that southerly line and the westerly line of Somers Drive, as
 4 shown on the map of the addition to Nevada Vista subdivision; thence
 5 along a line being parallel to the westerly line of Somers Drive, a distance
 6 of 391.01 feet; thence south 35°52'00" east, 175 feet, more or less, to
 7 the northwesterly corner of Lot 6, Block C of the Nevada Vista subdivi-
 8 sion; thence south 54°08'00" west, along the northwesterly line of a
 9 parcel of land heretofore conveyed to Brockway Tahoe Vista Corpora-
 10 tion, by deed recorded in book 74, page 348, deed records, a distance of
 11 380 feet, more or less, to a point which is that northwesterly line's inter-
 12 section with the northerly line of a parcel of land heretofore conveyed
 13 to Frank H. Buck and Wife, by deed recorded in book 62, page 8, deed
 14 records; thence north 59°11'00" west along the northerly line of the
 15 Buck land, a distance of 135 feet, more or less, to a point which is that
 16 northerly line's intersection with the California-Nevada state line; thence
 17 north 0°30'00" east, along that state line, 591.55 feet, to a point on the
 18 southerly line of State Line Road, as shown on the map of the addition
 19 to Nevada Vista subdivision; thence in an easterly direction along that
 20 southerly line a distance of 20 feet; thence north 0°30'00" east, 100
 21 feet; thence in a northerly direction, 40 feet, more or less, to the south-
 22 westerly corner of Lot 16A, Block A, of the addition to Nevada Vista
 23 subdivision; thence in a northerly direction, along the westerly lines of
 24 Lots 16A, 16, 15, and 1, Block A, of the addition to Nevada Vista sub-
 25 division, a distance of 300 feet; thence in an easterly direction along the
 26 northerly lines of Lots 1 and 2, Block A, of the addition to Nevada Vista
 27 subdivision, a distance of 134.14 feet; thence in a northerly direction
 28 a distance of 45 feet, more or less, to the southwestly corner of Lot 10,
 29 Block B, of the Nevada Vista subdivision; thence in a northerly direction
 30 along the westerly line of that Lot 10, a distance of 170.98 feet, to a
 31 point on the southerly line of Nevada state highway 28; thence north
 32 31°01'30" west, 80 feet, to a point on the northerly line of state high-
 33 way 28; thence south 57°59'30" west, along that northerly line, 80 feet,
 34 more or less, to the southwestly corner of Lot 1, Block C, of said
 35 Nevada Vista subdivision; thence in a northerly direction, along the
 36 easterly line of State Line Road, a distance of 500 feet, more or less,
 37 to the intersection of that easterly line and the northerly line of Lake
 38 Vista Drive, as shown on the map of the Nevada Vista subdivision;
 39 thence in a westerly direction, along the northerly line of Lake Vista
 40 Drive, 40 feet; thence in a northerly direction, along the westerly line of
 41 Lot 7, Block D, of the Nevada Vista subdivision, a distance of 150 feet,
 42 to a point on the south line of said section 19; thence north 89°17'30"
 43 east, 360.70 feet, to the true point of beginning.

44 In the areas described, gaming shall be permitted as a conforming
 45 use and a gaming use shall be permitted to expand within the areas
 46 without review of such expansion by the agency, if the expansion does
 47 not violate any plan, ordinance, rule, regulation or policy of the agency.

48 (b) All ordinances, rules, regulations and policies adopted by the
 49 agency shall be enforced by the agency and by the respective states,
 50 counties, and cities. The appropriate courts of the respective states, each

1 within its limits of territory and subject matter provided by state law, are
 2 vested with jurisdiction over civil actions to which the agency is a party
 3 and criminal actions for violations of its ordinances. Each such action shall
 4 be brought in a court of the state where the violation is committed or
 5 where the property affected by a civil action is situated, unless the action
 6 is brought in a federal court. For this purpose, the agency shall be
 7 deemed a political subdivision of both the State of California and the
 8 State of Nevada.

9 (c) Except as otherwise provided in paragraph (d), all public works
 10 projects shall be reviewed prior to construction and approved by the
 11 agency as to the project's compliance with the adopted regional general
 12 plan.

13 (d) All plans, programs and proposals of the State of California or
 14 Nevada, or of its executive or administrative agencies, which may sub-
 15 stantially affect, or may specifically apply, to the uses of land, water, air,
 16 space and other natural resources in the region, including but not limited
 17 to public works plans, programs and proposals concerning highway rout-
 18 ing, design and construction, shall be referred to the agency for its review,
 19 as to conformity with the regional [plan or interim] plan, and for report
 20 and recommendations by the agency to the executive head of the state
 21 agency concerned and to the Governor. A public works project which is
 22 initiated and is to be constructed by a department of either state shall be
 23 submitted to the agency for review and recommendation, but may be
 24 constructed as proposed.

25 (e) The agency shall police the region to ensure compliance with the
 26 general plan and adopted ordinances, rules, regulations and policies. If it
 27 is found that the general plan, or ordinances, rules, regulations and poli-
 28 cies are not being enforced by a local jurisdiction, the agency may bring
 29 action in a court of competent jurisdiction to ensure compliance.

30 (f) [Violation of any ordinance of the agency is a misdemeanor.]
 31 Any person or governmental entity who violates any provision of this
 32 compact is subject to a civil penalty of not more than \$10,000. In addi-
 33 tion, any person or governmental entity who performs any development
 34 in violation of this compact is subject to a civil penalty of not more than
 35 \$500 per day for each day in which such violation persists. The amount
 36 of any civil penalty imposed shall be awarded to the agency to be used
 37 exclusively for enforcement purposes. LOCAL GOVT. WHERE VIOLATION OCCURS

38 (g) The agency is hereby empowered to initiate, negotiate and partici-
 39 pate in contracts and agreements among the local governmental authori-
 40 ties of the region, or any other intergovernmental contracts or agreements
 41 authorized by state or federal law.

42 (h) Each intergovernmental contract or agreement shall provide for
 43 its own funding and staffing, but this shall not preclude financial contri-
 44 butions from the local authorities concerned or from supplementary
 45 sources.

46 (i) Whenever a new city is formed within the region, the membership
 47 of the governing body shall be increased by two additional members, one
 48 appointed by, and who shall be a member of, the legislative body of the
 49 new city, and one appointed by the Governor of the state in which the

1 city is not located. A member appointed by the Governor of California
2 is subject to Senate confirmation.

3 (j) Every record of the agency, whether public or not, shall be open
4 for examination to the Legislative Analyst of the State of California and
5 the [Fiscal Analyst of the State of Nevada.] *Legislative Auditor of the*
6 *Nevada Legislative Counsel Bureau.*

7 (k) Whenever under the provisions of this article or any ordinance,
8 rule, regulation or policy adopted pursuant thereto, the agency is required
9 to review or approve any proposal, public or private, the agency shall
10 take final action [, whether to approve, to require modification or to
11 reject such proposal, within 60 days after such proposal is delivered to
12 the agency. If the agency does not take final action within 60 days, the
13 proposal shall be deemed approved.] *by vote, whether to approve, to*
14 *require modification or to reject such proposal, within 90 days after such*
15 *proposal is delivered to the agency in compliance with the agency's*
16 *regulations governing such delivery. If the majority vote of the members*
17 *from one state does not agree with the majority vote of the members*
18 *from the other state, a final action of rejection of the matter before the*
19 *governing body shall be deemed to have been taken. [If a final action by*
20 ~~*vote does not take place within 90 days, the applicant may bring an*~~
21 ~~*action in a court of competent jurisdiction to compel a vote. This pro-*~~
22 ~~*vision does not limit the rights of any person to obtain judicial review*~~
23 ~~*of agency action under paragraph (b) of this article.] Approval by the*~~
24 ~~*agency of any construction project expires 3 years after the date of final*~~
25 ~~*action by the agency or the effective date of this amendatory provision,*~~
26 ~~*whichever is later, unless construction is begun within that time, AND*~~
27 ~~*DILIGENTLY PURSUED THEREAFTER*~~

28 ARTICLE VII. Finances
29

30 (a) Except as provided in paragraph (e), on or before December 30
31 of each calendar year the agency shall establish the amount of money
32 necessary to support its activities for the next succeeding fiscal year
33 commencing July 1 of the following year. The agency shall apportion
34 not more than \$150,000 of this amount among the counties within the
35 region on the same ratio to the total sum required as the full cash valuation
36 of taxable property within the region in each county bears to the
37 total full cash valuation of taxable property within the region. Each county
38 in California shall pay the sum allotted to it by the agency from any
39 funds available therefor and may levy a tax on any taxable property
40 within its boundaries sufficient to pay the amount so allocated to it. Each
41 county in Nevada shall pay such sum from its general fund or from any
42 other moneys available therefor.

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

45 (c) The agency shall be strictly accountable to any county in the
46 region for all funds paid by it to the agency and shall be strictly accounta-
47 ble to all participating bodies for all receipts and disbursements.

48 (d) The agency is authorized to receive gifts, donations, subventions,
49 grants, and other financial aids and funds.

50 (e) As soon as possible after the ratification of this compact, the

1 agency shall estimate the amount of money necessary to support its
2 activities:

3 (1) For the remainder of the then-current fiscal year; and
4 (2) If the first estimate is made between January 1 and June 30,
5 for the fiscal year beginning on July 1 of that calendar year.

6 The agency shall then allot such amount among the several counties,
7 subject to the restriction and in the manner provided in paragraph (a),
8 and each county shall pay such amount.

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

14 ARTICLE VIII. Miscellaneous
15

16 (a) It is intended that the provisions of this compact shall be reason-
17 ably and liberally construed to effectuate the purposes thereof. Except as
18 provided in paragraph (c), the provisions of this compact shall be sever-
19 able and if any phrase, clause, sentence or provision of this compact is
20 declared to be contrary to the constitution of any participating state or of
21 the United States or the applicability thereof to any government, agency,
22 person or circumstance is held invalid, the validity of the remainder of
23 this compact and the applicability thereof to any government, agency,
24 person or circumstance shall not be affected thereby. If this compact
25 shall be held contrary to the constitution of any state participating
26 therein, the compact shall remain in full force and effect as to the remain-
27 ing state and in full force and effect as to the state affected as to all sever-
28 able matters.

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

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

39 (d) No provision of this compact shall have any effect upon the allo-
40 cation or distribution of interstate waters or upon any appropriative water
41 right.

42 SEC. 2. NRS 277.230 and 278.780 to 278.828, inclusive, are hereby
43 repealed.

44 SEC. 3. Chapter 502, Statutes of Nevada 1975, at page 803, entitled
45 "An Act relating to the Tahoe Regional Planning Agency; providing
46 changes in the agency's governing body; clarifying certain provisions;
47 providing technical corrections; and providing other matters properly
48 relating thereto," approved May 17, 1975, is hereby repealed.
49

1 SEC. 4. The secretary of state shall transmit a certified copy of sec-
2 tion 1 of this act to the governor of the State of California. The governor
3 of this state, as soon as:

4 1. He is officially advised that the State of California has enacted
5 the amendment to the Tahoe Regional Planning Compact set forth in
6 section 1 of this act; and ✓

7 2. The Congress of the United States has approved such amend-
8 ment,
9 shall proclaim that the compact has been so amended.

10 SEC. 5. 1. This section and sections 3 and 4 of this act shall become
11 effective upon passage and approval.

12 2. Sections 1 and 2 of this act shall become effective upon procla-
13 mation by the governor of this state of the enactment of the amendments
14 to the Tahoe Regional Planning Compact contained in section 1 of this
15 act by the State of California and their approval by the Congress of the
16 United States.

LINE 6 - after "ACT" insert "and has
repealed, subject to final ratification
of these amendments, the sections
of California law which created
CAL-TRPA.

Comments of Edward Smith, P.O. Box 1281, Zephyr Cove, Nevada

I should like to preface my statement by saying that, unlike many residents of Douglas County, I do not view the TRPA as a threat either to my welfare or my Constitutional rights. When I stand on my porch and gaze over the Lake I do not see a Great Wall dividing the area into artificial political subdivisions--I see one Lake, one contiguous ring of Sierras, one Basin. It seems natural and appropriate to me that there be one Agency responsible for enforcement of common ordinances (pertaining to land use and construction practices) designed to protect the unique qualities of the Basin from the shortsighted or the greedy.

However, from the public outcry which has accompanied Agency operations over the past few years, I deduce that while some feel the Agency has been lax, many more feel it too ready to usurp individual powers granted under the Federal Constitution.

The three Senate Bills under discussion here today all represent attempts to modify the existing Compact to meet the majority of objections that have been raised since the Agency became operative.

Before I offer my few specific suggestions I should like to discuss what I consider a most important long range consideration that has not been raised by these bills but has been mentioned elsewhere. Specifically, it has to do with the makeup of the political subdivisions at the Lake. I agree completely with the Lake residents of Washoe County that due to their physical separation from their

county seat, and because of population differences, their inability to get proper political representation leaves them on the short end of most decisions. The situation in Douglas County is similar, though not as extreme. I suggest the Legislature consider creating one Nevada Tahoe County made up of those parts of Washoe, Carson, and Douglas Counties that lie within the Tahoe Basin. I also suggest that Nevada influence California to do the same--create one County on the California side of the Basin. This would reduce the number of conflicting political subdivisions in the Basin from six to two, and leads me to my specific comments on the bills before this Committee.

(I) SB 265 Article III Organization

SB 265 calls for expanding the Agency Governing Board from eleven to fifteen members. I feel this is a step in the wrong direction. Based on my previous comments, I would like to see the Governing Board consist of one elected member from each of the Tahoe Counties, one member from each State (preferably an elected official) and a representative of the U.S. Forestry Service. This would, ideally, reduce the Board to five members for a more efficient managerial structure.

(II) SB 267 Article V Planning

SB267 adds to Article V (b) (2) the requirement for the completion of the loop road and by-pass. Unfortunately, as stated, this is not adequate to relieve the increasing congestion on U.S. 50 in Douglas County. I suggest transportation improvements be tied to future hotel/casino approvals as discussed below.

(III) SB 266 and 267 Article VI (a) (2) "Redline"

Before commenting on the specifics of the Red-line proposal, I must say I feel that the existing facilities and environment of the South End of the Lake are already overtaxed and that no further hotel/casino construction should be permitted, neither the Harvey's nor the Park, nor the Jennings nor the Kahle projects.

120-158

If, however, the Committee feels the political necessity to define an enlarged area within which hotel/casino construction may take place, then I offer the following suggestion:

a. Douglas County has already defined by their zoning maps the area within which construction of hotel/casinos shall be allowed. The State should either reject all new construction or accept the County's zoning rather than substitute its own partial solution.

b. The State should insist that no construction of Hotel/Casinos should take place until all services required to support the addition have been approved and provided. These include normal water, sewer, power, gas, postal, housing, parking facilities, but more importantly, traffic flow systems. U.S. 50, within Douglas County, will not support traffic demands of 1977, which include no additions, let alone the doubling and quadrupling of traffic that will occur with the addition of the hotel/Casino projects presently on the books. Total build-out of the area as defined in these bills will require doubling the size of U.S. 50 and adding eight to ten lanes of by-pass roads. These figures are conservative as discussed in the TRPA Stateline Subregional and Impact Studies, and verified by the Nevada Highway Department Studies and forecasts. Therefore, I suggest that this section of the proposed Bill state that no casino construction should be permitted until after traffic flow capacity has been ^{provided} ~~proved~~ adequate to accomodate said construction. This can be covered under this section or Article V (b)(2)

(IV) SB 266 and 267 Article VI (k) Voting

I believe in positive action. Approval of a project should require a positive vote rather than the lack of a negative vote.

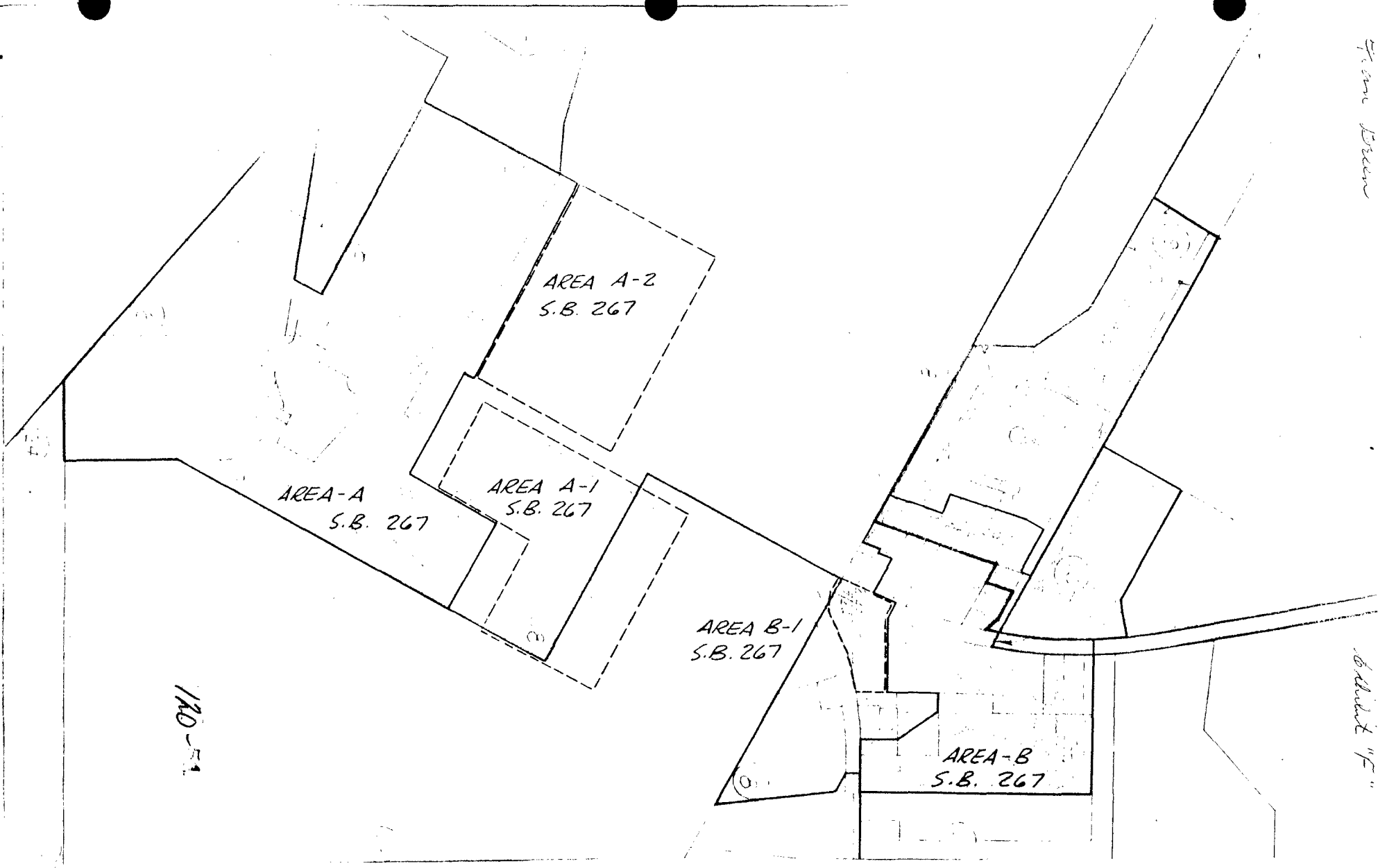
(V) SB 266 and 267 Article VI (k) Project Time Limit

Again, I feel the State should follow the County's practices. Both a start and completion time should be defined. More importantly, no major project should be allowed to start until all approvals have been received--to include gaming licenses, demonstration of financial ability to complete and to operate such a project. I would suggest that the gaming license and proof of financial capability be final steps in the approval chain and that the Gaming Commission start and keep the clock on the project. Reasonable time limits should be set, but once all approvals have been received I should think a project could start within three months and be completed in three years. Should the limits not be met, the Gaming License and Building Permit should be withdrawn and the builder required to remove all partially completed construction and return the land to approximately its original condition. Of course time lost because of court injunctions or similar proceedings should not count against the three year construction period.

I thank the Committee for its attention and consideration.



Edward P. Smith
P.O. Box 1281,
Zephyr Cove, Nev.
89448



From Deem

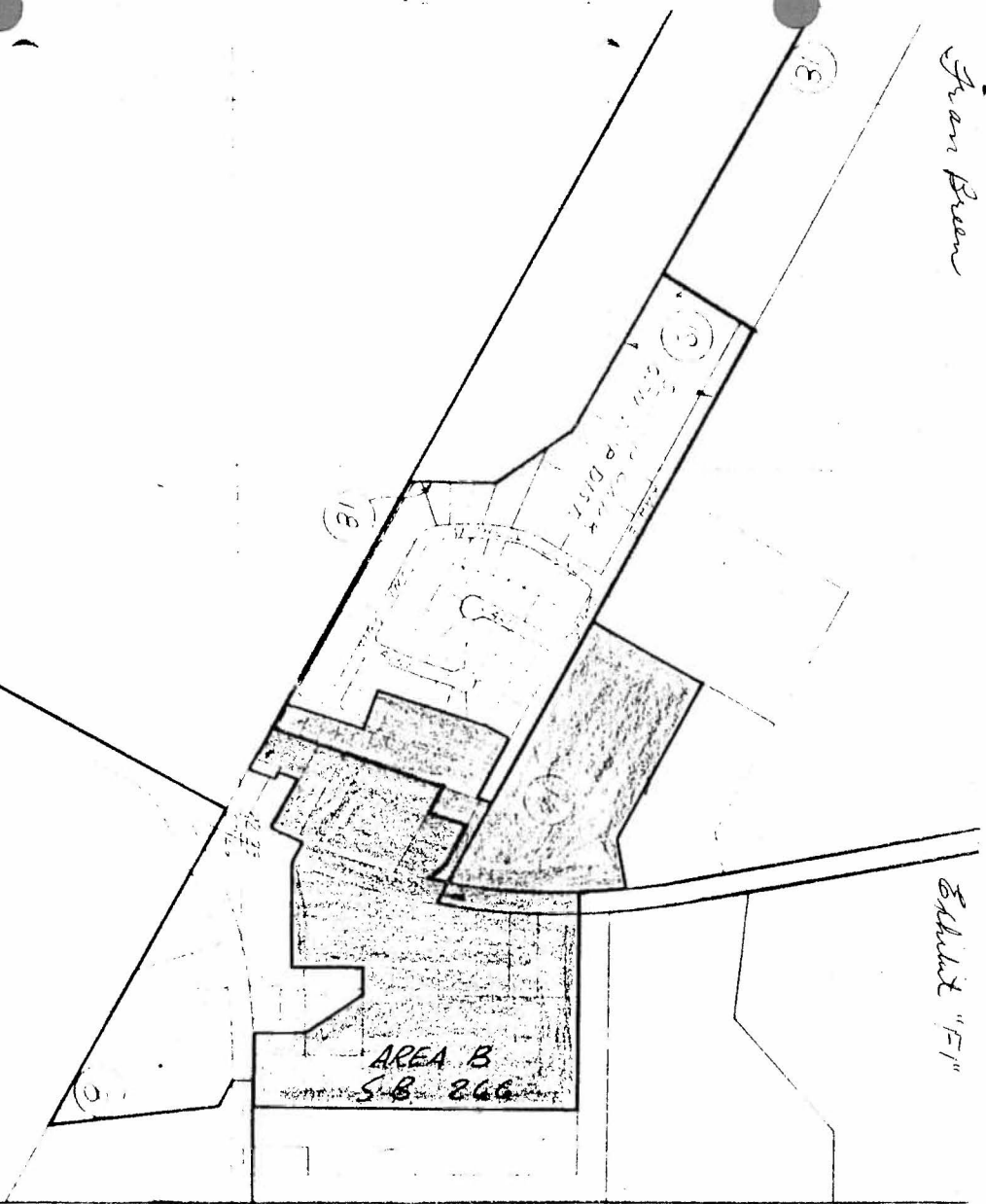
6/11/17 "F"

180-54



AREA A
S.B. 266

120-53



AREA B
S.B. 266

Exhibit "F"

Juan Brown

Coates

Exhibit "G"

PROPOSED AMENDMENTS TO SB 266.

ARTICLE I.

Substitute
for
P.1 L. 8
thru L.20
and
P.2, L-1
thru L.39

Findings and Declaration of Policy

- (a) It is found that: in order to prevent irreparable injury to Lake Tahoe as a unique natural treasure of the people of Nevada, California and the United States that:
 - a. The waters of Lake Tahoe and other resources of the ~~(Lake Tahoe)~~ region are threatened with deterioration or degeneration, which ~~(may damage)~~ endangers the natural beauty and economic productivity of the region.
 - b. ~~(The states of Nevada and California and the United States have a substantial investment in the Lake Tahoe region.)~~ The states of Nevada and California and the United States have a substantial investment in the Lake Tahoe region.
 - c. The Tahoe region exhibits unique state and national environmental and ecological values which are irreplaceable.
 - d. 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.)~~ 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.
 - e. Increasing urbanization and the rapid expansion of high-rise gaming casinos is threatening the ecological values of the Tahoe region and threatening the public opportunities for use of the public lands.
 - f. Maintenance of the social and economic health of the Tahoe region ~~(depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.)~~ depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

g. That Nevada, California and the United States have a substantial interest in protecting, preserving and enhancing these values for the residents of and visitors to "this very special place."

h. The primary responsibility for the provision of recreational, educational, and scientific opportunities, the preservation of scenic and natural areas, and the safeguarding of the public who live, work and play in or visit the area rests with the States of Nevada and California and the federal government.

i. In recognition of the public investment and multistate and national significance of the recreational values, the federal government has an interest in the management of the resources and should assist the states in fulfilling their responsibilities.

j. There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty of, aesthetic amenity in, and recreational opportunities of the region, to assure the protection of the public health by preserving the air quality of the region; and it is recognized that (for the purpose of enhancing) in order to enhance 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 ~~xxxxxxxxxx~~ ~~xxxxxxxxxx~~ use and renewal to exercise effective environmental controls and to perform other essential functions as enumerated in this title, in concert with state and federal policy.

3.

ARTICLE II

Definitions

No change in this Article.

ARTICLE III

Organization

Substitute
for

Page 3

L. 28

thru

Page 3

L. 36

Two members appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California members shall be subject to Senate confirmation. The California members shall represent the public at large. One such California member may be a resident of any county including counties of the region, and the other shall be a resident of one of the 10 southernmost counties of California. The member appointed by the Governor of Nevada (shall not) ~~xxx~~ be a resident of the region and shall represent the public at large.

~~The Administrator~~ Secretary of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.

The Secretary of State of the State of Nevada or his deputy.

Add the
following
after "matter"

Page 4 L. 20

If the majority vote of the members from one state do not agree with the majority vote of the members from the other state, a final action of rejection of the matter before the governing body shall be deemed to have been taken.

ARTICLE III

Substitute
for

Organization

Page 5

Re: Advisory Planning Commission

L. 3 (3) The executive officer of the Lahontan Regional Water Quality
thru Control Board of the State of California, or his designee;
L. 6 the executive officer of the Air Resources Board of the State

of California, or his designee; the Chief of the Bureau of
Environmental Health of the Health Division of the Department
of Health, Welfare and Rehabilitation of the State of Nevada,
or his designee; the Air Pollution Control Officer of the
State of Nevada; or his designee,

(4) Four residents of the State of Nevada, each of whom shall be
appointed by the governing body.

(5) Four residents of the State of California, each of whom shall
be appointed by the governing body.

On Page 5

L. 23 substitute "shall" for "may" so that (k) would read:

(k) Each state shall provide by law for the disclosure or
elimination of conflicts of interest on the part of members
of the governing body appointed from that state.

On L 25

add: The California members shall be considered state
officers for purposes of Chapter 7 (commencing with Section
87100) of Title 9 of the Government Code of the State
of California.

5.

ARTICLE IV

Personnel

Add following
section on Page 5
after last paragraph (L. 49)

(d) No member or employee of the agency shall be liable in damages for any act or omission in the course of his official duties, unless such act or omission is malicious.

(Geo FINN)

ARTICLE V

Planning

Amend as suggested by 266.

(It insert the following
on page 7. L. 20 after the word "region"

No plan, ordinance, rule, regulation or policy of the agency shall establish a lower standard or allowable use than any county, political subdivision, state, or federal standard in effect on the day prior to the ratification of the amendments to the compact; provided, however, that the standards or allowable uses set by any state, or any county or political subdivision of a state, shall not be given effect in the other state. The minimum standards or allowable uses required to be provided for in any plan, ordinance, rule, regulation, or policy pursuant to this article may be amended by a vote in favor of such amendment, pursuant to the procedure specified in article III ~~section (g)~~ paragraph (g), concurred in by not less than two-thirds of all the members of the agency from each state. Subject to the foregoing, no state or political subdivision may hereafter adopt a standard which conflicts with the regional plan of the agency.

COMPROMISE
3/2/57
266
2/27

ARTICLE VI

Agency's Powers

On Page 8, L 9

Delete sentence beginning with word "Any" and ending with word "agency"

on L. 12

Insert following in lieu thereof:

No plan, ordinance, rule, regulation or policy of the agency shall establish a lower standard or allowable use than any county, political subdivision, state or federal standard in effect on the day prior to the ratification of the amendments to the compact; provided, however, that the standards or allowable uses set by any state, or any county or political subdivision of a state, shall not be given effect in the other state. The minimum standards or allowable uses required to be provided for in any plan, ordinance, rule, regulation, or policy pursuant to this article may be amended by a vote in favor of such amendment, pursuant to the procedure specified in Article III ^{paragraph} ~~section~~ (g), concurred in by not less than two-thirds of all the members of the agency from each state. Subject to the foregoing, no state or political subdivision may hereafter adopt a standard which conflicts with the regional plan of the agency.

SMK AS IN ART V

< Refer To BACK TO Page 5 ON ART - VI >

On Page 8, L 46

Change sentence

beginning with word "Any" as follows:

Any plan, ordinance, rule, regulation or policy adopted by the agency shall recognize gaming as a permitted or conforming use within any building or structure where it existed on Jan 1, 1977, and nowhere else except as ~~xxxxxxx~~ hereinafter set forth.

ARTICLE VI

or reconstruction of
 No additions to/said buildings or structures shall be allowed
 unless approved by two-thirds of all the members of the agency
 from each state, provided, however, that gaming may be carried
 on in a building project designed for that purpose, if it was
 approved by the agency prior to Jan 1, 1977, and provided it
 can be built and used for such purpose without violating any
 Federal, State, County or Agency laws, ordinances or
 regulations, and provided further, that said building or
 casino complex is completed and is open to the public for
 gaming prior to ~~March~~, October 1, 1978.

Delete the following:

Beginning with the word ~~Strip~~ "AREA" on page 9, L 1
 thru Page 12, L 47.

*(Refer to Page 6 re
 Dual Majority Rule)*

On Page 13, L 9

delete paragraph (c)

On Page 13, L 13,

change to read:

(c) All plans, programs and proposals of the State of
 California or Nevada, or of its executive or
 administrative agencies, which would be undertaken
 in the region, including but not limited to public
 works projects, plans, programs and proposals
 concerning highway routing, design and construction,
 shall be referred to the agency for its review, as to
 conformity with the regional plan, and for report and
 recommendations by the agency to the executive head of
 the state agency concerned and to the Governor.

*IN
 265*

On Page 14, L 26.

add: , provided said construction is not prevented by
 an injunction or other court order.

*suggested
 BY
 Ken
 Ralston*

*continue to
 follow Amend
 on p. 8*

ARTICLE VI

On page 13, L. 21

delete last sentence of paragraph
beginning with word "A"

On page 13, Insert a new paragraph (d)

to read:

(d) All public works projects shall be reviewed prior to
construction and approved by the agency as to the
project's compliance with the regional plan.

265

On Page 14, L.27, add a new paragraph (1)

to read:

(1) All environmental impact reports, statements, or studies
required by California, Nevada, or federal law, which
pertain to proposals affecting the region shall be
delivered to the agency for review and recommendation
prior to final action. For purposes of the National
Environmental Policy Act (42 U.S.C. Sec. 4321), the
agency shall be deemed a federal agency.

265

(continue to p 9)

Cook

ARTICLE VII

Finances

On Page 14, L. 42

add the following:

The State of California and the State of Nevada shall pay to the agency by July 1 of each year, on the basis of a two-to-one ratio, respectively, any additional sum necessary to support the operations of the agency pursuant to this compact.

*265
(IN PART)*

On Page 14, L 45, paragraph (c)

to read as follows:

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

*265
(Budget
Problems)*

On Page 14, L 49,

add the following:

, but the agency may not own land except as provided in Article III paragraph (i).

*265
Preclude
claims of
inverse
condemnation*

On Page 15, L. 8

add the following:

If additional funds are required the agency shall make a request, accompanied by an itemized budget, from the States of California and Nevada, which sum shall be paid on the basis of a two-to-one ratio, respectively.

265

Tom Cooke ?

Exhibit "G-1"

IMPACTS OF POTENTIAL HOTEL/CASINO EXPANSION ...

AT LAKE TAHOE

TAHOE REGIONAL PLANNING AGENCY

JANUARY, 1977

120-62

INTRODUCTION

This report is intended to portray some of the more basic impacts of potential new hotel/casino development in the Lake Tahoe Basin. The base year for the study is 1974, with most of the data referenced having been generated in 1974 through the Tahoe Regional Transportation Study (TRTS). That study was a joint undertaking conducted by the Nevada Highway Department, California Department of Transportation, California Tahoe Regional Planning Agency, and the Tahoe Regional Planning Agency. The study consisted of extensive home interviews, hotel, motel and campground interviews conducted throughout the Tahoe Basin in the winter and summer of 1974.

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SUMMARY

The potential for expansion of the Tahoe gaming industry is at two levels. One is the expansion of South Shore gaming by the addition of four major hotel/casino projects which have already received the approvals necessary to go to construction. The other is the possibility of new hotel/casino projects proposed on land which must allow gaming development under the TRPA Compact.

The four additions to the South Shore gaming industry which have already received approvals would double the gaming floor area, hotel rooms, and employees presently in the South Tahoe gaming area. A total of 12,000 new employees would be generated through the gaming expansion and related service industry expansion, bringing a total addition to the South Shore population of 24,000 persons. The traffic into and out of the gaming area at South Shore would be expected to double, posing a requirement for ten traffic lanes on the California side of the gaming area and six lanes on the Nevada side. While sufficient vacant land exists on the South Shore to accommodate the housing demand in theory, sewage restrictions on both sides of the State line are likely to severely curtail the number of new units which can be developed, forcing a majority of the new employees to find housing outside the Tahoe Basin and increasing the competition for the limited housing stock.

The addition of other new hotel/casinos would have differing impacts depending upon the location. There is a potential for seven such new facilities at the South Shore (in addition to the four with approvals), one at the North Shore State line and seven in the Incline Village area. Each additional facility would be expected to add approximately 1/4 of the gaming area currently in operation at the South Shore, with each new facility at South Shore increasing the South Tahoe resident population by approximately 1/6. Each new facility at the North Shore would increase the North Shore resident population by a factor of 1/3 over current levels. Each new facility is expected to generate sufficient vehicle traffic to require two additional traffic lanes.

GAMING AT LAKE TAHOE

HISTORICAL BACKGROUND

The resort character of the Tahoe area began to emerge in the late 1800's and early 1900's. It was in the 1930's that roads to the Basin were paved and the area became accessible to large numbers of people residing in the developing metropolitan areas of Northern California. The 1930's also saw the advent of legalized gaming in Nevada and the first clustering of activity around the North and South Shore Stateline areas began. The scale of resort activity around Tahoe remained relatively small through the 1940's and early 1950's, but began a major transition in the late 1950's. At that time the larger gaming establishments began to appear at the South Shore Stateline and they began to cater to a year-round market.¹ This development was followed in the early 1960's by improved highway access to the Tahoe region and the blossoming of the Sierra ski industry following the 1960 Winter Olympics at Squaw Valley. The growing metropolitan Sacramento and San Francisco Bay areas represented a market for year-round recreation and the Tahoe Basin offered a unique combination of outstanding natural recreation opportunities and year-round gaming and entertainment. The resultant boom at Tahoe found the permanent population of the Basin increasing by 112% between 1960 and 1970 (7.75% per year compared with a California statewide average of approximately 2.5% per year). Second-home development was rapid, with an inventory of nearly 12,000 having been developed by 1970, swelling the Tahoe Basin peak seasonal population to nearly 100,000 persons.²

CHARACTER OF TAHOE GAMING

With the "Tahoe Boom" came the establishment of gaming as a principal industry of the Tahoe Basin. In 1974 approximately 1/3 of the Tahoe Basin's total employment drew income from the area's gaming establishments.³ As with any industry of such relative importance to a region, any significant expansion in that industry is bound to impact the region in a number of ways. To assess the probability of impact, though, it is necessary to analyze the nature of the industry and establish a base for comparison.

Relative Scale of Tahoe Gaming

Though there is a comparable number of gaming establishments at the North Shore of Lake Tahoe, the scale of the facilities and level of activity is considerably greater at the South Shore. The 1975 Nevada Gaming Abstract lists the total revenue from the South Tahoe gaming facilities at \$184.3 million, 10% of the statewide figure. While this is far short of the \$992.7 million generated by the Las Vegas strip, it is approaching the \$234.3 million generated by the Reno/Sparks facilities. The North Shore area, by contrast, was not itemized in the 1975 Abstract as a significant gaming center.⁴

Growth

Growth in the gaming industry at Tahoe was concurrent with its population growth at both ends of the Lake through most of the 1950's and 1960's. Major gaming facilities developed at both the North and South Shore Stateline areas, and a major facility developed in Incline Village. With the development of the Sahara Tahoe in the mid-1960's and the emphasis on big name entertainment at the Sahara Tahoe and Harrah's, however, the South Shore began to take an increasing share of the Tahoe gaming/entertainment market. Virtually all of the Douglas County gaming revenues come from South Shore. Between 1960 and 1970 those gaming revenues increased from \$25.7 million to \$67 million. This represents a 161% increase over the ten year period, compared to an increase of only 91% for the whole of Washoe County during the same period.⁴ Through the later portion of that ten year period the activity at North Tahoe tapered off.

At the South Shore this growth has continued into the 1970's. In Fiscal Year 1975 gaming revenue for South Tahoe totaled approximately \$118.5 million, within 25% of the \$158.5 million gaming revenue figure for Reno/Sparks in Fiscal Year 1975 (gaming revenue is a portion of the total revenue referred to earlier).⁴ In 1975, three major hotel/casino facilities and three minor casinos were in operation at the South Shore (See Table 1). Estimates developed from the Summer 1974 Tahoe Regional Transportation Study surveys indicate that a total annual patronage of 13.8 million was generated by the South Tahoe gaming facilities in 1974. The average patronage per 1000 square feet of gaming space is a useful index for comparison of gaming activity. The 13.8 million annual patronage represents an average of 396 patrons per peak season day for each 1000 square feet of gaming floor area in the South Tahoe casinos (Appendix A).

At the North Shore the gaming activity in the first half of the current decade was considerably different. Ownership changes, financial difficulties and litigation closed the two major North Shore hotel/casinos (Cal Neva Lodge & Kings Castle, now Hyatt Lake Tahoe) for varying periods of time, and the facilities remaining open experienced relatively poor years (See Table 1). The estimated total patronage at the North Shore facilities in 1974 was only 1.8 million. The marked difference in the intensity of gaming activity between the North and South Shores is most apparent in the estimate of only 234 patrons per day per 1000 square feet of active gaming area for the North Shore during the peak season, compared with the figure of 396 for the South Shore. (Appendix A). Since 1974, however, Kings Castle has reopened as the Hyatt Lake Tahoe, and Cal Neva Lodge is expected to reopen in the near future. The rejuvenation of these two major facilities is expected to trigger a marked increase in the overall intensity of gaming activities at the north end of Lake Tahoe.

Seasonality

Seasonality is very pronounced in the Tahoe tourist industry, including the gaming industry. Though the primary market for the Tahoe Basin is large (in excess of five million people within the metropolitan Sacramento and San Francisco Bay areas)⁶, the access to the region is almost exclusively by automobile. Winter weather conditions frequently inhibit travel and when combined with the natural influences of "vacation seasons", the summer quarter is the peak season, by a significant factor, with traffic volumes, patronage, and various other indicators of tourist activity all maintaining high levels from July 4 through the Labor Day holidays. The fluctuation between seasons is dramatic, with estimates of monthly patronage for the South Shore gaming facilities in 1974 ranging from a peak in August of 2.2 million persons to a low of 850 thousand persons in November (Appendix A). The other indices of tourist activity in the region exhibit similar trends.

Tourist Generation

In contrast to Las Vegas and Reno, tourism in the Tahoe region does not necessarily imply an attraction to the gaming or entertainment activities of the area. Tahoe presents a unique combination of natural recreation amenities such as spectacular scenery, camping and hiking opportunities, water and snow related recreation, and the simple lure of "a cabin in the mountains". Considerable evidence gathered in the 1974 Tahoe Regional Transportation Study surveys suggest, however, that the gaming industry is definitely a major attraction for most of the Tahoe visitors, particularly those at South Shore. The major hotel/casino facilities of South Shore are all clustered within 1/4 mile of the State line. On the California side of the South State line, there are approximately 3200 motel units within 1/4 mile and approximately 4500 units within 1/2 mile. This represents nearly 60% of the South Lake Tahoe motel rooms. Of significance is the fact that even though these units are in the midst of the most urbanized portion of the Tahoe Basin,

TABLE 1

EXISTING GAMING RESORT FACILITIES IN THE TAHOE BASIN

SUMMER 1974

Lake Tahoe Casinos	Gaming Hotel ³		Show ³ Room	Height ³ Floors	Acres	Parcel Size ³		Employees		Parking Spaces ³			
	Floor Area (sq. ft.)	Rooms				Coverage	%	Res. ¹	Non-Res. ²	Total	Open	Struct.	Total
<u>North Shore</u>													
Cal Neva ⁴	6,000	250	yes	10	12.5	7.7	62			205	-	205	
Crystal Bay	7,000	-	no	2	2.9	2.6	63			-	175	175	
Hyatt ⁵	10,600 ⁷	463 ⁸	yes	11	27.4	17.3	90			600	-	600	
Nev. Lodge	11,000 ⁷	52	yes	4	4.7	4.3	90			460	-	460	
No. Shore Clb.	5,500 ⁷	32	no	2	12.6	8.6	69			115	-	115	
Tahoe Nugget	3,000 ³	-	no	1	0.8	.6	70			58	-	58	
TOTAL:	43,100	797	3		60.9	41.1	67	720	78	798	1,438	175	1,613
<u>South Shore</u>													
Barney's	10,500 ⁷	-	no	2	0.2	0.2	100			-	-	-	
Gary's ⁶	2,000 ³	-	no	2	0.8	0.7	88			50	-	50	
Harrarah's	47,000 ³	250 ⁹	yes	18	24.6	16.5	67			2,104	446	2,560	
Harvey's Res.	38,000 ³	194	no	12	18.5	16.6	90			1,600	-	1,600	
Harvey's Inn	6,000 ³	125	no	2	4.8	2.8	58			245	-	245	
Sahara Tahoe	35,700 ³	542	yes	15	34.0	25.0	74			1,215	-	1,215	
So. Tahoe Nug:	4,300 ⁷	-	no	2	1.8	1.8	100			235	-	235	
TOTAL	141,500	1,111	2		83.9	62.9	75	6640	495	7135	5,459	446	5,905
Basin Total	184,600	1,908	5		144.8	109	72	7360	573	7933	6,897	621	7,518

1 TRTS Home Interview Survey, Summer 1974.

2 TRTS Roadside Survey, Summer 1974.

3 TRPA Project Files, Parcel Maps, Aerial Photos, Staff, etc.

4 Cal Neva Club was closed during the summer of 1974.

5 The Hyatt was operating slots only because it was in receivership during the summer of 1974 (est. of 1/2 of floor area in use).

6 Gary's Casino was not in operation during the summer of 1974.

7 TRPA field check or phone inquiry

8 48 rooms are on a lakeshore parcel (7.4 acre), and 415 rooms are in the main hotel (20.0 acre parcel)

9 250 rooms were completed and in use in 1974 out of the 540 rooms presently in use.

1/7/77

surrounded by the heaviest traffic congestion in the Basin, and generally more expensive, they also have the highest occupancy rates. Occupancy rates of motels within 1/4 mile of the State line were measured at approximately 85% in the Summer 1974 TRTS Hotel/Motel Survey, while those between 1/4 and 1/2 mile averaged approximately 72%. Those motel units in the westerly half of the City of South Lake Tahoe averaged only 62% occupancy. The 1,111 units within the three major hotel/casinos had a 96% occupancy figure. Another indication of the attraction of the gaming industry is the percentage of traffic volumes. The highest traffic volumes in the Lake Tahoe Basin occur between Pioneer Trail and Park Avenue on Highway 50, approximately 1/4 mile west of the State line. The total number of vehicle trips into and out of the South Shore casinos identified in the Summer TRTS survey averaged approximately 31,000 per day for the summer season. TRTS data indicates that approximately 72% of the traffic into the gaming establishments originates on the California side of the State line. Correcting for the number of vehicle trips that travel less than 1/4 mile to cross the State line. The data indicates that approximately 48% of the average daily traffic at that most congested point is either destined for or coming from the Stateline casinos.³

POTENTIAL FOR EXPANSION

South Shore

There are two elements to the potential for gaming expansion at South Shore: That resulting from prospective gaming development which has already received the necessary approvals, and that from future gaming proposals on undeveloped parcels exempted from full TRPA land use authority under Article VI Section (a) of the TRPA Compact. In the former instance, four major hotel/casino projects have been submitted for review at the Douglas County, Nevada TRPA and TRPA levels and have received the necessary approvals (See Table 2). In all four instances no formal action was taken by TRPA due to the failure of the TRPA Governing Board to reach dual majority agreement on either approval or denial. With the interaction of Article III Section (g) and Article VI Section (k) of the Bi-state Compact, however, the failure of the TRPA to take action allows the projects to proceed according to the earlier approvals by Douglas County and the NTRPA.

Of the four projects with approvals, two are within the so-called "casino core" of South Shore. Harvey's expansion is proposed on the existing Harveys Wagon Wheel site and the Park Tahoe is presently being constructed adjacent to Harrah's and Barney's, across Highway 50 from the Sahara Tahoe. The other two projects, the Hotel Oliver and Tahoe Palace are beyond the junction of Highway 50 and Kingsbury Grade, and are approximately 3/4 mile from the State line.

As Table 2 suggests, the construction and operation of those four approved projects would have a profound effect on the South Tahoe gaming picture. With those approvals alone the amount of gaming floor area at the South Shore gaming facilities would double as would the number of hotel rooms, parking spaces and employees; and the number of show rooms would triple. In addition, the two Kingsbury area hotel/casinos in combination with the existing minor facilities of Harvey's Inn, Gary's Casino and the South Tahoe Nugget would establish a second hub of gaming activity at the South Shore (See Map #1).

The second element of potential gaming expansion at South Shore is the possibility of gaming development on the land which does not presently have gaming facilities but which was zoned to permit them in 1968. Under Article VI Section (a) of the Bistate Compact, any proposed gaming development on such land must be recognized by TRPA as a permitted and conforming use. Map #1 identifies the existing gaming facilities, the three new hotel/casinos which have received approvals and potential sites on land exempted from TRPA control. Frontage and parcel size are the two most important factors in evaluating the potential

TABLE 2

APPROVED ADDITIONS TO SOUTH TAHOE GAMING INDUSTRY¹

	Gaming Floor Area (sq. ft.)	Hotel Rooms	Show Room	Height (floors)	Parcel Size (acres)	Employees ² (Summer)	Parking Spaces
Harvey's Expansion	50,000	546	yes	22	----	2,575	2,900
Park Tahoe	40,000	446	yes	14	34.3	1,100	1,600
Hotel Oliver	33,512	960	yes	7	24	1,770	2,464
Tahoe Palace	32,350	560	yes	11	15	1,650	1,600
Total Additional	155,862	2,512	4	---	73.3	7,095	8,564
Total Existing ³	141,500	1,401 ⁴	2	---	83.9	7,957	5,905
Total After Addition	297,362	3,913	6	---	157.2	15,052	14,469

1 Basic information for Harvey's expansion, Park Tahoe, Hotel Oliver and Tahoe Palace obtained from TRPA project application files for the respective projects.

2 Average employee figures were expanded by a factor of 1:1.18 to generate peak season employment figures.

3 See Table #1

4 This differs from the 1974 total listed on Table #1 because of the recent addition of 290 hotel rooms to Harrahs.

POTENTIAL GAMING EXPANSION

MAPS NO. 1, 2 and 3

LEGEND

Red



POTENTIAL CASINO SITE



EXISTING CASINO

Green

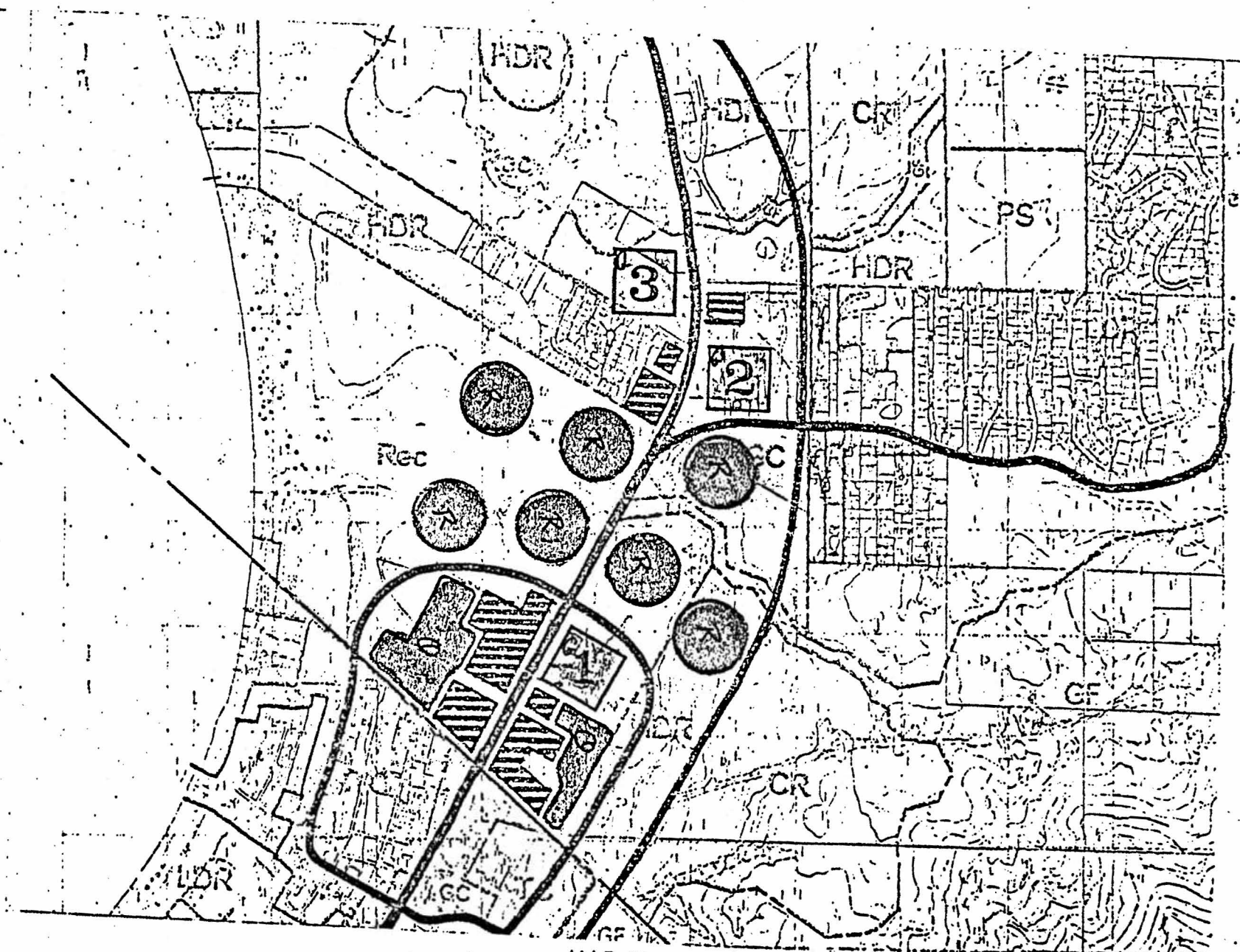


CASINO UNDER CONSTRUCTION
OR APPROVED PERMIT

Orange

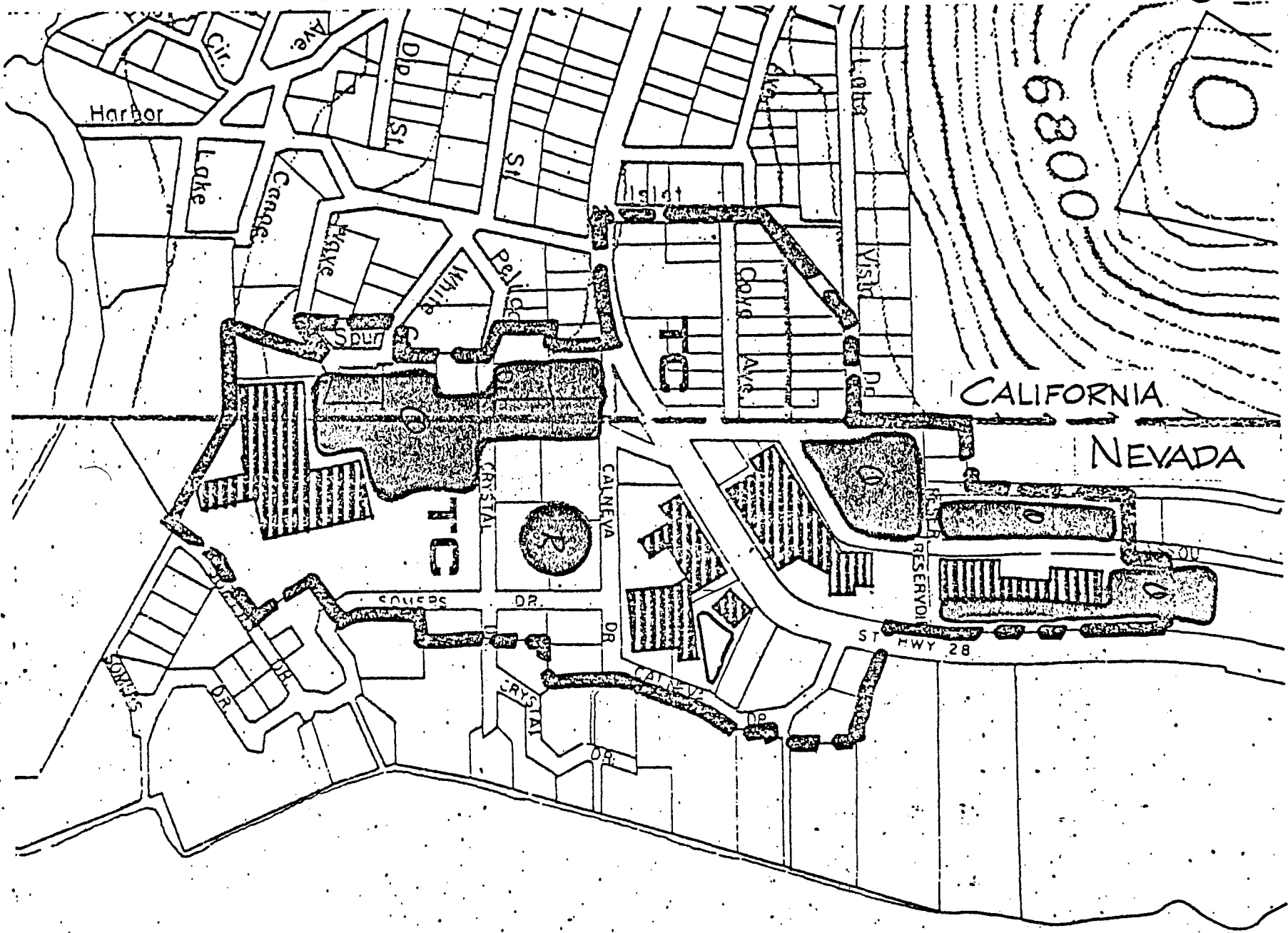


EXISTING PARKING AREA



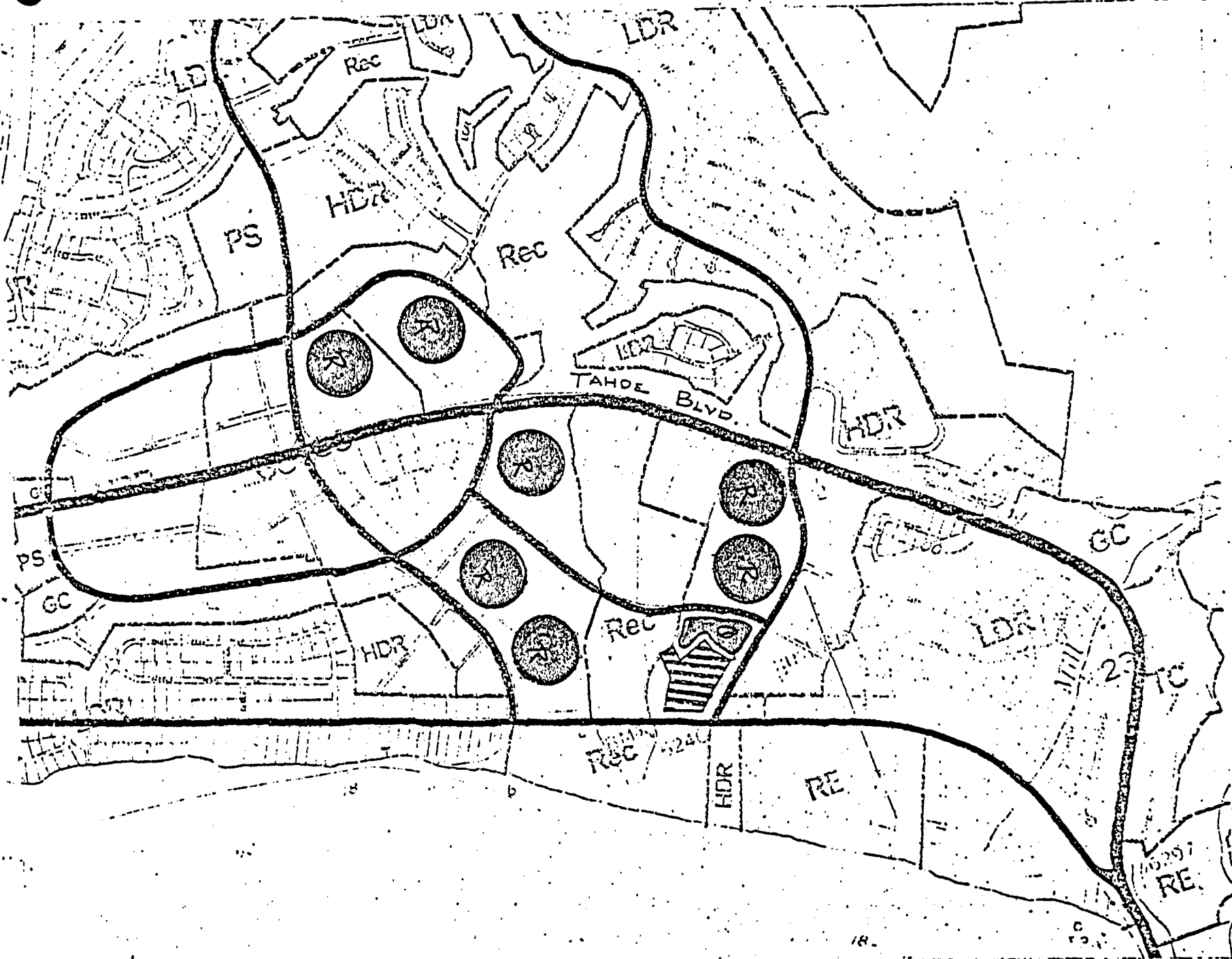
MAP #1
SOUTH SHORE STATELINE AREA

120-72



MAP #2
NORTH SHORE STATELINE

120-73



MAP #3
INCLINE VILLAGE CORE

120-74

for new hotel/casino sites on the exempt lands. TRPA staff considered the parcel size and frontage of the three recent hotel/casino approvals in evaluating potential sites. Through that evaluation, TRPA staff has concluded that there are a maximum of seven potential hotel/casino sites which have not yet been developed or approved for gaming development on the South Shore.

The future of the two approved Kingsbury area hotel/casinos may be an important factor in determining whether or not many of the potential sites are considered by developers for gaming facilities, as the establishment of that second hub of South Shore gaming activities could bring the gaming market close enough to some of the more marginal sites to make them economically attractive. A related factor is that with the establishment of the second hub, development of new gaming sites might well be classed as "infill" of the gaming land use rather than "expansion" of the gaming land use.

It should be noted that ownership patterns will play an important role in determining whether various potential gaming sites are ever proposed for development. A number of the potential sites are presently under a common ownership and are not therefore expected to be developed as separate, competing gaming projects. Should economic factors result in a change in ownership of some of the parcels, however, the likelihood of new gaming proposals would be increased.

North Shore

There is only one new gaming related facility pending at the North Shore. It is a 252 room hotel addition to the present Crystal Bay Club which will not expand the gaming floor area.⁷ The addition was originally approved by the Nevada TRPA prior to the formation of the Bistate Agency. Construction was begun at that time, but the project was soon halted and only recently was work on the facility begun again. There has been an as yet unresolved legal question raised about whether or not the hotel facility should be required to undergo a new review.

The expansion of gaming facilities at the North Shore is therefore not as eminent as it is at South Shore. The expansion of gaming activity at North Shore is already occurring, however. As earlier indicated, the two major facilities at North Shore were not in full operation in the early 1970's and gaming activity at the facilities which were operational was significantly below that of the more prosperous South Tahoe gaming industry, as reflected in the figure of 234 North Shore patrons per 1000 square feet of operational gaming space compared with a figure of 396 patrons per 1000 square feet at South Shore (Appendix A). This represents a significant increase in the intensity of gaming activity possible within the present facilities. The return to full operation of Hyatt Lake Tahoe has already begun this expansion, with the number of employees increasing from 70 in 1974 to 785 in 1976.⁸ The expected return to full operation of Cal Neva Lodge will likely make the area even more attractive to those seeking gaming and entertainment. In evaluating the potential for growth of the North Shore facilities, though, one negative factor must be considered. That factor is that the North Shore gaming core does not abut on a major tourist residential zone as do the hotel/casinos at South Shore and are therefore not likely to draw the amount of walk-in patronage drawn by the South Shore clubs. With that walk-in patronage amounting to nearly 50% of the total at South Shore (Appendix A) it is therefore not likely that the patronage per 1000 square feet at North Shore will equal that generated at South Shore.

The remaining element of potential gaming expansion at North Shore is in those lands falling under Article VI Section (a) of the Bistate Compact on which gaming development must be recognized by TRPA as a permitted use. TRPA staff has evaluated the properties in the North Tahoe area which fall under that provision, considering parcel size, frontage

and access, and existing land use, and has concluded that a maximum of eight potential hotel/casino sites exist on such land at the North Shore. Only one of these possible sites is at the North Shore Stateline area. It is located between the existing Crystal Bay Club and Cal Neva Lodge (See Map #2).

The remaining seven potential hotel/casino sites at North Shore are all in the Incline Village core area (See Map #3). The Hyatt Lake Tahoe is presently the only significant gaming facility in that area, but with two sites immediately to the north of the Hyatt and five additional sites possible in the commercial core area of Incline there is obviously the potential for creation of a major gaming concentration in the center of Incline on land exempted from TRPA zoning jurisdiction by the Compact provision. There is some additional land falling under the Compact provision which was not judged likely for gaming development due to substantial existing non-gaming development and small parcel size.

IMPACTS OF POSSIBLE GAMING DEVELOPMENT

There are two levels of potential gaming expansion which have been analyzed by TRPA staff in evaluating possible impacts: The cumulative impacts of existing gaming approvals. (See Table 2 for listing of approved projects) and the impacts of a single "typical" new hotel/casino proposal. The scale of the "typical" new hotel/casino was generated by averaging the three new hotel/casino proposals which have been reviewed since 1970. The three are the Park Tahoe, Hotel Oliver, and Tahoe Palace, all at South Shore. Based upon these three, the typical facility would have the following dimensions:

Gaming Area.....	35,000 square feet
Hotel Rooms.....	650
Parking Spaces.....	1,900
Summer Employees.....	1,500

In both the cumulative impacts and the typical facility impacts TRPA staff has relied upon generation factors extrapolated from data on patterns at the existing gaming facilities in the Tahoe Basin, principally those of South Shore. The data from South Shore facilities is primarily from 1974, gathered by the Tahoe Regional Transportation Study, and for purposes of generalizing impacts, is assumed to represent optimum peak season operations for Tahoe gaming facilities, be they at South Shore or North Shore. In considering impacts, the primary concern is the peak season (summer) in which Tahoe's resources are taxed to the greatest extent.

TRANSPORTATION IMPACTS

Traffic congestion is generally regarded as the most critical problem facing the Tahoe Basin today. Though more attention has been focused on the South Shore congestion, the problems at North Shore are equally serious. Peak month (August) average daily traffic at the most congested point in the Tahoe Basin in 1974 was 45,500 vehicles per day. This occurred on Highway 50 approximately 1/4 mile west of the South Shore State line.⁹ The typical traffic lane will function at an acceptable level with a volume of approximately 8000 vehicles per day.¹⁰ Judging by that standard, Highway 50 at that point was operating at approximately 26% over capacity during that peak month. The volume to the east of the State line in the vicinity of Kingsbury Grade for that same month was approximately 33,500 vehicles, within 7% of capacity.¹¹ At the North Shore the situation was similar. The 1974 peak month volume on Highway 28 just west of the State line was 17,400 vehicles per day,⁹ exceeding capacity by 8%. This is particularly

significant when one considers the very low level of activity at the North Shore State line in 1974, with the major hotel/casino facility closed and with the major hotel/casino facility in Incline Village operating on a significantly reduced scale.

Trip Generation Factors

To estimate the impact of new gaming development upon these existing congestion problems, one must rely upon trip generation factors for the various gaming operations. For the gaming operations within the "casino core" at South Shore, TRPA has computed a trip generation factor by aggregating the total number of trips to the area's gaming facilities, reported in the Summer, 1974 Tahoe Regional Transportation Study surveys, and dividing the total amount of gaming floor space in operation at that time. The result is a trip generation factor of 218 vehicle trips generated per day for every 1000 square feet of gaming area. This represents a summer season average, and when adjusted to represent the peak month of August, the trip generation factor becomes 247 vehicle trips per day per thousand square feet of gaming area (Appendix A).

The trip generation factor of 247 vehicle trips per thousand square feet can be safely applied to new gaming development within the existing core area, but it is not appropriate for new development beyond the core area because of one important consideration: Walk-in patronage. As earlier indicated, the Stateline gaming core area is immediately adjacent to the heaviest concentration of tourist accommodations in the Tahoe Basin, the South Lake Tahoe motel core. All of the facilities within the gaming core area are within 1/4 mile walking distance from that motel core and the TRTS figures indicate that 48% of the total patronage measured in 1974 was in fact walk-in patronage (Appendix A). New gaming facilities beyond the casino core would be considerably less likely to draw a comparable percentage of walk-in patronage, particularly those as distant from the State line as the two facilities approved in the Kingsbury Grade area, in excess of 3/4 mile from the State line. If one assumed a patronage equal to that measured for the core area facilities, but with no walk-in patrons, the vehicle generation factor for the peak month would jump to nearly 419 vehicle trips per day (assuming the average occupancy of 2.4 persons per vehicle into the gaming areas). A more reasonable estimate is that derived by the consultants to the two Kingsbury area hotel/casino projects. The consultants, Sierra Environmental Monitoring and Raymond Smith (former Douglas County Planning consultant), utilized a series of factors in computing traffic generation for the two facilities. For the "typical" new hotel casino these factors would result in a combined trip generation factor of approximately 313 vehicle trips per day per thousand square feet of gaming area. The conclusions of the consultants were accepted by the Nevada Environmental Protection Service, which reviewed the projected air quality impacts of the two facilities in 1975.

Impact of Approved Hotel/Casino Projects

Utilizing the trip generation factor of 247 vehicle trips per day per thousand square feet of gaming area, the expansion of Harvey's Resort Hotel would generate 12,350 additional vehicle trips per day and the Park Tahoe Hotel would generate 9,880 vehicle trips per day. The estimated vehicle trips which would be generated by the Tahoe Palace and Hotel Oliver are 10,610 and 11,505 per day respectively. ^{12, 13} Combining these estimates, one arrives at a total trip generation of 44,345 vehicle trips per peak month day for the additional development. This represents a 128% increase in the volume of traffic generated by the South Tahoe gaming area (the 1974 data indicates a peak month trip generation of 34,440 vehicle trips per day). Assuming a continuation of the pattern of 72% of the trips to the gaming area originating on the California side of the State line and 28% on the Nevada side, identified by TRTS, this traffic increase would mean an additional 31,928 vehicles per day added to the California peak volume and 12,417 added to the Nevada peak volume, increases of 70% and 37% respectively.

Lane Requirements for Approved Hotel/Casino Projects

The total traffic volume on the California side of the State line during the peak month would be approximately 77,000 vehicles per day with the combined volumes of the existing and proposed gaming developments. Based upon 8,000 vehicles per day optimum lane capacity, this figure poses a requirement for 10 lanes between the Stateline gaming facilities and California. The total volume on the Nevada side would increase to approximately 46,000 vehicles per day, requiring six traffic lanes.

The adopted Transportation Plan of the Tahoe Regional Planning Agency provides for the creation of a two lane loop road to encircle the hotel/casino core area of the South Shore and a two lane bypass road connecting Pioneer Trail with Round Hill.¹⁴ These two facilities, combined with existing Highway 50 would theoretically meet the minimum needs of the approved sites. In this instance, however, the theoretical capacity may not meet the projected volumes. The problem is that the loop road was not designed to meet that total volume, it was designed to service the three existing hotel/casinos in the Stateline "core" area plus the new Park Tahoe, also within the core area. Its primary function was to provide alternate means of circulation around the core area to relieve the already overburdened Highway 50 and pick up some volume increase generated by the Park Tahoe. Its critical defect in supporting the substantially larger volumes projected for the total build-out of existing approvals is that it is not designed to extend into the City of South Lake Tahoe beyond Park Avenue. The point of peak traffic congestion in the City is beyond Park Avenue, though, and consequently the larger traffic volumes would merely be funneled off of the total of eight lanes circulating around the casino core back to the four lanes of Highway 50 at the point where the highway is already experiencing its most serious congestion. The system, consequently, would still be four lanes deficient at that critical point.

The financing of both the loop road and bypass road are also question marks in projecting the accommodation of the increased traffic. The adopted TRPA Transportation Plan estimated the costs of the two facilities at \$1.4 million and \$10.9 million respectively.¹⁴ Those figures were developed in early 1975, and the cost of the facilities today is probably considerably greater. Facilities on the Nevada side of the State line account for approximately 64% of the estimated costs.

Another question mark is whether the bypass road will ever be built. The State of California, through both the administration and the California Tahoe Regional Planning Agency (CTRPA), has maintained strong opposition over the past two years to any plans for significant road expansion on the California side of the State line. The bypass road cannot be built on the California side of the State line without the concurrence of both the State and CTRPA.

Alternatives to the Automobile

When analyzing the large traffic volumes projected, a logical question is whether any of these vehicle trips can be diverted to other modes. The answer is that some may be diverted, but probably not a significant number. One reason for this is that the automobile is likely to remain the principal means of access to the Basin. On a typical August day approximately 6,900 vehicles arrive in the Tahoe Basin on Highway 50 at Echo Summit.⁹ With an occupancy factor of 2.4 persons per vehicle, this represents approximately 16,600 persons. The most likely alternative for access to the Basin for most of these people is by air. According to the present management of the South Tahoe Airport, however, the maximum capacity that can be realistically anticipated for that facility is approximately 2,000 persons per day.¹⁵ This represents only 12% of the persons arriving in the Basin by automobile over Echo Summit in 1974. As vehicular access to the

Basin is expected to continue to increase in the future, the percentage of visitors who could conceivably arrive by air will diminish.

Given a continued reliance upon the automobile for access to the Basin, the probability of enticing people to ride a transit system once they arrive in the Basin is relatively low. The CTRPA has made a strong commitment to the development of a major transit system within the City of South Lake Tahoe.¹⁶ Even if the transit system is developed and becomes successful in terms of ridership, CTRPA administration still expects a net increase in vehicle traffic along Highway 50, even if there is not significant expansion of gaming facilities.

Complicating Factors

Two factors complicate the entire discussion of transportation impacts of the four approved hotel/casino developments. The first is the assumption that the proportion of vehicles originating on the California side of the State line to those originating on the Nevada side will stay the same. The 1974 data showed approximately 72% of the trips to the South Shore gaming area originated on the California side. It is doubtful that this percentage will remain constant if there is a significant increase in the total volume generated by the gaming area. The principal reason for this is that occupancy figures for the California side of the South Shore are already relatively high,³ and the land remaining which is zoned to permit transient dwelling units is a very small percentage of that which has already been developed.⁴ Hence it is not likely that sufficient transient dwelling units will be developed on the California side of the State line to accommodate the increase in visitors that would be anticipated. A related consideration is an expected increase in the number of gaming employees expected to reside on the Nevada side of the State line.¹² These two considerations suggest an increase in the proportion of gaming area traffic originating on the Nevada side of the State line.

The second complication is perhaps even more basic; namely, will there be sufficient increase in the number of Tahoe Basin visitors to provide the same level of patronage for a doubling of the gaming industry? The only clue to the answer comes from a random survey of Bay Area residents conducted in 1975. The survey results showed that 80% of the Bay Area residents consider themselves to be Tahoe Basin visitors.¹⁸ If this survey is even remotely accurate, it represents an extremely strong market penetration by anyone's standard, and raises the question of whether the Bay Area can supply sufficient new patronage to keep expanded gaming facilities operating at a high level. For markets more distant than the Bay Area, air transportation is the only alternative for movement of large numbers of visitors to South Tahoe, but with limitations on the capacity of the South Shore Airport, it is likely that another airport would have to supply the bulk of the increased visitor arrivals. The logical airports would be either Reno, or the Carson Valley Airport, should commercial service be introduced there.

Oil prices could affect the patronage figures also. The combination of continued reliance upon the automobile for access to the Basin plus increasing oil prices could render Tahoe a less attractive vacation area.

Impact of a "Typical" New Hotel/Casino

If the traffic generation factors developed by Sierra Environmental Monitoring and Raymond Smith^{12, 13} are applied to a "typical" hotel/casino project (average of the three new hotel/casinos approved for South Shore) the following additional traffic volumes would be generated:

Gaming Trips.....	6,650
Show Room Trips.....	650
Employee Trips.....	2,700
Hotel Room Trips.....	975
Total Vehicle Trips.....	10,975

The traffic impacts of approximately 11,000 vehicle trips per day would vary depending upon the location of the new hotel/casino. If that traffic were all arriving and departing along a single route this volume would require two additional lanes (11,000 vehicle trips represents approximately 1.4 lanes, but in practical terms would mean one additional lane in each direction). If this facility were on the South Shore and the factor of 72% California trips/28% Nevada trips remained constant this would represent approximately 8,000 California trips and approximately 3,000 Nevada trips. The Nevada trips could conceivably be accommodated without additional lane requirements. The California trips would require additional lanes to accommodate the volume without substantially increasing congestion. Similar conditions would exist at the North Shore State line, though the situation would differ somewhat in that it is impossible to add additional lanes to Highway 28 around Crystal Bay, even if traffic volumes warrant them. For new facilities in the Incline area the latter point would apply as well, since that would represent a constraint on access from California. Dispersion of vehicles within the Incline area is difficult to project. For a point of comparison, the heaviest volume in the Incline area according to 1974 traffic data was on Highway 28 in the vicinity of Village Boulevard, which averaged 6,000 vehicle trips per day.¹¹

AIR QUALITY IMPACTS

The assessment of air quality impacts for a hotel/casino is a complicated task. The basic consideration, however, is the number of vehicle trips into and out of the facility. Detailed air quality analysis have been conducted on two of the proposed new hotel/casino projects which have been approved for South Shore, however. Both the Tahoe Palace and the Hotel Oliver developed the detailed analysis and submitted them to the Nevada Environmental Protection Service for review. In the critical area of carbon monoxide (generated by vehicular traffic), the EPS agreed with the conclusions of the consultants for the two hotels.^{19,20} Those conclusions were that in both projects the maximum eight hour concentration of carbon monoxide would total nine parts per million. At the time the EPS reviewed the two projects (early 1975), the Nevada Statewide standard for carbon monoxide level was nine parts per million for the maximum eight hour concentration. The conclusion drawn by EPS was therefore that the maximum standard would be equalled, but not exceeded. In 1976, however, both Nevada and California changed the ambient air quality standards for the Tahoe Basin (the change in Nevada applies to all areas above 5,000 feet). The revised standard is six parts per million for a maximum eight hour concentration. By the revised standard, the two hotel/casino projects would be in violation of the carbon monoxide standard by a factor of 50% during poor air quality conditions. It should be noted that one reason for the downward revision of the carbon monoxide standard is evidence that carbon monoxide interaction with the oxygen carrying hemoglobin in the human blood stream is greatly accelerated with altitude.²¹

Vehicular traffic is the principal source of carbon monoxide. Traffic movement effects the total amount of carbon monoxide emitted by each vehicle. The slower the vehicle, the greater the carbon monoxide emission. The analysis performed on the two Kingsbury area hotel/casino projects addressed only the air quality implications in the immediate vicinity of the facilities. They did not address the air quality impacts of increased congestion in the City of South Lake Tahoe and on Highway 50 through the existing gaming core that would be expected from the increased vehicular traffic generated by the two

new hotel/casino facilities, nor did they address the cumulative impact of the casino core facilities. Given the increasing congestion in the core area and on into the City of South Lake Tahoe which already exists, plus an additional increment of vehicle trips for the Park Tahoe and the expansion of Harvey's that is even larger than that projected for the two Kingsbury facilities, it is reasonable to conclude that similar impacts may be expected in the core area (Nevada EPS monitoring in the core area has already detected violations of the carbon monoxide standard²²).

The "typical" hotel/casino facility which could be proposed for the potential South Shore or North Shore casino sites would generate approximately the same number of vehicle trips as either of the two Kingsbury area hotel/casinos. It is therefore probable that, given similar meteorological conditions, similar air quality impacts would be expected.

HOUSING IMPACTS

Impacts of Approved South Shore Additions

In considering population impacts stimulated by the potential gaming expansion, one must look beyond the gaming employees themselves. In any developed area increased employment in a basic industry stimulates increases in secondary industries serving the region. These employees, in turn, bring in other family members to add even further to the region's population. Estimates derived from the TRTS home interview survey indicate that the 7,100 new gaming employees generated by the four hotel/casino additions at South Shore would stimulate an increase in service employment of approximately 4,970 employees. These 12,070 new employees would represent a total of 8,620 new households in the Tahoe Basin, representing a total of 24,140 new residents (Appendix B). For comparison, the estimated total permanent population at the South Shore in 1974 was 29,314.³

One obvious requirement of 8,640 new households is housing. Based on existing market surpluses at various price levels, TRPA staff estimates that approximately 1,070 of these households would find housing on the current market. This would leave approximately 7,570 households which would require new housing units. Data indicates an existing shortage of approximately 770 units primarily in the low income range. This means a total housing requirement of 8,340 new units would be forced upon the South Shore if the new facilities are built. Of this total, 4,300 would be in the upper income levels (in excess of \$15,000/year household income) and could be expected to stimulate demand for single family homes. The remaining 4,300 would require new rental units in the lower price ranges (Appendix B).

Information gathered from the El Dorado and Douglas County Assessor's roles indicates that there are approximately 13,030 vacant single family residential lots on the California South Shore, and approximately 1,770 such lots on the Nevada South Shore. In addition, there are approximately 2,690 vacant medium and high density residential lots on the California South Shore and 380 such lots on the Nevada South Shore.²³ Theoretically, these vacant single family residential lots would be more than sufficient to meet the projected demand by new households for both owned and rental housing. There are two critical assumptions in that conclusion, however, which may be questionable.

The first assumption is that the vacant parcels can be developed. Two factors raise doubt as to whether sufficient number of vacant parcels can be developed. The first is sewage capacity. According to the consulting firm of the Douglas County Sewer Improvement District a plant capacity of 3.0 million gallons per day (MGD) for the district has been identified. Peak month sewage flows in 1976 were 1.51 MGD. The present

gaming facilities accounted for approximately 70% of that flow, approximately 1.06 MGD.²⁴ Considering the additional hotel rooms and gaming area of the four approved facilities in light of the flows generated by the existing facilities, one arrives at an added flow of 1.37 million gallons per day for the new facilities, which would boost the total peak month flow for the district to 2.88 MGD, leaving only .12 MGD for additional expansion. At the currently accepted sewage generation factor of 360 gallons per day per residential unit, that would allow for only 500 additional units on the Nevada side of South Shore. The South Tahoe Public Utility District is in the process of evaluating their system capacity in detail. Their current estimate however, is that only 2,900 sewer connections remain beyond the present commitments of the district;²⁵ giving a total available capacity for the two South Tahoe sewage collection and treatment systems of only approximately 3,230 units beyond the requirements of the approved hotel/casino facilities. This figure is obviously far short of the 8,600 units that would be required to service the projected increase in households.

A second factor in the question of whether the necessary units can be developed is the policy of the California Tahoe Regional Planning Agency that no new multi-unit residential dwellings will be allowed on the California side of the Tahoe Basin until there is an 85% build-out of existing vacant parcels. Though the policy does allow for development of some multi-unit housing if it is specifically for low income housing or if it is "substantially surrounded" by similar uses, there have been relatively few such applications. If this trend continues, this policy would effectively preclude development of sufficient multi-unit dwellings to meet the need generated by the gaming expansion for a number of years (estimates of the length of time before the 85% level is reached vary from 15 to 30 years and beyond). The question of sewage capacity limitation complicates this even further, since the estimated 2,900 connections available on the California side of the South Shore would obviously be used up by single family dwelling development without ever coming close to an 85% build-out of vacant parcels.

The second questionable assumption implicit in the conclusion that the housing demand could be met is simply that developers would choose to meet it. The trend over the past ten to fifteen years has been to cater to the second home market in Tahoe development, particularly in multi-family development. There have been relatively few apartment proposals generated in the Tahoe Basin since TRPA's inception. The vast majority of medium and high density projects have been condominiums aimed at the more affluent market from the Bay Area. A recent study by Dillingham Development Company has concluded that the trend toward the single family and second home markets rather than the low-moderate income markets at Tahoe is likely to continue.²⁶ If the number of potential units is further constrained by sewage capacity, the demand for those units is likely to increase, providing even greater incentive for prospective developers to target for the more affluent income levels, where their margin of return can be higher.

The implications of these factors are relatively simple. If the four approved hotel/casino projects are developed either sewage capacity will have to be substantially increased and government incentives and/or regulations applied to stimulate the development of low and moderate income housing, or the majority of the 8,600 new households will have to find housing in the Carson Valley and Carson City areas. In a related concern the Douglas County School District has recently objected to new subdivision approvals on grounds that its schools are already overcrowded.²⁷

Impact of Typical New Hotel/Casino

The development of a single new hotel/casino facility would have population impacts similar to those of the four facilities approved for South Shore, but on a somewhat smaller scale. The 1,500 new employees would represent approximately 1,070 new households.

These, in turn, would stimulate an additional 1,050 new service industry employees and an additional 750 households. A total of 2,550 new employees representing 1,820 new households and a total new resident population of 5,000 persons would therefore be generated by each additional hotel/casino facility. This increase would be approximately 1/6 of the 1974 total population at South Shore, approximately 1/3 of the North Shore resident population of 15,900 in 1974.³ If such a facility were to be developed in Incline Village and all of the households were to take up residence there, the resident population would double (1974 Incline Village resident population numbered 5,063).

At the South Shore, the additional households would be faced with the same problems discussed earlier (sewage capacity limitations, and a lack of interest in providing for the low income market). At the North Shore there appears to be sufficient housing to accommodate an additional facility, with approximately 4,000 vacant single family lots and an additional 1,160 vacant rental units identified in the North Tahoe area. The new hotel/casino facility itself would be expected to generate approximately .32 million gallons per day in sewage. Recent estimates of sewage capacity in the Tahoe-Truckee Sanitation Agency and Incline General Improvement District systems suggest that this level of new development will not overextend the districts.²⁸

WATER CONSUMPTION IMPACTS

In 1975 the South Tahoe gaming facilities consumed a total of 282 million gallons of water (approximately 867 acre feet).²⁴ This reduces to a figure of approximately 2 million gallons per year per 1000 square feet of gaming area. At that rate, the four new hotel/casino projects at South Shore which have approvals would consume an additional 311 million gallons. A typical new hotel/casino facility would consume 70 million gallons.

In analyzing the water availability question on the Nevada side of Lake Tahoe, it appears that these demand increases could be met with relatively little difficulty. The California-Nevada Water Compact has allocated 11,000 acre feet per year of Tahoe water to the Nevada side of the Tahoe Basin. A 1973 estimate of water consumption on the Nevada side indicated less than 1/2 of that allocation being utilized, approximately 4,660 acre feet.²⁹ The cumulative impact of the four South Shore approvals would add an additional 960 acre feet, and each "typical" new hotel/casino would add 215 acre feet. Neither would push the total near the Compact allocation.

The one complication in water availability is the question of whether the Compact allocation will hold up under complicated litigation which has involved water users all along the Truckee River Watershed from Lake Tahoe to Pyramid Lake. If the litigation results in a substantial decrease in the amount of water allocated for use in the Tahoe Basin, the impact of the new gaming development would be increased accordingly.

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APPENDIX A

VEHICLE & PERSON TRIPS
GOING TO GAMING ESTABLISHMENTS
SUMMER 1974

Table A-1

Non-Resident
Vehicle Trips to Gaming Establishments
From All Entry Points into Tahoe Basin (3)

ENTRY POINT	Minor Traffic Zones Containing Gaming Establishments						
	514	557	559	300	302	305	306
Highway 27 - Mt. Rose	35	37	47	72	81	7	0
Highway 50 - Spooner Summit	52	32	48	667	559	62	64
Highway 19 - Kingsbury Grade	8	8	2	162	144	29	15
Highway 89 - Luther Pass	6	15	5	153	134	11	6
Highway 50 - Echo Summit	50	86	36	1255	1220	103	46
Highway 89 - Tahoe City	43	86	82	183	157	16	21
Highway 267 - Truckee Cutoff	51	244	151	47	52	15	3
Total Trip Ends (Rounded) (5)	250	460	370	2500	2300	240	150

Table A-2

Resident & Non-Resident
Vehicle Trips to Gaming Establishments
From Housing Units in all Minor Traffic Zones (2)

VEHICLE TRIP TYPE	Minor Traffic Zones Containing Gaming Establishments						
	514	557	559	300	302	305	306
Non-Resident - Total Recreation Trips	70	175	180	645	675	25	55
Resident - Total Recreation Trips	70	125	160	505	310	30	145
Subtotal Recreation Trips	140	300	340	1150	985	55	200
Resident - Total Work Trips	65	315	145	1560	1580	70	200
Total Trip Ends (5)	205	615	485	2710	2565	125	400

Table A-3

Non-Resident
Vehicle & Person Trips to Gaming Establishments
From Hotels, Motels & Campgrounds

TRIP TYPE	Major Traffic Zones Containing Gaming Establishments		
	51	55	30
Vehicle Trips (3)	51	55	30
Entertainment	0	0	386
Gambling	81	381	2713
			1317

120-86

Gambling	81	381	2713
Eating Out	99	174	1337
Subtotal (Rounded)	180	560	4440
Lodging	254	20	256
Other	265	93	669
Total Vehicle Trip Ends (Rounded) (5)	700	670	5360
Person Trips (4)			
Entertainment	0	0	2707
Gambling	229	1513	27,169
Eating Out	245	681	7796
Subtotal (Rounded)	470	2190	37,600
Lodging	574	189	2195
Other	765	657	5283
Total Person Trip Ends (Rounded)	1810	3040	45,200

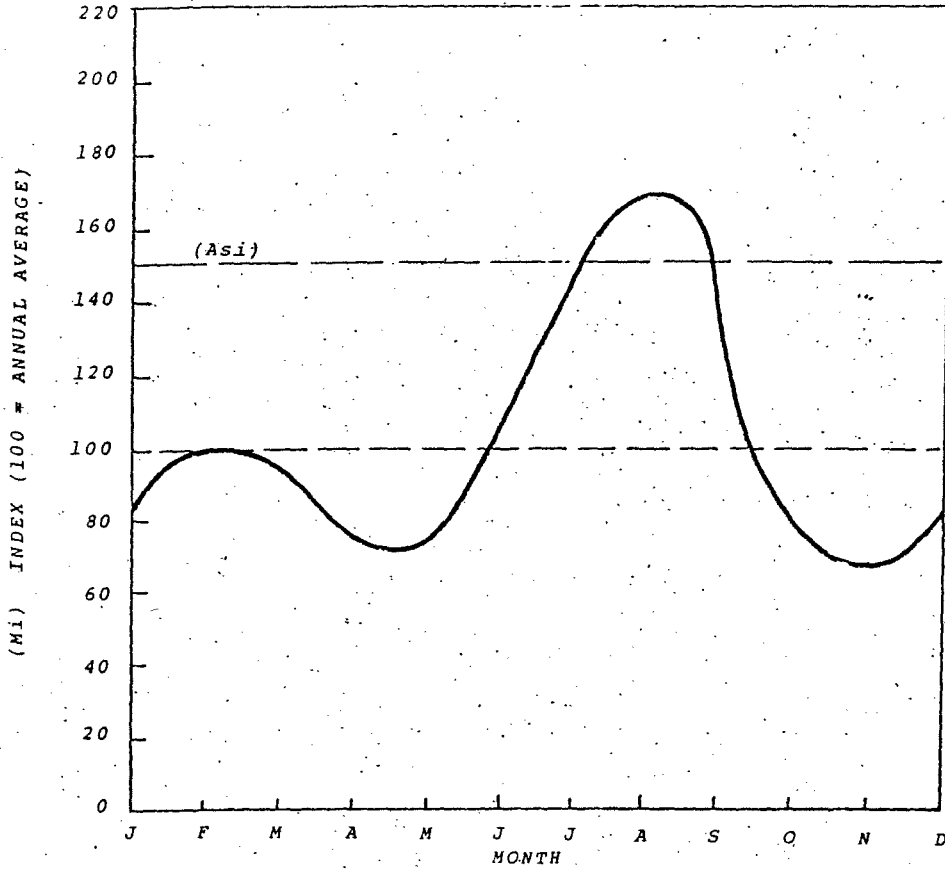
- (1) Source: TRTS 1974 Summer Roadside Survey; Tab 19. Non-residents are defined as any one not working in the Basin and length of stay is less than 30 days; this includes day visitors, and motel/hotel occupants going directly to the traffic zones containing gaming establishments.
- (2) Source: TRTS 1974 Summer Home Survey; Tabs 301583 & 301586. Resident defined as a person residing for longer than 30 days.
- (3) Source: TRTS 1974 Summer Hotel-Motel-Campground Survey; Tab 6A. These vehicle trips represent trips by a hotel, motel, or campground occupant's vehicle during a 24 hour period from non-gaming traffic zones to traffic zones containing gaming establishments. "Lodging" trips in this survey refers to the vehicle trip returning the occupant to his room in the gaming zone for the night. "Other" trips includes vehicle trips to the gaming zone for purposes not directly related to gaming establishment patronage, i.e. shopping, gas, outdoor recreation, etc.
- (4) Source: TRTS 1974 Summer Hotel-Motel-Campground Survey; Tab 6. Criteria is the same as in footnote (3) above except person trips are trips made by individual occupants via any mode of transportation (being a passenger, walking, bus, bike, etc.).
- (5) For computation of traffic impacts, Total Trip Ends must be multiplied by 2 to indicate the total number of trips into and out of a given zone.

VEHICLE & PERSON TRIPS TO GAMING ESTABLISHMENTS
ON AN AVERAGE SUMMER DAY 1974(1)

NORTH SHORE			Gaming Floor Area Operating in 1974 sq. ft.	Trips from hotel, motel & campground Basinwide		Trip Ends Non-Resident & Resident Homes					Trips From All Seven Entry Points into Tahoe Basin			Total Trips to Gaming Establishments			
Traffic Zone Major	Minor	Gaming Establishments		Vehicle Trips Per Day	Person Trips Per Day	Vehicle Trip Ends Per Day			Persons Per Vehicle	Person Trip Ends Per Day	Vehicle Trips Per Day	Persons Per Vehicle	Person Trips Per Day	Vehicle Trips Per Day	Vehicle Trips Per 1000 sq. ft. Gaming Floor Area Per Day	Person Trips Per Day	Person Trips Per 1000 sq. ft. Gaming Floor Area Per Day
						Seas.	Perm.	Total									
51	514	Hyatt Lake Tahoe	5,300(2)	180	470	70	70	140	2.4	335	250	2.4	600	570	108/1000 sq. ft.	1,405	265/1000 sq. ft.
55	557	North Shore Club	5,500(3)	560	2,190	175	125	300	2.4	720	450	2.4	1,100	2,030	77/1000 sq. ft.	5,715	216/1000 sq. ft.
		Nevada Lodge	11,000(4)														
	559	Crystal Bay Club Tahoe Nugget Cal-Neva Lodge	7,000(5) 3,000(6) -0-(7)														
SUBTOTAL			31,800	740	2,660	425	355	780	2.4	1,870	1,080	2.4	2,590	2,600	82/1000 sq. ft.	7,120	224/1000 sq. ft.
SOUTH SHORE																	
30	300	Sahara Tahoe Hotel	35,700	4,440	37,600	645	505	1,150	2.4	2,760	2,500	2.4	6,000	12,020	85/1000 sq. ft.	55,795	396/1000 sq. ft.
		Harvey's Resort Hotel	38,000														
	302	Harrah's Club Tahoe	47,000														
		Barney's Club	10,500														
	305	South Tahoe Nugget	4,300														
306	Harvey's Inn Gary's Casino	6,000 -0-	55	145	200	2.4	480	150	2.4	360							
SUBTOTAL			141,000	4,440	37,600	400	990	2,390	2.4	5,735	5,190	2.4	12,460	12,020	85/1000 sq. ft.	55,795	396/1000 sq. ft.
TAHOE BASIN TOTAL			172,800	5,180	40,260	1825	1,345	3,170	2.4	7,605	6,270	2.4	15,050	14,620	85/1000 sq. ft.	62,915	364/1000 sq. ft.

Figure 1

ESTIMATED SEASONALITY INDEX FOR LAKE TAHOE BASIN
-MONTHLY AVERAGE-



Source: ERA's Housing Element Update for TRPA - 1973.

Figure 1 presents an estimate of the population variation at Tahoe by month. The graph was derived from a number of sources including traffic count data, retail sales, and gaming receipts. It should be noted that the figures are monthly averages, such that peak weekend usage is not directly represented. However, the peak weekend probably represents at least a 2:1 ratio to the year round average population.

This seasonality index curve was used to adjust the average summer patronage estimates per 1000 sq. ft. gaming floor area to monthly estimates for the full year of 1974 (See Table).

The formula for this adjustment is:

$$\frac{(Mi)}{(Asi)} \times (Pa) = (Pm)$$

- where: (Mi) = index for each month
 (Asi) = average of the monthly indexes for the months of July, August & September; which is equal to 148 $\frac{1}{3}$
 (Pa) = average summer patronage per 1000 sq. ft. for the months of July, August & September (TRTS 1974 Summer).
 (Pm) = estimated patronage per 1000 sq. ft. for each month

Month	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
(Mi)	80	98	94	74	76	106	145	168	132	78	67	85

TABLE A-5

ESTIMATED GAMING PATRONAGE 1974

MONTH	SOUTH SHORE LAKE TAHOE			NORTH SHORE LAKE TAHOE		TOTAL TAHOE BASIN	
	Patronage Per Day Per 1000 sq. ft. Gaming Area (1)	Patronage Per Day (141,000 sq. ft. operating) (1)	Patronage Per Month	Patronage Per Day Per 1000 sq. ft. Gaming Area (2)	Patronage Per Day (31,800 sq. ft. operating) (2)	Patronage Per Month	Patronage Per Month 1974
January	214/1000 sq. ft.	30,200	936,200	121/1000 sq. ft.	3,800	117,800	1,054,000
February	262/1000 sq. ft.	36,900	1,033,200	148/1000 sq. ft.	4,700	131,600	1,164,800
March	251/1000 sq. ft.	35,400	1,097,400	142/1000 sq. ft.	4,500	139,500	1,236,900
April	198/1000 sq. ft.	27,900	837,000	112/1000 sq. ft.	3,600	108,000	945,000
May	203/1000 sq. ft.	28,600	886,600	115/1000 sq. ft.	3,600	111,600	998,200
June	283/1000 sq. ft.	39,900	1,197,000	160/1000 sq. ft.	5,100	153,000	1,350,000
July	387/1000 sq. ft.	54,600	1,692,600	219/1000 sq. ft.	7,000	217,000	1,909,600
August	449/1000 sq. ft.	63,300	1,962,300	254/1000 sq. ft.	8,100	251,000	2,213,400
September	353/1000 sq. ft.	49,800	1,494,000	199/1000 sq. ft.	6,300	189,000	1,683,000
October	208/1000 sq. ft.	29,300	908,300	118/1000 sq. ft.	3,800	117,800	1,026,100
November	179/1000 sq. ft.	25,200	756,000	101/1000 sq. ft.	3,200	96,000	852,000
December	227/1000 sq. ft.	32,000	992,000	128/1000 sq. ft.	4,100	127,100	1,119,100
TOTAL ANNUAL PATRONS		SOUTH SHORE	13,792,600	NORTH SHORE	1,759,500	TAHOE BASIN	15,552,100

- (1) TRTS 1974 Summer Data Estimates = 396 Patrons/1000 sq. ft. Gaming Floor Area in South Shore (See Figure 1 for method of adjusting summer patronage to monthly estimates). Gaming Floor Area in Operation in 1974 = 141,500 sq. ft. out of 141,500 sq. ft.
- (2) TRTS 1974 Summer Data Estimates = 224 Patrons/1000 sq. ft. Gaming Floor Area in North Shore (See Figure 1 for method of adjusting summer patronage to monthly estimates). Gaming Floor Area in Operation in 1974 = 31,800 sq. ft. out of a total of 54,500 sq. ft.

APPENDIX B

TABLE B1
HOUSING AND POPULATION ESTIMATES

A. Cumulative Total: 4 approved south shore gaming facilities

7,100 New Employees = 5,070 households (1.4 employed persons/household)*
= 4,970 service employees (.7 service employees/basic industry employee)

4,970 Service Employees = 3,550 households (1.4 employed persons/household)*

Total New Employees: 7,100 gaming employees
4,970 service employees
12,070 total new employees

Total New Households: 5,070 gaming employee households
3,550 service employee households
8,620 total new households

Total New Residents: 8,620 total new households
X 2.8 residents/household
24,140 total new residents

*Derived from characteristics of households identified in 1974 TRTS

TABLE B2
ESTIMATED HOUSEHOLD INCOME DISTRIBUTION*
(Households stimulated by new south shore gaming development)

Household Income	HOUSEHOLDS		Total
	New Gaming	New Service	
0 - 3,999	101	36	137
4,000 - 5,999	253	143	396
6,000 - 7,999	456	143	599
8,000 - 8,999	203	143	346
9,000 - 9,999	253	178	431
10,000 - 11,999	557	321	878
12,000 - 14,999	862	535*	1,397
15,000 - 19,999	963	643	1,606
20,000 - 24,999	507	714	1,221
25,000 - 34,999	659	464	1,123
35,000 - 49,999	152	143	295
50,000 +	102	107	209
	5,068	3,570	8,638

* Estimated from household income distribution of gaming and service industry employees identified in 1974 TRTS

TABLE B3
1976 HOUSING SUPPLY*

<u>Household Income</u>	<u>Units Accessible To Income Range</u>	<u>Surplus (+) Deficit (-)</u>
0 - 3,999	-320	
4,000 - 5,999	- 40	
6,000 - 7,999	- 70	
8,000 - 8,999	+ 50	
9,000 - 9,999	+ 40	
10,000 - 11,999	+500	
12,000 - 14,999	+330	
15,000 - 19,999	+ 80	
20,000 - 24,999	+ 70	
25,000 - 34,999	- 10	
35,000 - 49,999	- 70	
50,000 +	-260	

*Derived from TRPA Land and Housing Data System

TABLE B4

PROJECTED HOUSING NEEDS
(Impact of 4 approved South Shore Hotel/Casinos)

A. Total housing demand

8640 New households
-1070 Existing surplus units
7570 New demand for units
+ 770 Existing households with needs unmet
8340 Total number of new units required

B. Demand for owner occupied units

4454 New households with incomes sufficient to
purchase minimum home (household income
above \$15,000)
- 105 Surplus units
4304 New households in ownership market

C. Demand for rental units

8340 Total new units required
-4304 New households in ownership market
4036 Households with incomes insufficient
for ownership

My name is Dorothy W. Boyd, and I am a year around resident in my home in Zephyr Heights. I was Editor of TRPA in 1971, under J. K. Smith, and in that capacity edited the technical reports and the original Plan. I have been closely associated with the Agency in a volunteer capacity as Co-Chairman of the Transportation sub-committee, member of the Natural Hazards sub-committee, and, until recently, Chairman of the South Tahoe Citizens' Committee (now disbanded). I am also the appointed Supervisor, representing the three Nevada counties, on the Board of the Nevada-Tahoe Conservation District. *I speak as an individual.*

APP. III a

If the Compact is to be changed, I would favor the Sheerin bill, with the following changes:

On pg. 3, I would suggest the California membership description should remain "shall be a member ---", and I would change Nevada requirements to conform. Since these members are the closest thing we have to elected representatives on the Governing Body, I believe they should be members of the Boards they represent.

h, pg. 5

I heartily approve the changes in the composition of the Advisory Planning Committee, but I believe the five members from each state should be residents of the Basin. The voice of local property owners who are familiar with, and knowledgeable of, the area should be heard, and this is a good place to start.

essential to the health and safety of Nevada residents. However, as stated, this bill only mandates a Plan, and we already have that. What we need is immediate implementation of that plan.

ART VI

Although Tahoe is a very fractured community, where it is difficult to find any two persons who can agree on three things, I believe there is one area on which the great majority would agree, and that is that we don't want any more casinos! I am glad to see the "unwritten law" of the one-mile limit on the South shore written down at last, but I would remind you of the difficulties already apparent in housing, transportation, water and sewage capacities for the 8,000 to 12,000 employees which will be needed when Park-Tahoe, Kahle and Jennings are built. I can also see the economic viability of the need for an additional casino on the North shore, but they, too, have problems. If we ARE to have additional casinos, however, I believe that a much greater share of the monies earned by them must remain in the Basin, to help solve the problems they create.

ART VI k

I personally think that the 60-day rule should be changed. I know of no other instance where failure to reach agreement denotes approval. I would prefer seeing the project rejected, and a procedure delineated for a new hearing. I am also concerned with the 3 year expiration time, because of past performances by the Sierra Club and the League, and believe there should be a modifying clause to extend approval time in case of

120-24

All of this, however, is an exercise in futility, unless and until California is forced to repeal that section of the Environmental Protection Act which reactivated the CTRPA, and guarantees no such state agency will be created to supplant it. Rather than solving problems, they have become the greatest problem! Recent panic building, skyrocketing costs, traffic congestion and its resultant air pollution, plus many other problems, are directly attributable to the sheer idiocy of CTRPA's attempts to stop growth, rather than plan for orderly development. This is not a planning agency, but rather is an attempt at regional government, which says, in effect, "You don't know what's good for you, so we'll make you do the right thing in spite of yourselves."

Planning is absolutely necessary, but it has to be done for the entire Basin. You can't control half the water in the Lake, half the traffic, or half the air quality, and what is done in one portion can have devastating effects on the rest of the Basin. TRPA must again become the sole agency for regional planning in the Tahoe Basin, or utter chaos will result.

~~XXXXXXXXXX~~

There are some other factors which, although probably not appropriate to this bill, are related, and I would like to submit them for your consideration.

First and foremost is the provision for state funding for the purchase, at fair market price, of lands which are down-zoned. There are many individual hardship cases, where a person purchased 10 acres with lifetime savings in the hope of sub-dividing and providing a retirement income, only to find that property now zoned to allow only one house. That property should be purchased and, with the land scarcity factor, could be resold as a single building site.

Second, is that we are being governed by non-elected officials. I believe that the majority of the Governing Body should be elected, so that the local citizens can have some control.

I also believe that any application for a casino should be accompanied by economic justification, proof that the applicant has financial capability to complete the project, proof that he can qualify for a gaming license, and proof that Nevada agencies have the capacity for providing and the economic capabilities to absorb the additional services.

Thank you!

Alternatives for the Tahoe Regional Planning Agency

Testimony concerning S.B. 265 266. and 267, delivered by William R. Eadington, economist, 130 Danette Circle, Reno. NV 89511

I would like to base my testimony on two recently released reports: "Impacts of Potential Hotel/Casino Expansion at Lake Tahoe"; issued by the staff of the Tahoe Regional Planning Agency in January, 1977, and "A Case for Public Acquisition of Certain Casino Sites at Lake Tahoe", issued by the Forest Service in January, 1977.

The Tahoe Regional Planning Agency report was concerned mainly with the effect of casino expansion on the Tahoe basin's population, and the consequent effect on traffic, air quality, and housing. The discussion centered around the four already approved casino projects at the South Shore (Park Tahoe, Hotel Oliver, Tahoe Palace, and Harvey's expansion), though it did discuss the likely effects of expansion of new facilities beyond those already approved. The basic findings of the report were, that if the four already approved casino projects were completed, this would effectively double the available floor space for gaming at South Shore; it would increase permanent resident population in the area from approximately 29,000 to about 53,000 (over an 80% increase); it would require an increase in traffic lanes at South Shore from the present four lanes to ten lanes to accommodate peak load traffic; it would require the construction of about 8,300 new housing units in the general vicinity, mostly in low and medium priced housing; and it would require substantial expansion of existing sewage treatment facilities to accommodate the new housing. Furthermore, automobile traffic near the casinos would generate carbon monoxide which would exceed California and Nevada air quality standards by 50%. The report goes on to say that there may be substantial difficulty in constructing the necessary housing within the Tahoe basin because of CTRPA restrictions

on multiple unit dwellings on the California side of the basin, and the trend in recent new developments to construct high income second homes rather than low income or middle income homes. This, coupled with the public expenditures required for new highways and new sewage facilities, imply that, should these approved facilities be constructed and opened, the economic costs they create for the Tahoe basin will far exceed the benefits that will accrue from an expanded gaming industry. Quoting from the report, "If the four approved casino-hotel projects are developed, either sewage capacity will have to be substantially increased and government incentives and/or regulations applied to stimulate the development of low and moderate income housing, or the majority of the 8,600 new households will have to find housing in the Carson Valley and Carson City areas".

The report further noted that any new casino facility at the South Shore would increase population by about 1/6 over current levels and would require two new traffic lanes to accommodate increased traffic flow. At North Shore, each new facility would increase resident population by 1/3 over current levels and would also require two new traffic lanes on Highway 28; the report also noted that in certain areas around Crystal Bay, such highway expansion was physically impossible.

Acting upon this report and similar evidence from elsewhere, the U.S. Forest Service in its January 1977 report stated that expansion in the Tahoe basin's gaming industry threatened a curtailment of the use of public lands in the Tahoe basin because of capacity limits on various environmental and socio-economic factors. The report concluded: "The expansion of gaming should be halted or at least strongly controlled and not allowed to preclude use of the public lands nor cause the environmental

thresholds to be exceeded. Furthermore, the two casino-hotel sites currently approved at the South Shore, but scarcely begun, should be purchased in the public interest. A third complex, the Park Tahoe, much further along and in the same area, should be considered for purchase as well". The report goes on to say that "it would be possible to acquire the casino-hotel rights for considerably less money than total acquisition and still leave a reasonable opportunity for commercial development of limited impact." Also, "it would be ill-advised to buy out the threat of those particular casino sites without an absolute assurance that other casinos would not be approved to create the same problem."

The substance of these two reports is clear. From an economic viewpoint as well as an environmental viewpoint, future expansion of the Tahoe basin industry is highly likely to generate far more costs than benefits; from a public policy viewpoint, it would be unwise to allow future expansion to occur. The U.S. Forest Service has indicated the desirability of purchasing already approved casino-hotel sites in the public interest and prevent their construction as long as they can be assured new casino sites will not be approved in the future to create a similar circumstance.

The solution of buying out existing casino sites addresses the two crucial issues confronting the Lake Tahoe basin today: the threat of population inducing commercial or industrial development, and the preservation of existing property rights. If owners of those properties which would generate substantial population increases by their development were fairly compensated for giving up the rights of development, then both problems could be handled simultaneously. Therefore, legislation which will allow this possibility to be pursued should be favored over legislation which will make it less likely to occur.

A number of other factors should be considered in evaluating the above position, including:

1. Since the Lake Tahoe basin does have a limited capacity with respect to the number of people it can accomodate, significant expansion in the area's gaming-induced permanent resident population will reduce the number of alternative uses that the Tahoe area can be used for. This could reduce its recreational value for both California and Nevada in the long term.
2. Once casinos are built, and the area's population increases to provide jobs for those facilities, there is no realistic possibility of shrinking population back to previous levels without creating significant problems of fairness, equity, and preservation of property rights. If, after the Tahoe basin's population has doubled, it is decided that the area's environment or economy cannot accomodate that growth, it is virtually impossible to reverse that mistake.
3. Gaming as a form of tourism is dependent, to some extent, on the quality of the physical environment in which it operates; this is especially true at Lake Tahoe. If the development of new casinos at Lake Tahoe create significant deterioration of the area's environment, or add to the already congested and over-crowded conditions that presently exist in the South Shore area, it is possible that this could undermine the relative appeal of Lake Tahoe as a tourist destination, even for those individuals motivated primarily by gaming.
4. To some extent, legal gaming in one part of the State of Nevada competes with gaming elsewhere in the State. Even though this may not have been a major consideration in the past, it is likely to become more important in the future. Therefore, growth of gaming at Lake Tahoe may limit the future ability of the gaming industry to expand in Reno/Sparks or Las Vegas.

Of the legislation presently before this committee, only S.B. 265 addresses adequately the issue of controlling the expansion of the gaming industry at Lake Tahoe. Both S.B. 266 and 267, by "red-lining" certain areas for casino development, would actually be creating land values within the red-lines and therefore make it all the more difficult to prevent casino expansion by purchase, as suggested by the U.S. Forest Service. The only way either of those bills could be acceptable for the long term interests of Lake Tahoe would be to add the following amendment:

"The red-lines will not come into effect for ten years following passage and approval of this revision of the TRPA Compact by all appropriate legislative bodies. Before that time, any land-use within the designated

red-line areas would have to go through the same review and approval procedures as other lands within the Tahoe basin." The intent of such an amendment would be to give the U.S. Forest Service, or other public or private agencies, the time necessary to negotiate to buy out the development rights on potential casino properties. In this manner both the rights of property and the unique beauty of Lake Tahoe may be preserved for present and future generations.

The crucial factor underlying the future development of the Lake Tahoe basin is the development of population-inducing industry, especially gaming. The TRPA has been less than successful in fulfilling their mandate of maintaining a balance between the region's natural endowments and its manmade environment, and in preserving the scenic beauty and recreational opportunities of Lake Tahoe. This is largely because the TRPA has never had control over the major source of growth and change in the Tahoe basin, which is the gaming industry. If a regulatory agency cannot address the major causes of the problems it is supposed to control, it will likely try to attack the symptoms of those problems, not be effective in fulfilling its objectives, and possibly be viewed as an agency which does nothing but harass individual rights for no real purpose. The TRPA must be given the ability to control expansion of the basin's gaming industry if it is ever to be an effective planning agency. This can only be done through passage of S.B. 265 or through passage of substantially amended versions of S.B. 266 or 267, as suggested above. I therefore urge your support on these positions.

George

SUMMARY
OF
TAHOE TRANSPORTATION DISTRICT LEGISLATION

Under existing law such transit as is available in the Lake Tahoe basin is operated by cities, counties, and private parties. No local agency has the authority to regulate the flow of vehicular traffic for purposes other than safety. El Dorado County owns and operates the South Lake Tahoe Airport and the Truckee-Tahoe Airport District owns and operates the Truckee Airport.

This bill would create a Tahoe Transportation District (TTD) with the authority to operate a public transportation system in service of the Tahoe basin and its division and to operate both within and without the California side of the Tahoe basin and in the State of Nevada when authorized by Nevada and Federal law.

The District is authorized to acquire both airports and the facilities of the Tahoe Area Regional Transit service provided by Placer County and to acquire, upon mutually agreeable terms, the transit system of the City of South Lake Tahoe.

The District is authorized to impose charges on the privilege of parking any vehicle under 8,000 pounds or any camper or house trailer regardless of weight within the California side of the basin except that no charge may be imposed for emergency stops, nor for being stopped while obtaining fuel, nor for cars parked at private residences without charge.

The District may take these actions only when in conformity with the regional transportation plan of the California Tahoe Regional Planning Agency.

Additionally, the District is given the powers and functions customarily extended to transit operators in the State of California, including the authority to issue revenue bonds and other evidences of indebtedness, to assimilate employees of existing transportation systems which are acquired without loss of benefits to such employees, to bargain collectively with employee organizations, and to extend to employees pension and other collateral benefits. Employees are denied the right to strike.

The membership of the governing board of the District is as follows:

(a) One resident of the City of South Lake Tahoe appointed by the City Council.

(b) One resident of the Lake Tahoe basin portion of Placer County as defined in Government Code Section 67021 appointed by its board of supervisors.

(c) One resident of the Lake Tahoe basin portion of El Dorado County appointed by its board of supervisors.

(d) One resident of the 48 northernmost counties from outside the Lake Tahoe basin appointed by the Governor.

(e) One resident of the 10 southernmost counties, Los Angeles, Ventura, San Diego, Santa Barbara, Riverside, San Bernardino, Imperial, Orange, San Luis Obispo and Kern.

(f) One member appointed by the California Tahoe Regional Planning Agency.

(g) The Director of the California Department of Transportation or such alternate employee of that department as he/she shall designate to serve at his/her pleasure.

Except for the Director of Transportation, members are precluded from holding any other public office and they will serve four year staggered terms. The members are to exercise their own best judgment and not to serve as the agent of their appointing authority.

Additionally, the District is given the authority to utilize the one-fourth percent sales tax for transportation monies, and the California Department of Transportation is authorized to construct any facilities which would be required for the transportation system of the basin if both agencies agree to this arrangement.

Henry Martin

Exhibit "K"

RESOLUTION
National Headquarters, The American Legion

Fifty-Eighth Annual National Convention, Seattle, Washington
August 24, 25, 26, 1976

Resolution No. 232

Subject ~~POLLUTION ZONING ABATEMENT~~ Pollution Zoning Abatement

Credentials and Intercourse Affairs
~~COMMITTEES AND SPECIAL AFFAIRS~~

Referred to Committee on _____

POLLUTION ZONING ABATEMENT

Whereas, it has been brought to the attention of The American Legion that certain inequities now exist throughout America, and

Whereas, substantial evidence exists that those safeguards provided for the protection of human rights under constitutional law are being subrogated to appease certain new philosophies and the liberal appetites of some politicians; and

Whereas, the delegation of legislative powers to non-elected persons who hold social philosophy rather than constitutional law as paramount ignores the dedication of our deceased comrades in arms who willingly sacrificed both life and limb to preserve agovernment of the people, by the people, and for the people, and

Whereas, the existence of appointed agencies, which are established contrary to constitutional principles, deny those under their jurisdiction the rights of recall and referendum through the ballot, and

Whereas, substantial evidence exists that those in government are attempting to establish new regions which destroy the sovereignty of the states as well as the protections provided the citizens within those states in direct violation of the United States Constitution, and

Whereas, the very foundation of liberty resides in the rights of Americans to be secure in the ownership of property, both real and private, and these agencies and political subdivisions seek to destroy such rights, now, therefore, be it

Resolved, that the right to control property should be and is under constitutional law through voluntary association with others or through the process of eminent domain, and

Be it Further Resolved, that all necessary steps must be taken to justly compensate those veterans, the widows of veterans and their children, and all other Americans who have been denied either use or possession of their land for public benefit or environmental ethic, and

FOR CONVENTION COMMITTEE USE	
Approved _____	Rejected _____
Approved with Amendments _____	
Consolidated with _____	

Referred to Standing Commission or Committee on _____	

Received and Recorded _____	
Other Action _____	
Signature _____ <small>(Chairman or Secretary)</small>	

This is to certify that the above resolution was adopted by our Department Convention but with indicated national action substituted for local resolving clause.

[Signature]
(Signed) (Adjutant)

California
(Type) (Department)

(Below is to be filled in when resolution is submitted from another authorized source. It may also be used to comply with the identification provision of Resolution 21, referred to in paragraph 3 on reverse side of white form.)

RESOLUTION
National Headquarters, The American Legion

Fifty-Eighth Annual National Convention, Seattle, Washington
August 24, 25, 26, 1976

Resolution No. 132

Subject _____

Referred to Committee on _____

DO NOT FILL IN ABOVE LINES

Be it further resolved, that The American Legion demands the immediate repeal of all legislation which has created bureaucracies with the power to control, removing those non-elected individuals who now legislate through the delegation of authority from elected officials who are seeking to control Americans rather than to serve them, and

Be it further resolved, that we, the member of The American Legion, demand an immediate return to strict constitutional adherence regarding the ownership of land and the guaranteed right to its ownership, use, and due process of law regarding its disposition.

FOR CONVENTION COMMITTEE USE

Approved _____ Rejected _____

Approved with Amendments _____

Consolidated with _____

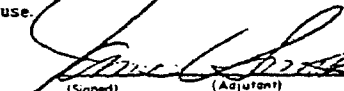
Referred to Standing Commission or Committee on _____

Received and Recorded _____

Other Action _____

Signature _____
(Chairman or Secretary)

This is to certify that the above resolution was adopted by our Department Convention but with indicated national action substituted for local resolving clause.


(Signed) (Adjutant)

California

(Type) (Department)

(Below is to be filled in when resolution is submitted from another authorized source. It may also be used to comply with the identification provision of Resolution 21, referred to in paragraph 3 on reverse side of white form.)

Exhibit "K1"



Lake Tahoe Jaycees

P.O. BOX 952 • SOUTH LAKE TAHOE, CALIFORNIA 95705

RESOLUTION

WHEREAS the recent trend toward the creation of Regional Planning Agencies, such as the California Tahoe Regional Planning Agency, the California Coastal Zone Conservation Commission, the Tahoe Regional Planning Agency and other similarly established Regional Bureaucracies has resulted in arbitrary and capricious decisions affecting citizens attempting to establish homes, conduct commerce and/or otherwise exercise and enjoy the reasonable and prudent use of their property and property rights, and

WHEREAS the existence of appointed membership to these agencies who have legislative powers, whose establishment is contrary to constitutional principles, deny those under their jurisdiction the rights of recall and referendum through the ballot in violation of "Due Process" as guaranteed by the Constitution, and

WHEREAS one of the foundations of liberty resides in the rights of people to be secure in the ownership of property, both real and private, and these agencies and political subdivisions seek to destroy such rights, and

WHEREAS one of the founding principles as set forth in the JAYCEE CREED is, We Believe: THAT GOVERNMENT SHOULD BE OF LAWS RATHER THAN OF MEN.

BE IT FURTHER RESOLVED by the California Jaycees that such legislation be introduced as would require that the above referred to commissions and agencies be by election rather than by appointment, thereby causing such commissions and agencies to be directly responsive to the electorate.

LAKE TAHOE JAYCEES 10-14-76

Submitted By

David H. Ramsey, President

Donald L. Swartz, Secretary

170-105



LEAGUE OF WOMEN VOTERS

March 14, 1977

My name is Lee Kosso, from Reno, Nevada, and I represent the Nevada League of Women Voters. I am here on their behalf to urge you to support legislation which will most effectively and speedily preserve what remains of the natural quality of Lake Tahoe. Considering the uniqueness of this lake and the spectacular beauty of the surrounding area, all other interests must be secondary to conservation of the Lake itself and to prevention of its further environmental degradation.

The Nevada League of Women Voters recommends the following:

1. Reversal of the dual majority, sixty-day rule in the voting procedure of the governing board of the Tahoe Regional Planning Agency so that unless a majority of the members of both states agree, the matter will be rejected.
2. Broader based representation on the TRPA governing board. Since over two-thirds of the land in the Tahoe Basin is publicly owned, the Lake Tahoe area concerns the people of the nation and states as well as the local population and those interests should be represented proportionately.
3. Development throughout the entire Basin should be minimized. The League of Women Voters is not opposed to gaming per se, but we do oppose any further gaming at Lake Tahoe as well as urbanization in any form which would encourage a larger permanent population and additional automobile traffic. Changes in the structure of the TRPA are needed not only to curtail gaming but to discourage increasing development on the California side of the Lake.
4. The Nevada League supports the U.S. Forest Service proposal to purchase hotel-casino sites for public use.

A recent TRPA staff report indicated that additional hotel-casinos would have a devastating effect on the environment in the Tahoe Basin. Air and water quality around the Lake have already deteriorated and there are a growing number of areas on both sides of the Lake which are ugly and alien to the natural environment. It seems not only criminal, but foolish, for Nevada to allow such an outstanding resource to be sacrificed. The Nevada League of Women Voters asks that you take the most stringent and direct methods to preserve Lake Tahoe for future generations.

Thank you.

Lee Kosso
60 Anson Drive
Reno, Nevada

120-10600

RESOLUTION 77-1

WHEREAS, the Tahoe Regional Planning Agency has operated since its creation in 1970 under authority granted by the States of California and Nevada, and the United States Congress through the Interstate Compact created by Public Law 91-148; and

WHEREAS, said Compact mandates the Tahoe Regional Planning Agency to insure a balance between "resource conservation and orderly development" within the Lake Tahoe Basin; and

WHEREAS, the rate of growth of the principal industry of any region will exert a major influence upon the ability of that region to maintain equilibrium between resource conservation and orderly development; and

WHEREAS, employment figures for the Tahoe region clearly show the gaming industry to be the principal industry of the region; and

WHEREAS, provisions of the Interstate Compact have severely limited the ability of the Tahoe Regional Planning Agency to influence the rate of growth of the gaming industry in the Tahoe Basin; and

WHEREAS, data developed over the past three years has recently been aggregated and analyzed by the staff of the Tahoe Regional Planning Agency in its report on Impacts of Potential Hotel/Casino Expansion at Lake Tahoe; and

WHEREAS, said report identifies a very high probability of severe transportation, air quality; housing and public facility impacts as a result of gaming industry expansion already approved within the Tahoe Basin; and

WHEREAS, said report also identifies a potential for major expansion of the gaming industry in the Tahoe Basin beyond those existing approvals; and

WHEREAS, the Tahoe Regional Planning Agency remains severely limited in its ability to influence such expansion of the gaming industry in the Basin; and

WHEREAS, there is a high probability of such expansion adversely affecting the use of the public lands in the Basin.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Tahoe Regional Planning Agency that said report be formally transmitted to the Legislatures of the States of California and Nevada, and to the United States Congress; and

BE IT FURTHER RESOLVED that said Legislators be urgently requested to review the provisions of the Interstate Compact and to develop such revisions to said Compact as may be necessary to insure that any expansion of the gaming industry in the Tahoe Basin is brought under more adequate control and that the balance between resource conservation and orderly development within the region is thereby maintained.

PASSED AND ADOPTED by the Governing Body of the Tahoe Regional Planning Agency this 11th Day of February, 1977 by the following vote:

Ayes: Mr. Wynn, Mr. Meder, Mr. Bensinger, Mr. Cooke, Mr. Stewart, Mr. Henry, Mr. Scott

Nays: Mr. Burns, Mrs. Onorato

Abstain: None

Absent: Mr. Kjer


DICK SCOTT, Chairman

TESTIMONY - March 14, 1977

Page 1 of 2

TO: Senate Committee on Environment, Resources and Agriculture
Assembly Committee on Environment and Public Resources
Nevada Legislators concerned with Lake Tahoe's future.

SUBJECT: The Lake Tahoe Basin Taxpayers' Opposition to Casino Expansion.

Gentlemen:

My name is Roger Steele and I am Chairman of the Nevada North Shore Property Owners Association. The Nevada North Shore Property Owners Association was formed in 1965 to preserve the value of individual properties and to protect the natural beauty of the environment. It is open to all property taxpayers on the Nevada north shore of Lake Tahoe (The Washoe County portion of the basin).

The only comprehensive poll of the concerns of Lake Tahoe Basin property owners was conducted in 1971 by the Lake Tahoe Area Council, to determine what kind of a future the taxpayers wanted for Lake Tahoe five, ten and twenty years hence. Over 8,000 questionnaires were returned and some of the key results from the Nevada side of Lake Tahoe are as follows:

- A) Three-fourths of the Nevada taxpayers wanted restriction of further casino development.
- B) 85% wanted gaming and casinos restricted to within one mile of the state line.
- C) 86% opposed any high rise development, and 93% opposed high rise buildings between the lake front and the highway.
- D) Of the major problem areas at Lake Tahoe, the Nevada Taxpayers listed the four worst as:
 - 1 - water pollution
 - 2 - scenic destruction
 - 3 - too much commercialism
 - 4 - too many people
 (Water pollution, listed worst in 1971, has been largely solved by sewer exportation.)
- E) In Douglas County, 95% favored architectural controls on commercial areas, and in Washoe County the figure was 97%.

120-108

Regarding casinos, it is noteworthy that the first Tahoe Regional Planning Agency vote on the two recent and controversial casinos was eight to two against, exactly the same 80% ratio expressed by the Washoe County taxpayers. (Opposition to further casino development by Douglas County taxpayers was 69% to 31%.)

In spite of these overwhelming concerns by the taxpayers who support local government, one vote was later switched (by a new TRPA member), opening the door under the existing TRPA "60-day default approval" to major casino expansion which will result in additional traffic congestion, more air pollution, water shortages, and a generally deteriorating environment, unless these casino properties can be purchased to protect the public interest; the Forest Service has reportedly proposed to compensate these casino property investors but only on the assurance that no other casinos will be approved. Hence, it is essential for the future of Lake Tahoe Basin that either SB 265 be passed, or SB266 be amended to prohibit future casinos and expansion of existing casinos.

The attached table summarized the results of the Tahoe Basin taxpayers' poll and shows the Nevada side of the Basin to be strongly opposed to what has happened in the past five years and to what will continue to deteriorate the environment, enjoyment and recreational usefulness of the Tahoe Basin unless appropriate action is taken by the Nevada Legislature.

WATER SHORTAGE, NOW AND IN THE FUTURE: The California-Nevada interstate water compact limits the total annual gross diversion for Nevada use in the basin to 11,000 acre feet. The graph of water usage shows the past rate of increase and indicates that the Nevada side of the Lake will run out of water in 1979 and California about 1980; these are legal limits and any extension of the present drought could set practical limits much sooner. In any event, there will not be sufficient water in the future to flush the toilets of another two thousand hotel rooms nor sufficient water to service the additional four or five thousand new employees, should the Park Tahoe, Hotel Oliver, and Tahoe Palace be built, let alone any additional casinos beyond these.

NEVADA ACTION IS NECESSARY: The impact of these hotels, if built, will push the Tahoe environment beyond its practical limits in terms of transportation, air pollution, housing and water supply, all to serve masses of people who might just as well be in Reno, Carson City, or Las Vegas as far as their participation goes in what is unique at Tahoe.

Long term planning for the Basin is more essential now than ever before. Casino expansion can more logically take place outside the Tahoe Basin, in areas where the environment is not so fragile.

It is incumbent upon both the Nevada Senate and the Assembly to consider Tahoe an important National resource and to treat it as such.

Respectfully submitted,

Roger C. Steele
ROGER C. STEELE
Chairman

170-109

Encls: 1 - Summary, Taxpayer's Poll
2 - Graph. Water Shortage

SUMMARY OF 1971 LAKE TAHOE AREA COUNCIL POLL OF WHAT KIND OF TAHOE

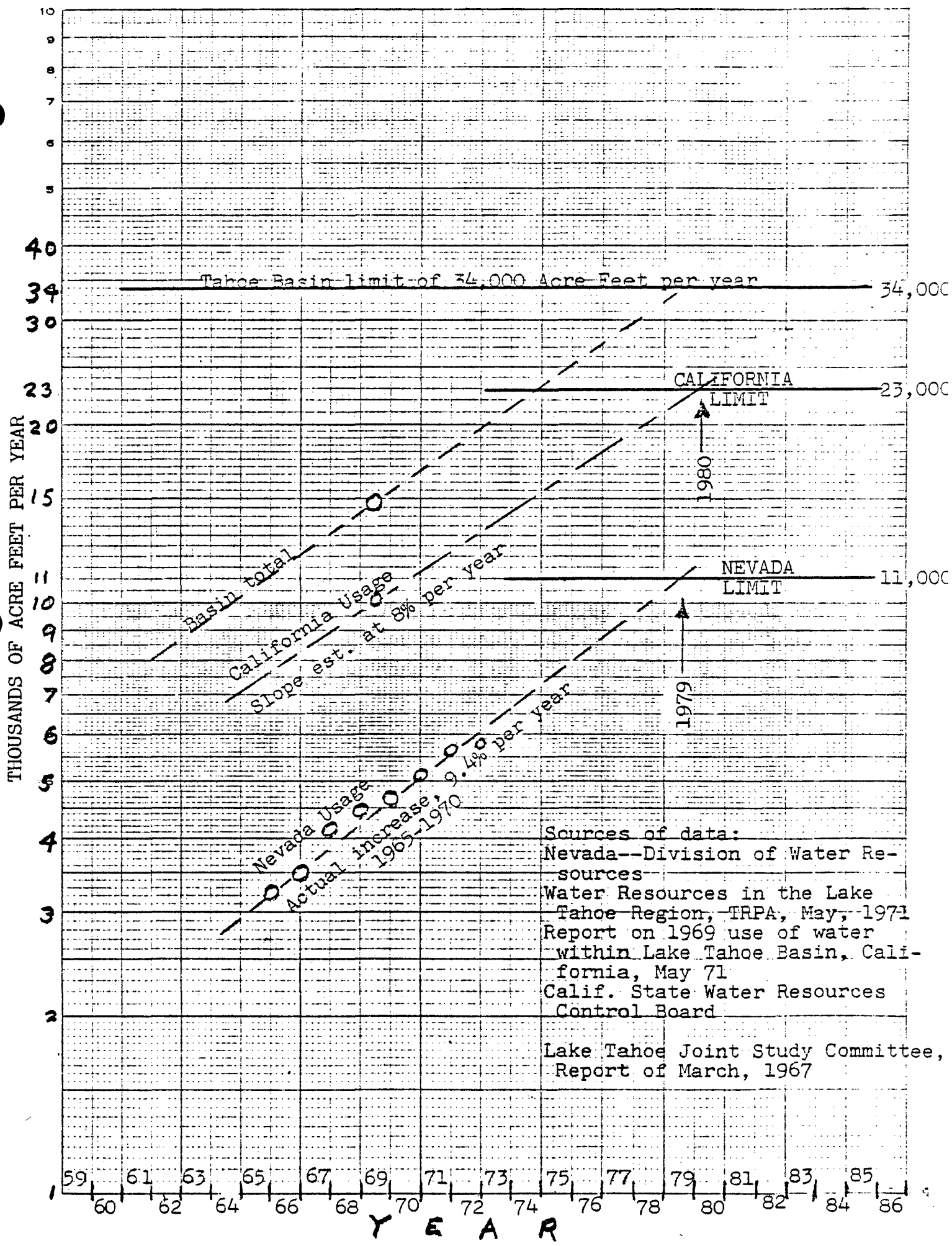
THE BASIN TAXPAYERS WANT FOR THE FUTURE.

	NEVADA		CALIFORNIA		LAKE TAHOE
	WASHOE (Yes)	DOUGLAS (Yes)	ELDORADO (Yes)	PLACER (Yes)	BASINWIDE (Yes)
ARE YOU A REGISTERED VOTER?	20%	30%	14%	13%	15%
RANKING OF TEN MAJOR PROBLEM AREAS OF LAKE TAHOE: (priority points)					
1 - water pollution	5,772	2,997	23,518	14,598	49,969
2 - scenic destruction	5,341	2,640	21,214	12,859	44,550
3 - too much commercialism	4,755	2,405	19,227	11,743	40,473
4 - too many people	3,620	1,918	15,018	9,481	31,856
RESTRICT GAMING AND CASINOS TO WITHIN ONE MILE OF STATE LINE?	87%	83%	86%	90%	87%
RESTRICTION ON FURTHER CASINO DEVELOPMENT?	80%	69%	72%	85%	77%
DO YOU APPROVE OF THE FOLLOWING BUILDING PROJECTS?					
- Single Family Residential	97%	95%	96%	97%	96%
- Multi Family Residential	51%	45%	48%	38%	45%
- Condominium or Apartments	51%	33%	34%	28%	35%
- High Rise Developments	11%	18%	13%	8%	12%
- Retail Establishments	66%	60%	60%	56%	59%
IN FAVOR OF HIGH RISE BUILDINGS IF THEY WERE:					
- Between lakefront & Highway	4%	9%	6%	3%	5%
- Adjacent to mountain backdrop	36%	49%	39%	27%	35%
- Not visible from lake	28%	39%	32%	29%	31%
- Not at all	56%	59%	51%	58%	55%
IN FAVOR OF ARCHITECTURAL CONTROLS ON COMMERCIAL AREAS?	97%	95%	95%	96%	96%
IN FAVOR OF ARCHITECTURAL CONTROLS ON RESIDENTIAL AREAS?	93%	86%	81%	86%	84%

120-110

LAKE TAHOE WATER USAGE AND WATER COMPACT MAXIMUM LIMITS

NO. 340 L-220 DIETZGEN GRAFITE PAPER
 SEMI-LOGARITHMIC
 2 CYCLES X 20 DIVISIONS PER INCH
 EUGENE DIETZGEN CO.
 MADE IN U. S. A.



6-24-71 11L

Roger Hall

LAKE TAHOE AREA COUNCIL
 REPORT TO THE
 LAKE TAHOE REGIONAL PLANNING AGENCY AND ITS
 ADVISORY PLANNING COMMITTEE
 ON THE
 FUTURE OF LAKE TAHOE
August 1971

In a public statement of importance which the Council considers this to be, and fully realizing that the members of the Agency and the Advisory Planning Commission are well aware of the contribution the Council has made to the future welfare of the area, it is appropriate at the outset to state that we are a non governmental and non profit organization representing a wide variety of interests -- residents, non-residents, property owners and business. Our historical position as an organization vitally interested has been and continues to be that much remains to be done if Lake Tahoe and its environs are to be preserved for present and future generations as one of our nation's great scenic and recreational areas. We add to this basic concern that all development should be orderly, intelligently directed and under appropriate supervision.

Members of the Council have witnessed with interest the development of the Regional Agency. Our Executive Secretary has attended all of your meetings and members of our Executive Committee have been kept fully advised of your progress. Discussions of your activities generally resulted in the conclusion that something was lacking in that there was no one to speak formally for property owners and taxpayers

120-112

MEMORANDUM TO T.R.P.A.

and thus an important void existed which should be rectified. As the thirteen year old fact finding and research organization in the area, we concluded we had an obligation to endeavor to find out what kind of a Lake Tahoe the property owners and taxpayers wanted Tahoe to be five, ten, or twenty years hence. Professional pollsters told us that we would probably not receive more than a 10-15% response to any form of inquiry. With no other medium available, we went ahead as a public service with a questionnaire designed to obtain basic and useable information. A number of public agencies including the staff of the Regional Agency contributed to the questions that were asked. The final product was sent to approximately 26,000 property owners on April 21. A copy of the Questionnaire and the covering letter is attached to this report. As addresses were taken from the tax rolls we were aware of the fact, which was subsequently confirmed, that a number of the mailings would probably never reach the anticipated respondent. In spite of this it was with considerable satisfaction that before a predetermined cut-off date of June 15 we received over 8,000 replies. Some were not useable in an electronic data computer compilation, but the information we present to you today represents an average item tabulation of over 80% of the responses received.

With these introductory comments, I now present to you factual information representing the hopes of 30% of all property owners, and what they would like the future Lake Tahoe to be. The Council is but a servant of these taxpayers in presenting the data to you. Any comments that I might add result from a closer analysis of the computer tabulation.

MEMORANDUM TO T.R.P.A.

Question #1 Status of Property Owners

14% own permanent home
42% own second or recreation home
2% own property used for business
36% own undeveloped property
6% own other

Question #2 Do you rent your property any time during the year?

Yes 38% No 62%

Question #3 Size of Property

Less than 1/2 acre 72%
More than 1/2 but less than one 20%
More than 1 but less than two 5%
More than 2 but less than five 2%
More than five 1%

Question #4 In what county is your property located?

Washoe 13%
Douglas 7%
El Dorado 50%
Placer 30%

Question #5 Is your property on the lake front?

Yes 9% No 91%

Question #7 Time spent at Lake Tahoe per year.

Only occasionally 33%
2 to 8 weeks 32%
8 to 16 weeks 12%
16 to 26 weeks 6%
Permanently 17%

Question #8 Are you a registered voter in the Basin?

Yes 15% No 85%

MEMORANDUM TO T.R.P.A.

Question #9 Recreational activities

Fishing	4026	Snow Skiing	3414
Hiking	3818	Other	2601
Picnicking	3643	Water Skiing	2170
Gaming	3604	Back Packing	1257
Boating	3597		

Question #10 Should there be more public recreation areas?

Yes 65% No 35%

Question #11 Do you favor condemning private land for public use?

Yes 35% No 65%

Question #12 Do you favor a tourist use tax?

Yes 63% No 37%

Question #13 What do you consider the major problems at Lake Tahoe to be today?*

Water pollution	49969
Scenic destruction	44550
Too much commercialism	40473
Too many people	31856
Zoning not restrictive enough	30124
Soil erosion	29256
Air pollution	26240
Too little access to lake front	25206
Too few parks	22548
Too much construction work	21372

Question #14 Land use and controls

Too strict 4%
Satisfactory 23%
Not strict enough 73%

Question #15 Are you satisfied with services and performance of local governmental agencies in which your property is located?

Yes 58% No 42%

*Where preferences were indicated in the survey they were so recorded. When they were not, each answer was given equal status.

MEMORANDUM TO T.R.P.A.

Question #16 What Agency would you prefer to exercise governmental authority?

- a) The new Bi State Regional Agency 48%
- b) A Federal Agency 10%
- c) A State Agency 7%
- d) Full control left to five counties and City of South Lake Tahoe 27%
- e) Two new cities - one in California and one in Nevada 8%

Question #17 Gaming and Casino Hotels Approve Disapprove

- Not to extend beyond one mile of Stateline 87% 13%
- Restriction of further casino development 77% 23%
- Unlimited casino-hotel development 17% 83%

Question #18 Population

- Remain as is 82%
- Double 13%
- Triple 5%

Question #19 Do you favor population being limited?

- Yes 80% No 20%

Question #20 Do you approve or disapprove the following building projects?

	Approve	Disapprove
Single family residences	96%	4%
Multi family residences	45%	55%
Condominiums or apartments	35%	65%
In clusters	34%	66%
In separate units	33%	67%
High rise developments	12%	88%
Retail establishments	59%	41%

Question #21 Would you favor high rise buildings if they were:

	Yes	No
Between the lake front and the highway	5%	95%
Adjacent to the mountain backdrop	35%	65%
Not visible from the lake	41%	59%
Not at all	55%	45%

MEMORANDUM TO T.R.P.A.

Question #22 Do you favor architectural controls on:

Commercial areas	Yes	96%	No	4%
Residential areas	Yes	84%	No	16%

Question #23 Do you own a business enterprise?

Yes	13%	No	87%
-----	-----	----	-----

Kind of Business

Open all year round	90%
Open summer only	8%
Open winter only	2%

CONCLUSIONS:

The Lake Tahoe Area Council is proud to have been the conduit that brings the Questionnaire results to you. No influential or publicity procedures were used to increase responses. The Council did sponsor an essay contest "Tahoe Tomorrow" among grammar school children. If their hearts and minds could speak to you today, as they did in their essay contributions, you would be inspired by the extent of their desire to preserve the natural beauties of the Lake area as well as its recreational usefulness. Gentlemen, the Council has for the last thirteen years, sponsored many research and fact finding projects of value to public agencies. We consider the Questionnaire to be one of the most important for it can only be assessed in simple terms "the people have spoken".



Lake Tahoe Area Council

TRIBUNE BUILDING • HIGHWAY 50 • P. O. BOX 3475
SOUTH LAKE TAHOE, CALIFORNIA 95705 • 916-544-5294

April 21, 1971

TO THE PROPERTY OWNERS AND TAXPAYERS IN THE LAKE TAHOE BASIN

Attached is a Questionnaire directed to all property owners and taxpayers in the Lake Tahoe Basin that has been prepared by the Lake Tahoe Area Council.

For the past thirteen years the Lake Tahoe Area Council has been functioning as a non-profit conservation organization devoted to the planned, orderly development of the Lake Tahoe Basin.

The questions contained herein essentially ask: WHAT KIND OF LAKE DO YOU WANT TAHOE TO BE, FIVE, TEN OR TWENTY YEARS FROM NOW? The Council feels this question is important to everyone who is interested in the basin and concerned with the retention of its scenic beauty and recreational values.

Considerable technical information has been developed about the lake and the basin, but there is now a very vital need to find out what the people themselves want the future of Lake Tahoe to be. All interested governmental agencies want to know these answers, as they are called upon to determine guidelines for many aspects of land use and needed services.

It is therefore our urgent request that you answer the questionnaire and return it to us at your earliest convenience. It is YOUR LAKE TAHOE, in a very real sense, and its future properly rests in your hands. Participation in this endeavor could well have a material influence on the decisions that must be made in the near future. So please answer now.

Very truly yours,

LAKE TAHOE AREA COUNCIL


James F. Crafts, President

P. S. We have provided a return envelope for your convenience. Your 6¢ stamp on the envelope would be a welcome contribution toward our efforts.

120-718

Lake Tahoe Area Council

QUESTIONNAIRE ON THE FUTURE OF LAKE TAHOE

YOUR PROPERTY

1. Check type of property you own:
- a) Permanent Home / /
 - b) Second or Recreation Home / /
 - c) Used for Business / /
 - d) Undeveloped / /
 - e) Other _____
2. If your property is a permanent or a recreation home, do you rent it to others any time during the year? Yes / / No / /
3. What is the approximate size of your property? (check one)
- a) Less than 1/2 acre / /
 - b) More than 1/2 acre but less than 1 acre / /
 - c) More than 1 acre but less than 2 acres / /
 - d) More than 2 acres but less than 5 acres / /
 - e) More than 5 acres / /
4. In what County is your property located? _____
5. Is it on the Lake front? Yes / / No / /
6. If not on the Lake front, approximate distance from the Lake? _____
7. How much total time do you spend at Lake Tahoe per year? (check one)
- a) Only occasionally / /
 - b) 2 to 8 weeks / /
 - c) 8 to 16 weeks / /
 - d) 16 to 26 weeks / /
 - e) Permanently / /
8. Are you a registered voter in the Lake Tahoe Basin? Yes / / No / /

RECREATION

9. What recreational activities do you participate in while at Lake Tahoe? (check all applicable)
- | | |
|-----------------------|------------------------|
| a) Snow skiing / / | f) Gaming / / |
| b) Water skiing / / | g) Picnicking / / |
| c) Boating / / | h) Hiking / / |
| d) Fishing / / | i) Others (list) _____ |
| e) Back Packing / / | |

Lake Tahoe Area Council

RECREATION - continued

- 10. Should there be more public recreation areas? Yes / / No / /
- 11. Do you favor condemning private land for public use? Yes / / No / /
- 12. Do you favor a tourist use tax? Yes / / No / /

LAND USE AND GOVERNMENT

13. What do you consider the major problems at Lake Tahoe today? (number them 1 to 10, with No. 1 as most important)

- Water pollution / /
- Scenic destruction / /
- Too few parks / /
- Too much commercialism / /
- Too many people / /
- Air pollution / /
- Soil Erosion / /
- Too little public access to lakefront / /
- Zoning not restrictive enough / /
- Too much construction work / /
- Other (List)

14. Are present land use or development controls (check one)

- a) Too strict / /
- b) Satisfactory / /
- c) Not strict enough / /

15. Are you satisfied with the services and performance of the local governmental agencies in which your property is located? Yes / / No / /

16. What Agency would you prefer to exercise governmental authority?

- a) The new Bi State Regional Agency / /
- b) A federal agency / /
- c) A state agency / /
- d) Full control left to the 5 counties and City of South Lake Tahoe / /
- e) Two new cities - one in California and one in Nevada / /

Lake Tahoe Area Council

LAND USE AND GOVERNMENT - continued

17. Concerning Gaming and Casino-Hotels, would you approve/disapprove:

	<u>Approve</u>	<u>Disapprove</u>
a) Keeping casino-hotels in a zone not to exceed one mile from each end of the lake at Stateline?	/ /	/ /
b) Restriction of further casino development	/ /	/ /
c) Unlimited casino-hotel development	/ /	/ /

POPULATION AND DEVELOPMENT

18. The current population of the Lake Tahoe Basin is in the range of 25,000 to 30,000 permanent residents and estimated to be three times that number during the summer season.

Would you like the population to (check preference)

- a) Remain as is / /
- b) Double / /
- c) Triple / /
- d) Comments:

19. Do you favor population being limited within the Lake Tahoe region? Yes / / No / /

20. Developers are interested in various kinds of building projects. Do you approve or disapprove of any of the following:

	<u>Approve</u>	<u>Disapprove</u>
a) Single family residences	/ /	/ /
b) Multi-family residences	/ /	/ /
c) Condominiums or apartments	/ /	/ /
1. In clusters	/ /	/ /
2. In separate units	/ /	/ /
d) High-rise developments	/ /	/ /
e) Retail establishments	/ /	/ /
f) Other	/ /	/ /
g) Comments:		

120-121

Lake Tahoe Area Council

POPULATION AND DEVELOPMENT - continued

21. Would you favor high rise buildings if they were

- | | | | | | | |
|--|-----|---|---|----|---|---|
| a) Between the lakefront and the highway | Yes | / | / | No | / | / |
| b) Adjacent to the mountain backdrop | Yes | / | / | No | / | / |
| c) Not visible from the lake | Yes | / | / | No | / | / |
| d) Not at all | Yes | / | / | No | / | / |

22. Do you favor architectural controls on:

- | | | | | | | |
|----------------------|-----|---|---|----|---|---|
| a) Commercial areas | Yes | / | / | No | / | / |
| b) Residential areas | Yes | / | / | No | / | / |

BUSINESS

23. Do you own or operate a business enterprise? Yes / / No / /

Kind of business: _____

- | | | | | | | |
|----------------------------|-----|---|---|----|---|---|
| Is it open all year round? | Yes | / | / | No | / | / |
| Is it open summer only? | Yes | / | / | No | / | / |
| Is it open winter only? | Yes | / | / | No | / | / |

How many people do you employ

at your busiest season _____
at your least busy season _____

*1040
people*

QUESTION NO. 1

CHECK THE TYPE OF PROPERTY YOU OWN

	<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>ELDORADO</u>	<u>PLACER</u>
Own permanent home	14%	16%	31%	15%	11%
Second or Recreation Home	42%	34%	31%	39%	57%
Property used for business	2%	1%	1%	2%	2%
Undeveloped property	36%	46%	35%	38%	27%
Other	6%	3%	2%	6%	3%

QUESTION NO. 2

DO YOU RENT YOUR PROPERTY ANY TIME DURING THE YEAR?

	<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>ELDORADO</u>	<u>PLACER</u>
Yes	38%	45%	25%	35%	44%
No	62%	55%	75%	65%	56%

QUESTION NO. 3

SIZE OF PROPERTY

	<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>ELDORADO</u>	<u>PLACER</u>
Less than 1/2 acre	72%	60%	60%	78%	71%
More than 1/2 acre but less than 1	20%	34%	26%	15%	21%
More than one but less than 2	5%	4%	7%	5%	5%
More than two but less than 5	2%	1%	6%	1%	2%
More than five	1%	1%	1%	1%	1%

(Paragraph 4 asked in what county is your property located?)

13% or 1,040 of the 8,000 replies were from Washoe County property owners.)

125-102

QUESTION NO. 5

IS YOUR PROPERTY ON THE LAKE FRONT?

<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
Yes - 9% No - 91%	Yes - 12% No - 88%	Yes - 19% No - 81%	Yes - 6% No - 94%	Yes - 11% No - 89%

QUESTION NO. 7

TIME SPENT AT THE LAKE PER YEAR

	<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
Only occasionally	33%	37%	28%	39%	26%
2 to 8 weeks	32%	33%	24%	30%	37%
8 to 16 weeks	12%	8%	11%	11%	18%
16 to 26 weeks	6%	4%	9%	5%	6%
Permanently	17%	18%	28%	15%	13%

QUESTION NO. 8

ARE YOU A REGISTERED VOTER IN THE BASIN?

<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
Yes - 15% No - 85%	Yes - 20% No - 80%	Yes - 30% No - 70%	Yes - 14% No 86%	Yes - 13% No - 87%

1040 people

170-124

QUESTION NO. 9

PARTICIPATION AND INTEREST IN RECREATIONAL ACTIVITIES

	<u>BASIN WIDE</u> (as reported)	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
a. Fishing	4,026	420	234	1,923	1,211
h. Hiking	3,818	387	204	1,802	1,203
g. Picknicking	3,643	399	210	1,792	1,027
h. Gaming	3,604	377	187	1,968	820
c. Boating	3,597	431	241	1,547	1,154
a. Snow Skiing	3,414	520	164	1,366	1,151
i. Other	2,601	348	178	1,192	742
b. Water Skiing	2,170	269	151	834	787
e. Back Packing	1,257	119	55	603	400

QUESTION NO. 10

SHOULD THERE BE MORE RECREATIONAL AREAS?

<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
Yes - 65% No - 35%	Yes - 59% No - 41%	Yes - 63% No - 37%	Yes - 66% No - 34%	Yes - 66% No - 34%

QUESTION NO. 11

DO YOU FAVOR CONDEMNING PRIVATE LAND FOR PUBLIC USE?

Yes - 35% No - 65%	Yes - 35% No - 65%	Yes - 34% No - 66%	Yes - 32% No - 68%	Yes - 36% No - 64%
--------------------	--------------------	--------------------	--------------------	--------------------

QUESTION NO. 12

DO YOU FAVOR A TOURIST USE TAX?

Yes - 63% No 37%	Yes - 65% - No - 35%	Yes - 69% No - 31%	Yes - 61% No 39%	Yes - 65% No - 35%
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120-125

QUESTION NO. 13

WHAT DO YOU CONSIDER THE MAJOR PROBLEM AT LAKE TAHOE TO BE?

	<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
Water Pollution	49,969	5,772	2,997	23,518	14,598
Scenic Destruction	44,550	5,341	2,640	21,214	12,859
Too much commercialism	40,473	4,755	2,405	19,227	11,743
Too many people	31,856	3,620	1,918	15,018	9,481
Zoning not restrictive enough	30,124	3,729	1,752	13,512	9,513
Soil Erosion	29,256	3,705	1,834	13,736	8,308
Air Pollution	26,240	2,995	1,679	13,028	6,974
Too little access to lake front	25,206	2,518	1,450	12,806	6,890
Too few parks	22,548	2,387	1,471	11,337	5,977
Too much construction work	21,372	2,784	1,213	9,197	7,145

QUESTION NO. 14

ARE PRESENT LAND USE AND GOVERNMENT CONTROLS --

Too strict	4%	4%	7%	4%	2%
Satisfactory	23%	20%	22%	27%	17%
Not strict enough	73%	76%	71%	69%	81%

QUESTION NO. 15

ARE YOU SATISFIED WITH SERVICES AND PERFORMANCE OF LOCAL GOVERNMENTAL AGENCIES IN WHICH YOUR PROPERTY IS LOCATED?

<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
Yes - 58% No - 42%	Yes - 52% No - 48%	Yes - 59% - No - 41%	Yes - 60% No - 40%	Yes - 55% No-45%

120-120

QUESTION NO. 16

WHAT AGENCY WOULD YOU PREFER TO EXERCISE
GOVERNMENTAL AUTHORITY?

	<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>
The new Bi-State Regional Agency	48%	57%	46%	40%	58%
A Federal Agency	10%	9%	11%	10%	11%
A State Agency	7%	7%	6%	7%	8%
Full control left to 5 counties and City of South Lake Tahoe	27%	17%	24%	35%	16%
Two new cities - one in Calif. and one in Nevada	8%	10%	13%	8%	7%

QUESTION NO. 17

<u>GAMING AND CASINO HOTELS</u>	<u>Approve</u>	<u>Disapp.</u>	<u>Approve</u>	<u>Disapp.</u>	<u>Approve</u>	<u>Disapp.</u>	<u>Appr.</u>	<u>Disapp.</u>	<u>Appr.</u>	<u>Disapp</u>
Not to extend beyond 1 mile of Stateline	87%	13%	87%	13%	83%	17%	86%	14%	90%	10%
Restriction of further Casino development	77%	23%	80%	20%	69%	31%	72%	28%	85%	15%
Unlimited Casino Hotel & Casino develop.	17%	83%	19%	81%	20%	80%	21%	79%	10%	90%

QUESTION NO. 18

WHAT WOULD YOU LIKE THE POPULATION TO BE?

Remain as is	82%	84%	80%	80%	88%
Double	13%	11%	16%	14%	9%
Triple	5%	5%	4%	6%	3%

120-187

QUESTION NO. 19

DO YOU FAVOR POPULATION BEING LIMITED?

<u>BASIN WIDE</u>		<u>WASHOE</u>		<u>DOUGLAS</u>		<u>EL DORADO</u>		<u>PLACER</u>	
<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
80%	20%	83%	17%	79%	21%	80%	20%	81%	19%

QUESTION NO. 20

DO YOU APPROVE OR DISAPPROVE THE FOLLOWING BUILDING PROJECTS?

	<u>App.</u>	<u>Disapp.</u>	<u>App.</u>	<u>Disapp.</u>	<u>App.</u>	<u>Disapp.</u>	<u>App.</u>	<u>Disapp.</u>	<u>App.</u>	<u>Disapp.</u>
Single Family Res.	96%	4%	97%	3%	95%	5%	96%	4%	97%	3%
Multi Family Res.	45%	55%	51%	49%	45%	55%	48%	52%	38%	62%
Condominium or Apts.	35%	65%	51%	49%	33%	67%	34%	66%	28%	72%
(In-Clusters	34%	66%	45%	55%	35%	65%	32%	68%	30%	70%
(In Separate units	33%	67%	46%	54%	33%	67%	32%	68%	28%	72%
High Rise Develop's	12%	88%	11%	89%	18%	82%	13%	87%	8%	92%
Retail Establishments	59%	41%	66%	34%	60%	40%	60%	40%	56%	44%

QUESTION NO. 21

WOULD YOU FAVOR HIGH RISE BUILDINGS IF THEY WERE --

	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Between lake front & highway	5%	95%	4%	96%	9%	91%	6%	94%	3%	97%
Adjacent to mtn back - drop	35%	65%	36%	64%	49%	51%	39%	61%	27%	73%
Not visible from lake *	31%	69%	28%	72%	39%	61%	32%	68%	29%	71%
Not at all	55%	45%	56%	44%	59%	41%	51%	49%	58%	42%

*Note: This tabulation was incorrectly recorded in original release as 41% yes and 59% no.

120-128

QUESTION NO. 22

DO YOU FAVOR ARCHITECTURAL CONTROLS ON -

	<u>BASIN WIDE</u>		<u>WASHOE</u>		<u>DOUGLAS</u>		<u>EL DORADO</u>		<u>PLACER</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Commercial areas	96%	4%	97%	3%	95%	5%	95%	5%	96%	4%
Residential areas	84%	16%	93%	7%	86%	14%	81%	19%	86%	14%

QUESTION NO. 23

	<u>BASIN WIDE</u>	<u>WASHOE</u>	<u>DOUGLAS</u>	<u>EL DORADO</u>	<u>PLACER</u>					
<u>DO YOU OWN A BUSINESS</u>	13%	87%	14%	86%	18%	72%	12%	88%	12%	88%
<u>KIND OF BUSINESS</u>										
Open all year	90%		98%		91%		90%		86%	
Summer only	8%		2%		9%		8%		11%	
Winter only	2%		none		none		2%		3%	

120-129

LAKE TAHOE AREA COUNCIL QUESTIONNAIRE
WASHOE COUNTY RESPONSES

											Total	Total All Counties	
<u>QUESTION #1</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>						802	6963	
	126	273	8	373	22								
<u>QUESTION #2</u>	<u>YES</u>		<u>NO</u>									561	5243
	253		308										
<u>QUESTION #3</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>						862	7430	
	517	292	35	9	9								
<u>QUESTION #4</u>	899										899	7706	
<u>QUESTION #5</u>	<u>YES</u>		<u>NO</u>									887	7562
	107		780										
<u>QUESTION #7</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>						882	7521	
	328	291	67	35	161								
<u>QUESTION #8</u>	<u>YES</u>		<u>NO</u>									885	7558
	163		722										
<u>QUESTION #9</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>			3270	28,130
	520	269	431	420	119	377	399	387	348				
<u>QUESTION #10</u>	<u>YES</u>		<u>NO</u>									828	7097
	484		344										
<u>QUESTION #11</u>	<u>YES</u>		<u>NO</u>									815	7008
	290		525										
<u>QUESTION #12</u>	<u>YES</u>		<u>NO</u>									812	7025
	533		279										
<u>QUESTION #13</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>		
	5772	5341	2387	4755	3620	2995	3705	2518	3729	2784	0		
	TOTAL: 37,606										321,614		
<u>QUESTION #14</u>	<u>A</u>	<u>B</u>	<u>C</u>									842	7149
	34	168	640										
<u>QUESTION #15</u>	<u>YES</u>		<u>NO</u>									793	6558
	415		378										
<u>QUESTION #16</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>						750	6448	
	433	68	45	133	71								
<u>QUESTION #17</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>						A -	6226
	Approve	Disap.	Approve	Disap.	Approve	Disap.						B -	6200
	627	115	614	153	70	285						C -	5254
<u>QUESTION #18</u>	<u>A</u>	<u>B</u>	<u>C</u>									730	6272
	612	83	35										

170-130

QUESTION #19

<u>YES</u>	<u>NO</u>
699	143

842 7077

QUESTION #20

<u>A</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>
<u>Approve</u>	<u>Disap.</u>	<u>Approve</u>	<u>Disap.</u>	<u>Approve</u>	<u>Disap.</u>
786	20	370	355	343	312
<u>C1</u>	<u>C1</u>	<u>C2</u>	<u>C2</u>	<u>D</u>	<u>D</u>
<u>Approve</u>	<u>Disap.</u>	<u>Approve</u>	<u>Disap.</u>	<u>Approve</u>	<u>Disap.</u>
308	373	272	340	89	706
<u>E</u>	<u>E</u>	<u>F</u>	<u>F</u>		
<u>Approve</u>	<u>Disap.</u>	<u>Approve</u>	<u>Disap.</u>		
440	233	35	77		

A - 6823
 B - 6043
 C - 5570
 C1 - 5670
 C2 - 5300
 D - 6623
 E - 5542
 F - 1030

QUESTION #21

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Yes</u> <u>No</u>	<u>Yes</u> <u>No</u>	<u>Yes</u> <u>No</u>	<u>Yes</u> <u>No</u>
26 602	191 432	159 409	372 2294

A - 5375
 B - 5375
 C - 4777
 D - 5540

QUESTION #22

<u>A</u>	<u>B</u>	<u>Total All Counties</u>
<u>Yes</u> <u>No</u>	<u>Yes</u> <u>No</u>	<u>A - 7353</u> <u>B - 7087</u>
846 24	794 61	

QUESTION #23

<u>YES</u>	<u>NO</u>	
128	722	
<u>ALL YEAR</u>	<u>SUMMER ONLY</u>	<u>WINTER ONLY</u>
<u>YES</u>	<u>YES</u>	<u>YES</u>
118	2	0

7342

923

My name is Harold Dayton, a Douglas County Commissioner and former three year member of the TRPA governing board. I want to give each of you a brief presentation on the TRPA. Please take time 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 desireable 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.

OVERVIEW:

The TRPA (Tahoe Regional Planning Agency) was originally created in 1969 by a joint Bi-State Compact ratified by the legislators of both California and Nevada and endorsed by Congress. Its original motivation and intent was to:

1. control pollution of the waters of Lake Tahoe (and other resources).
2. maintain an equilibrium between the region's natural endowment and its man-made environment.
3. recognize problems of resource use and deficiencies of environmental control.

The Act empowered the creation of an areawide planning Agency with delegated powers to adopt and enforce a regional plan of resource conservation and orderly development. The Agency had a specific membership including 1 representative from each participating local jurisdiction, plus 2 State representatives from each State. The 2 State representatives included the head of the State Natural Resources Department and 1 citizen (at large), neither of whom are elected. The local representatives must be elected on the California side, but not necessarily so on the Nevada side.

In actuality, this "scheme" was, and still is, an effort by some California preservationists to control Nevada land uses. The original Z'berg Bill (in California) did this (at the urging of the League To Save Lake Tahoe) but the finally adopted Nevada Legislation added certain safeguards, including a dual voting requirement, a 1968 General Plan cutoff date, and a gaming "grandfathering clause."

TRPA has not turned out to be a planning group, however, but rather a control Agency; their major (if not sole) intent has been to stop, limit, regulate and holdback in every way possible as many activities as it can.

The Agency has become a federally funded "experimental" playground to test (and establish) various new control techniques based on obviating long recognized and constitutional due processes.

Douglas County has since its inception been extremely skeptical of the activities of the TRPA. The record of their operation during the last 6 years clearly confirms this concern. It is our further position that:

1. THE TRPA IS OPERATING UNCONSTITUTIONALLY. We have a republican form of government that must provide for the election of the law makers who rule only by the consent of the governed. The TRPA violates the equal protection and due process clauses of our constitution. There is no right of recall of the governing board and this board enacts ordinances that duly elected officials are supposed to enforce.

2. TRPA IS A SUBSTITUTION OF "REGIONAL" GOVERNMENT. If successful at Tahoe (under the guide of protecting the environment), this same type of regional government will be forced upon other counties. The TRPA is just another large bureaucracy and a totally unwarranted layer of government. The Compact calls for a budget of \$150,000 per year funded by the local entities. Last year the budget was well over \$1,000,000. The TRPA does not follow the original 1967 study committee's recommendations. There are ample state and federal regulations to control any environmental problems at Lake Tahoe.

3. TRPA HAS NOT PROVEN EFFECTIVE. The TRPA is a failure. The growth at Tahoe and more particularly the California side of the lake has increased greatly under the TRPA. Private property has been confiscated without compensation. Douglas County bonds have been forced into default.

4. INTERFERENCE IN NEVADA AFFAIRS. California is trying to interfere with Nevada's sovereignty by controlling Nevada's gaming. California for all practical purposes has withdrawn from the TRPA.

5. TRPA ACTIONS HAVE PROVEN DEVIOUS, ARBITRARY AND UNREASONABLE.

1. TRPA IS OPERATING UNCONSTITUTIONALLY:

The U. S. Constitution clearly and unequivocally states:

"Article IV, Section 4 --the United States shall guarantee to every State in this Union, a Republican form of government."

" Article V"nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

" Article X V 1...."nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The Enabling Act creating TRPA specifically calls for appointed members to serve on the Governing Body. The Act also authorizes this Body to create, adopt and enforce legislation, a responsibility heretofore solely and only delegated to elected representatives! This has been clearly upheld in the courts:

1976 Kentucky Supreme Court Ruling; 75-1114 & 75-1116 Miller vs. Covington Development Authority,,,,,"In this case the burden of casting that judgment rests finally on the seven elected members of this court." "We mention the word "elected" because it is appropriate to our assessment of the LDA Act. It is a fundamental proposition that a legislative body should not and ordinarily cannot divest itself of a legislative power. A state legislature may delegate legislative powers to cities because a state constitution gives it that right. CF.Const. 156. If, however, a state legislature purports to authorize a city to pass such powers on to an administrative agency, it attempts to authorize something it cannot do itself. For that reason cities cannot be so authorized, notwithstanding the legislature's constitutional prerogative of prescribing the bounds of their powers. 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. Therein, we think, lies the major flaw of the LDA Act. It authorizes the agency to exercise choices that the people are entitled to have exercised by their elected representatives."

1966 Bagley vs Washington Township Hospital District 65 C. 2d 499, 506-7:
"Not only must the conditions annexed to the enjoyment of a publicly conferred benefit (the building permit) reasonably tend to further the purposes...but also the utility of imposing the conditions must manifestly outweigh any resulting impairment of constitutional rights. Further, in imposing conditions upon the enjoyment of publicly conferred benefits, as in the restriction of constitutional rights by more direct means, the state must establish the unavailability of less offensive alternatives and demonstrate that the conditions are drawn with narrow specificity, restricting the exercise of constitutional rights only to the extent necessary to maintain the integrity of the program which confers the benefit."

Colorado Supreme Court - Aug. 1976..."an unlawful delegation of legislative power." The court held that "binding arbitration removes these decisions from the aegis of elected representatives, placing them in the hands of an outside person who has no accountability to the public."

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Official legal newspaper. Superior Court of Calif., Placer County

Letters To The Editor

Letters to the Editor are always welcome, however they must be in good taste and must be signed by a bona fide signature. The writer's name may be withheld on request. Letters should contain less than 300 words, and they will be printed as space permits. The editor reserves the right to reject or edit any letters. No letters will be returned. The World does not print poetry.

Dear Editor:

I have been wanting to write to you for some time about your no-build policy for Lake Tahoe. I have always felt that a paper such as yours should present both sides of an issue, even though you, as an editor may have your own personal feelings, pro or con. Fairness, it would seem, would require that you pursue the problems involved with the no-build policy. Many jobs would be lost, many people would be financially hurt if they could not build on their lot or develop their land, and many people would have to leave the area because of such policy. Therefore, this side of the issue should be considered and presented by your paper. Perhaps we are destroying the lake by advocating a no-build policy.

It is easy to keep harping on the theory that we must save the basin, so therefore we must stop all development, which is a childish way of saying we must stop all construction, regardless at whose expense. The facts of the matter are that it is not easy, if you want to be fair to those people who own that property now, and protect their constitutional rights.

It certainly would not be fair to the property owners, if as it has been suggested by the CTRPA planning team, owners could not build on their lots at Tahoe so that this property could provide open space or camp sites. What could be more unfair? The owners had the foresight to purchase those lots to preserve a piece of Tahoe for themselves and their children. They have paid taxes, sewer bonds, plus other expenses, and now an appointed or hired agency official suggests that some other segment of the public should be given their rights to use their property. By the way, no-one on that commission suggested paying owners for their land. One of the planning team did suggest using it for a private camp ground to obtain revenue for the owner. I doubt that this is a better use than a private home.

Throughout your campaign of no-build at Lake Tahoe, little if anything is mentioned of paying a fair market value to those of our citizens who would be robbed of their property rights, if not their property. This, of course, is protected by the 5th and 14th amendments to the constitution, and all public bodies, committees and agencies should take great pains to see that these rights are not violated. Instead, the new trend is to feel that the end justifies the means and if someone's rights are violated let them, at their own expense, sue the offending agency. This requires the citizen to pay his own lawyer, court expenses, the salary of these employed by the agency, who has violated his rights, and for the attorney for the agency who has violated his rights. Hopefully, all but the richest will not sue and at least the public has their property free.

If an agency is being sued by more than a few of its citizens, there is justification to feel that a lot more citizens rights are being violated who do not have the knowledge of the violation, or the money with which to sue the agency. We hear about the big people who are suing CTRPA, but we know nothing of the many smaller people this agency has hurt by destroying property values or rights to use their property by virtue of the new master plan. There are many in this situation and your media should solicit their stories for presentation to the public.

This type of injustice used to be the thing that the local papers protected citizens from. The paper, by investigative reporting of the facts and presentation of both sides of the problems, created a more

During the last 5 years, the number of individual complaints as to Agency actions resulting in a loss of use...and value of property has been large. There are currently well over \$300 million in suits (mostly adverse possession) pending. This is a typical letter from a California builder and realtor.

If our problem here at Lake Tahoe means taking private land the use and benefit of the public, then let's be legal, let us be fair pay those people a fair market value for their land or for their loss of use of the land. If this was the approach taken by our public agencies and by papers such as yours, the controversy would decrease and lawsuits would be at a minimum. In this atmosphere, the lake would be saved, and the citizens constitutional rights to use their property would be preserved.

This right to use of their property is the right that many thousands of Americans have died for. People may suffer through the loss of freedom of speech, freedom of press and even freedom of religion, stay out of their "Teepee", or be prepared to fight to the death. This applies to invading armies as well as to government bureaucrats, "gooders", or liberal conservationists. The right to use their property except for reasonable, non-arbitrary controls, which are for the benefit and benefit of their neighbors, was reserved by the people and power was specifically prohibited for use by both the federal and state government.

Think about it, Mr. Editor. Be a little concerned about the owners of the land at Lake Tahoe. These are the real persons who have taken the necessary steps and expended the money to preserve what is still the world's most beautiful lake. I wish we could say the same about Greater Los Angeles, and the San Francisco bay area.

Yours truly
Don J

120-136

Terry Trupp, the author of the article below is a "lobbyist for the Council for Logic, a group of (mainly) California property owners, builders and investors, who have been attempting to tell the true story of Agency activities for the last several years. A number of these articles have appeared as well as a number of meetings held, petitions circulated and visitations made to various legislatures.

Bureaucratic Ballet

101 19 NOV 1976

(Editor's note: The opinions expressed in the following column are those of the author, and may or may not reflect those of the newspaper.)

By TERRY TRUPP

It is important for everyone to recognize—with the new legislation pending regarding the Tahoe Regional Planning Agency which grants it more power, destroys the majority of local input, and takes total jurisdiction over our everyday lives—that the fire-breathing dragon created by California and Nevada and sanctioned by Congress still operates with a contemptuous attitude toward property rights and any individual coming before them seeking zoning or development potential for his property.

While the local citizenry is more than willing to carry on the battle against the California Tahoe Regional Planning Agency, there are some within the community who still believe that the T.R.P.A. is beneficial.

My personal philosophy and my dedication to the principles of fairness and the right of every citizen to be represented by officials directly elected by him grant me no other position than to oppose in total the T.R.P.A. as it stands or as the Gualco Bill proposes it should be constituted in the future.

In the first T.R.P.A. land use plan drafted and enacted into law, 34,000 acres of private land were instantly downzoned into oblivion. Property owners were promised by this agency that within two years they would either be justly compensated or their original zoning would be restored. This was an obvious and blatant lie. To date no one has been compensated.

Nor has zoning been returned to the individuals involved. Members of the Council for Logic have sat through countless meetings while individual property owners have sought minor changes in zoning, offering hundreds of acres in some instances to the public at no charge in exchange for a lesser zoning than previously held on a small percentage of the original parcel. All have been denied.

The following, which would apply to hundreds of similar cases, is an example of the reasoning and justification for constant refusal regardless of engineering reports, surveys, mitigation measures, to accommodate environmental objectives, and gifts to appease the bureaucrats, which never seem to be great enough.

A 220-acre parcel, prior to T.R.P.A., was acceptable for development with a potential yield of several hundred living units. It was downzoned by the T.R.P.A. to General Forest, which means one house on 220 acres.

The owner of the property requested 78 houses on 78 acres with the remaining acreage being given to the public at no charge. Recommendation by the staff: Denial.

Their justification was a potential shortage of water which

might deny some other property owner the right to develop. (This other owner will be denied his right as well to protect the rights of the one who has already been refused.)

The land classification of the 78 acres deems it suitable for development, but access, according to staff, could create environmental damage. And finally, there would be potential public costs to Douglas County for providing necessary services for the maintenance of the completed project.

Staff then justified not granting the zoning by stating the owners retained economic value through allowed uses in the General Forest classification such as logging, tree farming, and privately owned campgrounds.

If there is in fact a lack of water or a potential lack of water, this agency will deny the campground on the basis that campers will drink water and sewer lines will need to be installed.

Therefore, the same arguments apply. Sewer lines will cost Douglas County from public funds, and access will create environmental damage to the fragile soil.

Quite frankly, there will not be a logging permit issued by this bureaucracy within the confines of this basin without criteria that would make it economically impossible to operate. Nor would anyone who thinks rationally consider that the development of homes upon the ground creates more soil disturbance than a logging operation with trucks rolling over dirt roads and trees being felled.

This game played by the T.R.P.A. is known as the "multi-map trick." Each time a proposal is presented, they deny it and offer an alternative. When a new plan is submitted, it is denied and another alternative supplied. The game continues until the property owner is either frustrated into submission or is financially destroyed.

This kind of maneuver by government and this form of despotism practiced against American citizens represents not only a blight on everyone involved in its operation but an indelible stain on the integrity of every one of those great people who formed this nation and drafted its Constitution.

Food for Thought: Anyone who looks upon the T.R.P.A. with their eyes wide open and seeks to embrace it and its philosophies shows the same kind of insight and understanding as did Cleopatra when she sought to kiss the viper.

She paid with her life; you will pay with your future and your freedom and your rights as Americans.

There is only one legitimate form of government that can be accepted or embraced by any real American—totally elected and totally responsive to the constituents that it serves. Compromise is capitulation, not political sophistication.

Some may claim that it is correct, but I defy them to claim that it is right. Let us hear your views—contact Council for Logic, P.O. Box 6126, South Lake Tahoe, Ca. 95729.

120-137

2. TRPA IS A SUBSTITUTION FOR LOCAL GOVERNMENT:

For some time the Federal bureaucracy has been attempting to foist "regional" (appointive) governments over local grass roots democracies through the federal funding procedures. Regional government in Nevada so far is limited to Clark and Washoe Counties plus the CRBCOG & TRPA, both involving some smaller counties along the western edge of the State.

In most cases, these "regional" governments are introduced as either means to combat areawide environmental problems, to provide a means for a "clearing house" function under A-95 (OMB) procedures, or as a method of "coordinating" multi and overlapping levels of government, generally in metropolitan areas. They do not replace an existing governmental level, but add a new one. Membership is usually reflective of local elected officials, however not necessarily.

It does not take long for these hydra headed monsters to start building empires, usually totally ignoring their original purposes. The CRBCOG (Carson River Basin Council of Governments) is a prime example, where the original motivation was to "clean up the Carson River." This has not begun, instead there are federally directed Housing Studies, Senior Service Programs, etc.

- * Enclosed is an article on powers of proposed regional governments appearing in Nevada Government Today (published by the Nevada League of Cities and Nevada Association of County Commissioners), Vol. 1, No. 2, Winter 1974.
- * The State of Missouri is battling regional (planning) government as the following clipping indicates.
- * The National American Legion has recently passed a resolution against regional government by non-elected officials (copy attached).
- * Federal Judge Bruce Thompson's ruling, affirmed by the 9th Circuit Court of Appeals, states in part... "However, its (TRPA) sovereign creators did not envision it as a super bi-state zoning board whose approval would be a prerequisite to all land development, or as an omnipotent board which could enforce its will over the majority vote of one state's delegation."
- * On August 25, 1974 the California State Senate killed the proposal by Bay Area Regional Planning Agency 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.
- * Other areas are also having problems with "regional councils" -- notably Puget Sound, Flint, Michigan and the Colorado Springs area (see clipping).

Vol 1 No 2 Winter 1974
Nevada Government Today
Nevada League of Cities

PROPERTY RIGHTS ATTACKED

A new level of government has developed which adds a significant and sobering dimension to the regulation of real estate development and growth in Nevada—Area Councils of Governments (ACOGS)!

The central issue realtors face today is the protection of individual property rights. When such rights are eroded, so is the foundation of America.

Today, a huge effort is underway to destroy our property rights—mainly through so-called consumer and environmental legislation. This effort stems from entrenched government bureaucrats, liberal legislators, so-called “homeowners” groups, “environmentalists,” and “population control” alarmists. Presently, government is mounting the heaviest attack on individual property rights, and ACOGS add one more bureaucratic layer with which private enterprise must contend.

An ACOG report states that currently there are about 600 regional councils (ACOG) in the United States. These councils involve 80 per cent of the nation's population and 55 per cent of its land area. Councils have been

Substate regionalism

established in almost all of the 237 metropolitan areas, and in more than 250 multi-county, non-metropolitan areas.

Only 10 per cent of existing regional councils were formed prior to 1960. The bulk, 60 per cent, have been created since 1966. The rapid growth of regional councils in the last four years is primarily due to stimulation from the federal government through legislative and administrative requirements for federal aid.

The typical budget of a regional council ranges from \$100,000 to \$200,000. Councils receive 60 per cent of their funds from federal grants for

ACOGs will move into mainstream of policy making to gain control of local governments, growth in Nevada

By Gene Milligan

Executive Vice-President

Nevada Association of Realtors

functional planning (i.e., land use, transportation, housing, etc.). Local communities provide about 34 per cent of a council's funds, usually on a per capita basis. General state support amounts to about five per cent of a council's budget.

In recent years, Regional Council program emphasis has expanded from land use planning to also include human resource or social programming, such as housing, manpower, public safety, emergency assistance, and citizen participation. Other program areas include transportation, environmental quality, economic development, review and comment, and joint services.

The State of Nevada has been divided into seven ACOG regions. Three regions are in operation—Reno area, Carson City area and the Las

Vegas area. Most of Nevada's population is now under ACOG authority. The other four areas will be operative as soon as possible.

Presently, ACOGS present a low profile and are very careful to avoid a posture of usurping local government authority. However, they control federal purse strings, and we all know by now that the seat of power lies with the control of money.

Despite claims that they are not a new layer of government and that they are advisory only, their reports and manuals indicate otherwise. As they succeed in bringing local officials together to discuss mutual problems and develop regional plans, the Councils are told that it is essential that they “move to implement action programs.” Part of their stated goals is to “implement” as well as to “evolve an identity and public image without destroying political acceptability.” In plainer language, the problem they face is to assume authority before the public becomes aware and moves to oppose them.

It has been said that ACOGS are merely a backdoor approach to “Metro Governments.” Sufficient evidence to verify that position is not available; however, history indicates that it is likely the ACOGS will eventually drop their low profiles and move into the mainstream of policy making which will affect the local citizen whether he agrees or not.

It is not very reassuring to note that, for example, the voting body of ACOG in the Reno area consists of six members, and a meeting quorum is two-thirds of the total voting membership, or four members. This means that action can be taken in the absence of any two voting members. Since each local government only has two voting members, it is possible that action could be taken which affects any one of the local government entities without its approval. Therefore, it is possible that decisions

(continued on page 18)

"Action could affect any local entity without its approval."

could be made for citizens by individuals who they did not vote into office and conversely cannot vote out of office. This is not likely to happen at this stage; however, memberships do change.

It should be pointed out that the members of the Reno area ACOG are seriously concerned about the role of the ACOG. In actuality, it is not what the local officials anticipated—a forum for discussion of mutual problems. Its power is growing rapidly.

The Reno ACOG states in its "Articles of Association" that, among other things, its purposes are "to coordinate, develop, and review policies, plans and priorities for regional development growth and conservation, including but not limited to the establishment of a comprehensive regional plan in broad general goals and principles, comprehending the areas of natural resources, housing, land use, transportation, air and water pollution control, and regional recreation and open space requirements."

It appears that we can be assured of an abundance of planning in Nevada considering Senator Jackson's bill which requires planning from the federal level; the recently passed State Senate Bill 333 which provides for statewide land use planning and a new state division to carry it out plus numerous bills which establish new, more restrictive, criteria for local master plans, and tighten zoning and subdivision laws; not to mention the local government planning agencies. On top of this, we can now add ACOGS.

An example of the potential harm that exists is illustrated in an action taken by Carson Basin Area Councils of Governments. A survey was conducted in the form of a questionnaire. There were about 100 responses returned, and, on the basis of this, conclusions were drawn that were very misleading. The report was given wide coverage in newspapers and on the radio, but all statements were in percentages, without a

statistical base.

Investigation revealed that absolute statements were made concerning growth and other important matters on the basis of the feelings and attitudes of two, five or 50 people in a population area of about 25,000 residents.

The danger lies in the probability that now the ACOG staff will present these figures as evidence that the residents oppose further growth, and then attempt to generate even more



GENE MILLIGAN

Executive Vice President of the Nevada Association of Realtors, Gene Milligan also represents the realtors during sessions of the Nevada Legislature and is editor of the association's "News and Views" magazine. He is familiar with governmental activities, having served as secretary to the Nevada Public Service Commission, as a member of the cabinet during the administration of former Governor Paul Laxalt, and as a consultant to the Assistant Secretary of Safety and Consumer Affairs in the U.S. Department of Transportation. Milligan, 40, also serves on the Environmental Affairs Committee of the National Association of Realtors.

restrictive local ordinances, or masterplans. This method of using surveys to gain a given goal is very common. It was appalling to see the news media accept such skimpy evidence and give it such wide coverage.

So that we have no doubt about the goals of the ACOGS, their stated priorities should be reviewed carefully. For example, they state that "Regional councils should operate in the intergovernmental political system as a spokesman for local governments on regional issues to the governor and state legislature and to the President and Congress."

It becomes clear that the ACOGS are striving to replace traditional lines of political communication. We live under a representative form of government by design of the people. We elect our spokesmen to the governor and to the state legislature and to Congress. We do not elect ACOGS.

"Seats of power lie with the control of money"

Further, they state: "The principal role of regional councils is to identify issues and needs and adopt a strategy to accomplish those needs. The council sets the regional policy and should have the power to see that others follow that policy or that supportive agencies are established to do the job. The principal thrust of regional councils should not be to serve as an operating agency."

In the previously mentioned role they also propose to "... bring under control regional special districts."

In connection with land use and housing, they declare that "Regional Councils are the answer for local and state governments to effectively mesh their interests and technical capabilities in land use planning. Regional councils should pursue state government enabling legislation to use regional councils as the ap-

(continued on page 22)

Missourians Battle Regional Planning

THOUGHT YOU WOULD
BE INTERESTED!!! EOWF

SPRINGFIELD, Mo.—After more than six hours of testimony by 22 witnesses, members of a select state Senate committee left Springfield Wednesday night with the clear message that regional planning is an extremely unpopular subject for many people.

All but one of the witnesses harshly criticized regional planning and called it everything from a "seditious conspiracy" to the forerunner of socialism and communism in the United States.

"I think it's a circumvention of the Oval Office, the Constitution, and the statutes of Missouri," claimed Byron "Jim" Sparks, a candidate for the Democratic gubernatorial nomination and the public hearing's first witness.

Sparks ticked off the number of regional organizations which have a foothold in Missouri and charged that they are part of a "dictatorial" plan to enslave the local elected officials who comprise their membership.

"All of these organizations have some appointed federal bureaucrat heading them up," said the Sahland resident who has been one of the state's most outspoken regional planning critics. "I believe that the local entities are mere pawns in the hands of these appointed bureaucrats."

In claiming that regional planning is illegal and must be stopped, Sparks warned, "If we don't start now trying to take care of our system we're going to lose it."

The hearing, held at Howard Johnson's Exhibition Hall, drew more than 150 persons, including almost all of the seemingly full-time regional planning foes who have been active across the state and in the Springfield area.

It was the first of several hearings the committee will schedule and was held for the southwest Missouri area, the one part of the state where regional planning was most bitterly opposed when the controversy erupted over it in late 1974 and early 1975.

Greene County Presiding Judge John Squibb was the sole witness to praise regional planning and his comments failed to draw the applause which followed the remarks of the other witnesses.

"I want to lay to rest various misconceptions presented about the Southwest Missouri Local Government Advisory Council," Squibb said. The council had been attacked frequently by other witnesses.

"It cannot tax, it cannot make laws and it cannot enforce laws," Squibb said. "It has no governmental powers. It is run by elected local officials."

Squibb told the committee the advisory council provides technical services to its member governments, including help in preparing grant applications, environmental impact statements for federally-funded projects and providing information.

Then, the senators grilled Squibb for more than 30 minutes to find out more details of the advisory council's operation. Squibb answered some of their questions but was unable to respond to others.

At one point, Webster asked the presiding judge if he was aware that regional planning commissions in Missouri had used the services of University of Missouri Extension personnel as "in-kind" contributions to secure federal funds for their operation.

But for Squibb's comments there was not one kind word about regional planning and many of the witnesses asked the committee to sponsor legislation repealing the 1966 law that established 20 regional planning commissions in Missouri.

A number of witnesses charged that regional planning commissions are tied in with the federal bureaucracy and a national and international conspiracy to overthrow the United States.

Archibald Roberts, a retired Army colonel from Ft. Collins, Colo., who heads the nationally active Committee to Restore the Constitution, called regional planning part of a "seditious conspiracy" that intends to overthrow local government and the Constitution of the United States.

Roberts said it was the responsibility of the state legislature to challenge the "criminal actions of those who want to transform our republic into a dictatorship of the financial elite."

He suggested the legislature pass a law making regional planning activity a felony punishable by \$100,000 fine, 20 years in prison, or both.

One witness attacked federal revenue sharing; and Mrs. Stella Sollars, of Kansas City, tied the alleged regional planning conspiracy with the busing of school children to achieve integration.

"Gentlemen, what we are looking at is the total destruction of our republican form of government, a flagrant violation of the Constitution by appointed officials," Mrs. Sollars said. "There is a job to be

"One of the most popular witnesses was the peppery mayor of Birch Tree, Carlos Holman, who said he is against regional planning "because I can't see any useful purpose in it."

"Many of my people are alarmed at the trend towards regionalism and socialism and away from Democracy," he said.

As the committee was running out of time for additional testimony late in the afternoon, they encountered a witness they quickly became extremely interested in.

Jamie Keiso, a 27-year-old writer from Kansas City, told the senators that he was a former left-wing radical who had worked with activist Angela Davis, LSD guru Timothy Leary and a number of other extremists.

"Regional planning was part and parcel of all the plans we were making in the left," Keiso said of the days when he was a member of the Students for a Democratic Society.

Now, he said, he is a member of the right-wing John Birch Society and opposes the spread of regionalism.

"You have to throw a monkey wrench in the plans of the regional commissions," he warned the senators. "You've got to do what you can to stop it."

Subject _____

RESOLUTION**National Headquarters, The American Legion**Fifty-Eighth Annual National Convention, Seattle, Washington
August 24, 25, 26, 1976

Whereas, it has been brought to the attention of The American Legion that certain inequities now exist throughout America, and

Whereas, substantial evidence exists that those safeguards provided for the protection of human rights under constitutional law are being subrogated to appease certain new philosophies and the liberal appetities of some politicians; and

Whereas, the delegation of legislative powers to non-elected persons who hold social philosophy rather than constitutional law as paramount ignores the dedication of our deceased comrades in arms who willingly sacrificed both life and limb to preserve a government of the people, by the people, and for the people, and

Whereas, the existence of appointed agencies, which are established contrary to constitutional principles, deny those under their jurisdiction the rights of recall and referendum through the ballot, and

Whereas, substantial evidence exists that those in government are attempting to establish new regions which destroy the sovereignty of the states as well as the protections provided the citizens within those states in direct violation of the United States Constitution, and

Whereas, the very foundation of liberty resides in the rights of Americans to be secure in the ownership of property, both real and private, and these agencies and political subdivisions seek to destroy such rights, now, therefore, be it

Resolved, that the right to control property should be and is under constitutional law through voluntary association with others or through the process of eminent domain, and

Be it Further Resolved, that all necessary steps must be taken to justly compensate those veterans, the widows of veterans and their children, and all other Americans who have been denied either use or possession of their land for public benefit or environmental ethic, and

Be it further resolved, that The American Legion demands the immediate repeal of all legislation which has created bureaucracies with the power to control, removing those non-elected individuals who now legislate through the delegation of authority from elected officials who are seeking to control Americans rather than to serve them, and

Be it further resolved, that we, the member of The American Legion, demand an immediate return to strict constitutional adherence regarding the ownership of land and the guaranteed right to its ownership, use, and due process of law regarding its disposition.

Quarrels plague regional councils

If the year-long lovers' quarrel in the Puget Sound Council of Governments ends in marriage, it will be a wary one. In late July, the three counties that had dropped out of the council were on the verge of rejoining, but, as of this writing, the dropouts and the rest of the council were still trying to kiss and make up.

The marriage contract, in the form of an amendment to the council's by-laws, would require that the council be restructured to give counties more control over countywide issues than they had before. Issues would be discussed on the subregional level, with each county and its constituent cities meeting separately to make recommendations on local matters to the council's executive board.

In addition, the representation on the executive board would be changed so that counties and cities would have an equal number of seats on the board. Before, the executive board was controlled by the bigger cities, according to Earl Torgeson, commissioner of Snohomish County. What that meant was an inevitable split between cities and counties on almost every issue. "The counties had to take a stand or be hurt beyond repair," claims Torgeson, who helped engineer the withdrawal.

After Snohomish, Pierce, and King counties withdrew, the council was left with one county, 36 towns and cities, three Indian tribes, and several warnings from state and federal agencies that the council's funding was in jeopardy. Among them was one from the Federal Regional Council giving the COG until June 30 to reorganize or face loss of money and designation as an A-95 review agency. The U.S. Department of Transportation also said the COG faced possible decertification as a transpor-

tation planning agency. David Dougherty, staff director of the Federal Regional Council in the Puget Sound area, said at the time, "There are other planning organizations in the Northwest that need the money. If these guys don't use it, other planners are screaming for it."

Earl Torgeson says he wasn't convinced by the threats but that the counties realized there could be only one regional planning organization for the Puget Sound area—an area that includes the cities of Seattle, Tacoma, Everett, and Bremerton and more than half of the population of Washington State. However, Torgeson adds, the counties wanted a regional agency more suited to the counties' needs. From their point of view, that meant a reorganization and a reduction in the COG staff. The staff, Torgeson claims, dominates the council. In the past year, the staff has in fact dwindled from 54 to 37. Bill Reams, a King County councilman, says the only remaining hurdle to the counties' rejoining is a plan for the transition from the old to the new work program.

The Puget Sound COG is not alone, since spats between cities and counties have broken out in several other regions. In the Colorado Springs area, for example, all three counties in the Pikes Peak Area Council of Governments dropped out this June, leaving nine municipalities, a military base, and the U.S. Air Force Academy. The percentage of the population represented by the council meets HUD's requirement, but DOT is another matter. Roland Gow, assistant director of the COG, said he is worried that DOT may decertify his agency for transportation planning.

In the Flint, Michigan, area, things have been downright dismal for regional planning. Last October, Genesee County withdrew from the area COG, taking 80 per cent of the region's population with it, since the city of Flint was not a member. As a result, the Genesee-Lapeer-Shiawassee Planning and Development Commission lost all its DOT and HUD money for most of the fiscal year. The staff fell from 26 to eight people.

3. TRPA HAS NOT WORKED:

1. In May 1976 "Case Study of TRPA" by the Research Group, Inc., 1230 Healy Bldg., Atlanta, Georgia 30303 was published. This study was funded under HUD contract No. CPA-CA-09-39-1062. In part Page 6 "The compact has not solved the problem of planning in an interstate setting." Page 19 "the largest amount of this private development is occurring on the California side."
2. During the last 6 years (1970-1975, inc.) which could be considered "TRPA years" there were a total of 11,792 building permits for dwelling units (both single family and multiple) issued by the 6 jurisdictions in only the Tahoe Basin. Of these, 2837 (24%) were in Nevada (979 in Douglas County and 1858 in Washoe County). The remaining 76% were built in California. If the 1970 Census figure of 1.14 per/dwelling unit is utilized, this represents 13,450 new (permanent) populations for a theoretical present total of 37,440; a 56% increase since 1970. If all the new dwelling units were occupied (under peak conditions, for instance) these new units (at only 3 persons/dwelling unit) would equal 35,376 new populations for a total current estimate of 59,400+. Even at 80% occupancy this would be 47,500.
3. In 1975 (only) Nevada issued permits for 224 dwelling units (14.6%) against California's issuance of 1309 units (85.4%). The City of South Lake Tahoe was pre-dominate with 675 units with the California south shore area issuing 1140 dwelling units or 75% of the total basin. This indicates that California is increasing a percentage share of total building -- to 85%, while Nevada now represents less than 15%. The "stronger" California Tahoe Regional Planning Agency limitations are not -- apparently -- slowing development in California. This new residential construction and new population is not (so far at least) a direct result of an expanding gaming operation, although the gaming industry is "growth inducing" to some degree. Most of these new units are second (and first) homes for Californians, most of whom drive into and around the basin and burn fireplaces, thus producing the air pollution and traffic congestion that are now the big concerns.
4. The rate of growth over the last 6 years averages 1965 dwelling units/year. The 10 year period 1960-1970 (pre TRPA) averaged 1300 dwelling units/year. The current rate of growth is 50% greater than the previous decade, notwithstanding the new controls.
5. The remaining "developable" land supply in Nevada is negligible. None is available in the Incline area (where in 1975 a grand total of only 68 dwelling unit permits were issued) and only small areas in Douglas County near Stateline are still buildable. Future growth patterns will likely further concentrate in California, especially in the City of South Lake Tahoe and El Dorado County, but also in Placer, if and when the sewer situation is resolved.
6. The rate of new lot formation (new subdivision, etc.) however, on both states has declined -- to virtually nothing -- this probably will not change!
7. The California Lahontan Regional Water Quality Control Board executive officer Roy Hampson has made the following statements. "The TRPA plan is doomed to failure and is a smoke screen to avoid real pollution control measures. The TRPA lacks real enforcement power with which to punish polluters and that only Lahontan has that ability!"
8. California has withdrawn from the TRPA for all practical purposes by giving the California TRPA control over many facets of planning in the Tahoe Basin including transportation. "The CTRPA is identified as a statutorily created regional transportation agency and is therefore recognized as the agency with prime transportation planning responsibility in the Tahoe area by the proposed plan." 170-114

* Over 150 claims totalling more than \$300,000,000 have been filed against the TRPA. A list of these claims can be furnished upon request. The attached letter to the editor is a typical example of what is happening to property rights in the Tahoe Basin. If necessary, dozens of similar cases can be furnished.

Editor's letterbox

TDT 6/11/76

Don't wait

EDITOR, TAHOE DAILY TRIBUNE:

Recently, I received a brochure entitled "How Are We Going to Tell Kids About Lake Las Vegas?" from the League to Save Lake Tahoe. Perhaps the League should change their theme to "How Are We Going to Tell the Kids About Our Constitution and Representative Government?" Instead, they may well say "Oh well, it was before you were born. Now you must Love, Honor, and Obey the High Command (CTRPA, TRPA, EPA, etc.)."

Unfortunately, the real issue hides behind ecology but is rather control of every inch of land in this country by a federal or state agency. When the precedent is set, any excuse can be made to take over your inch of land, too! If one examines the numerous land use bills already passed and all those proposed, they cover mountains, coastal, agricultural areas and any so-called endangered areas if so arbitrarily determined. Each of us had better start asking ourselves whether we want to lose our republic. By writing our representatives and supporting our city council, we can let them know we care about freedom. A lot of small voices make a roar. Let's not wait until all we can hear is our teardrops on a conquered land ruled by bureaucracy. Your voice counts. Your silence is the enemy of freedom.

BARBARA HAROOTUNIAN
South Lake Tahoe

Hold a spot

EDITOR, TAHOE DAILY TRIBUNE:

Is it possible that Jerry Brown and his boys in Sacramento would really

introduce legislation to appoint their own government to enforce the legislation on the people of Lake Tahoe approved by CTRPA without compensation?

High density multiple residential property owners of South Lake Tahoe, your property is not worth what you think it is, and taxes on it are not going down, either.

Have you consulted the CTRPA lately? Those with weak hearts or high blood pressure — don't! I just did.

In 1960 my wife and I for the first time visited Lake Tahoe and were convinced it was the answer to our dream for retirement. The following summer we purchased a high density multiple residential lot at 12th and Eloise. At that time land coverage permitted a six-unit apartment, garages and ample guest parking.

This property was to supplement my retirement income as well as constitute a residence for us. Land coverage on this property in 1969 was reduced to a four-unit apartment that could be built. Although I knew this would affect our planned retirement, we made immediate plans to build the four units. Friends and acquaintances thought we were being hasty, having still seven years before retirement and still residing in Southern California. We then decided to wait.

In 1971 decisions were made; we were going to have the four units built and have a local management office to manage in our absence. We had plans drawn. Two months before their completion, I talked with a bank here and was told money was available.

Now with plans completed and rather anxious to get started, the contractor was selected. I went back to the bank this time to learn there

was no money available for multiple dwellings, only single dwellings. Disappointed as I was, money was available at other banks, but too expensive to get the needed loan. We decided to wait again.

February 17, 1976, with 10 months left before retiring, we went to Lake Tahoe, plans in hand, and arranged to meet with contractors. Our meeting with the builders turned to disbelief when we were told, "I don't think we can build at this time the four units on your property."

In a state of bewilderment, we went to the CTRPA. After listening in a state of dismay, we left this office, frightened that our dreams of 17 years were collapsing 10 months before our retirement. The next morning with a prayer and little hope we spoke with a gentleman at the building and planning department. Rather sympathetic, he told us the CTRPA was in control, and land usage for our property had changed, that we should go back to them for further consultation. We were told a single dwelling was the best we could expect at this time and for the next 15 years until 85 per cent of the residential lots were built.

We will retire Dec. 24, 1976. We will survive in spite of CTRPA. I will also dedicate myself to fight this type of legislation, joining the many of you now in the fight. Please hold a spot for me on the front line.

LONNIE G. MIMS
North Hollywood

California Nixes Road Work

35 A 67 needs 75

Both Sides Trade Shots at Tahoe

By SUSIE BRUCKART
Special to the Journal

CRYSTAL BAY — A transportation plan for Lake Tahoe will not be adopted for 90 days, the Tahoe Regional Planning Agency decided Wednesday amid criticism from California Gov. Edmund Brown Jr.'s administration.

Agency officials and political observers view the delay of the plan as necessary to avoid a major confrontation between California and Nevada.

The recent criticism from Brown's administration are considered threats to the future of the bi-state agency.

The delay in action on a plan to reduce traffic congestion in the lake basin gained approval from all but one agency member, who called it an "admission of complete failure to solve Tahoe's congestion problem."

Harold Dayton, Douglas County commissioner, told his fellow agency members, "Positive action has been needed on a road system for 15 years."

He proposed a resolution supporting Douglas County's loop road plans for the Stateline casino area, but later withdrew it after promises from other members to act on a basinwide plan in June.

Among the stronger critics of the agency's transportation study is California Secretary of Business and Transportation, Donald Burns. He said California will not finance any more highways at Lake Tahoe.

"We view the alarm proposals to single out and endorse growth-inducing projects which our state has no capacity to fund, when those projects have not been reviewed within the comprehensive context of Lake Tahoe's future," Burns said in a letter to the agency.

He urged rejection of both the loop road and Highway 50 bypass plans for South Lake Tahoe.

"This administration will urge the California Tahoe Regional Planning Agency to reject the so-called plan being offered by the bi-state agency as inadequate and unrealistic. It is time to introduce some common sense into the planning process," Burns wrote.

The content of Burns' letter and other recent criticism lodged by Brown's cabinet prompted Washoe County's agency member, Dick Scott, to question the need to proceed with the public hearing on the transportation plan.

Scott, a Washoe County commissioner, said, "Why are we talking about this? Let's do away with it and get on with business."

The public hearing was allowed to proceed as scheduled. However, comments continued to focus on California's criticism.

Douglas County resident George Finn said California has openly launched "ground, air and water warfare" against Nevada and the agency to prohibit construction of casinos near Stateline proposed by Oliver Kahle and Ted Jennings.

"California wants to confine the use of the Tahoe Basin.

The new administration has taken the position of no or slow growth of this area," Finn said.

He urged adoption of the Douglas County loop road plan and warned that Nevada may withdraw from the agency if the political warfare continues.

Agency member Jim Henry, a Placer County supervisor, reacted. "I rarely agree with Mr. Finn, but this is one time he has finally made sense."

Agency member John Wynn, South Lake Tahoe city councilman, labeled California officials' comments as "the cheapest form of criticism" because no alternative solution has been offered to solve the basin's traffic problems.

Transportation

A prime example of total chaos (in bi-state regional planning) was the Stateline Traffic Plan. For many years Douglas County has worked closely with the City of South Lake Tahoe to devise and align a new US 50 "freeway" from Echo Summit through Lake Valley to Stateline. The route was agreed, a considerable sum of monies were spent by the California State Highway Department actually acquiring right-of-ways. The TRPA plan called for a similar bypass road. Several years ago TRPA (staff) developed a "subarea" plan for this area, which was so inaccurate and opinionated as to be worthless. Douglas County developed in concert with the City of South Lake Tahoe an alternate plan calling for a Stateline Loop connecting to the long planned bypass. The current State of California attitude has however changed. The bypass has been abandoned (the right-of-ways were sold!) and California now clearly indicates NO desire to cooperate with Nevada in solving what is becoming a major problem within the basin. The California TRPA (CTRPA) was then established, which has taken over all transportation planning on the California side (only). This is all documented: the clipping adjoining is but an indication of this conclusion.

Air Pollution

Concurrent with the spring 1975 California offensive (against Nevada) was the hysterical California statement on air pollution. During March and April of that year, California calimed:

1. new hotels will create intolerable air pollution problems.
2. smog in the Tahoe Basin was worse than L.A.
3. Nevada casinos are creating traffic jams causing adverse air quality impacts on California.

The reaction from both California and Nevada interests was immediate. And strangely there have been very little further accusations along these lines. The clippings on the following page tell only part of the story.

Smog Chief Says Tahoe Is as Bad as L.A.

Clerville 29 MARCH 75

(S)

South Lake Tahoe

Smog conditions in the Lake Tahoe Basin are worse in many respects than those in Los Angeles, the state's air quality official said yesterday.

Tom Quinn, head of the

California Air Resources Board, also said that if unregulated growth continues, the lake basin could become the most polluted non-urban area in the country.

Quinn issued a statement in Sacramento on Lake Tahoe's air quality problems.

An aide presented a summary version at a South Lake Tahoe on the California Regional Planning Agency proposed plan restrictions within the basin.

6—Nevada State Journal Saturday, April 12, 1975

'Highly Insulting' Tahoe Pollution Comment Blasted

Special to the Journal
SOUTH LAKE TAHOE — An El Dorado official Friday sharply criticized the California Air Resources Board's recent statement that air quality at Lake Tahoe is as bad — or worse — than Los Angeles.

air quality studies at the lake's south shore indicate more pollution there than in Los Angeles, Sacramento or the San Francisco Bay Area. Lane Friday called that statement a "concoction to give an untrue and false impression of the pollution in the Tahoe Basin."

Tahoe World "Franklin" remarks

Lane also charged the were released at California Tahoe Planning Agency in an effort to in the current move d expanding tation on the bi-Tahoe planning to include officials outside the Tahoe

Friday, April 18, 1975

El Dorado Co. Officials Blast State S.T. Air Quality Report

El Dorado County air quality officials sharply objected this week to a recent report from the state of California that describes South Lake Tahoe's air quality as "bad, or worse, than that of Los Angeles."

In a letter widely publicized two weeks ago, California Air Resources Board chairman Tom Quinn had said that a three-month monitoring of air pollution in South Tahoe showed levels of carbon monoxide and total hydrocarbon production had climbed higher than levels known in San Francisco, Sacramento or Los Angeles.

John Kinoshian, an aide under Quinn, elaborated on the state air resources board findings at a stormy meeting of the California Tahoe Regional Planning Agency two week ago. Kinoshian explained that the monitoring station was set up at Stateline, in the parking lot of the Sahara Tahoe Hotel, and that readings were taken throughout three separate one-month periods.

But some members of the El Dorado County Air Pollution committee have said that the figures are misleading.

"I'm damned mad about this," said Franklin "Bud" Lane, an El Dorado County supervisor and chairman of the county air quality board.

Lane charged that the figures were publicized by the state in order to force a stronger environmental voice in the present restructuring of the Tahoe Regional Planning Agency.

Lane objected to the state report using the parking lot figures of 6.4 parts per million of carbon monoxide as representative of the south shore as a whole. The county supervisor said the average figure in the area was actually 2.7 parts per million.

Lane also objected to comparing "average" figures taken from Los Angeles and the bay area with "peak problem figures" representing the lake. "It's like comparing oranges and apples," Lane remarked.

Kinoshian admitted during his presentation at the CTRPA hearing that basin average figures would be significantly lower pollution figures than those taken at Stateline but added that they would still be positioned near to the bay area and Sacramento figures.

Lane's comments came during a joint session of the South Lake Tahoe City Council and El Dorado supervisors

The county board members decided not to adopt Lane's comments as their own, but voted instead to have the county air pollution control office conduct a feasibility study into monitoring the Lake Tahoe basin year-around.

Nevada Senate y passed a bill in t of expanding intation on the — thus tipping the of power away from sin officials.

Quinn's remarks ade him "damned Lane accused the ia Air Resources f using two-year-old n its comparison.

aid the board had ollution figure of 6.4 r million of carbon le in the parking lot ahara Tahoe Hotel, e average figure in a was actually 2.7 r million.

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r than adopt Lane's s as their own n, other board rs voted instead to : county air pollution office conduct a ity study aimed at ing year-round ing of air quality in oe Basin.

members also voted ly the chances of with Nevada a bi-quality board.

California Official Says Tahoe Casino Work Should Stop

SACRAMENTO (AP) — California's top environmental official suggested Tuesday that construction of new casinos around Lake Tahoe be halted until a complete air quality study can be done.

Tom Quinn, Gov. Edmund Brown Jr.'s top aide on environmental matters, said the air study done by those pushing for construction of a new casino was "seriously inadequate."

"Lake Tahoe is one of our nation's prize possessions and we must not allow out-of-control development to ruin the area," said Quinn, who is also chairman of the California Air Resources Board.

"I believe it would be a serious mistake to proceed with construction prior to completion of those necessary studies," Quinn told the Nevada Department of Human Resources in a letter.

The letter was a response to a Nevada request for an evaluation of the air quality study made by supporters of the \$40 million Tahoe Palace Casino, planned for construction at Stateline. Another casino, the \$45 million Hotel Oliver, is also planned for the area.

Quinn said that study made false assumptions about California state government actions.

"The report assumed there will be significant improvement to U.S. 50 and other roadways to provide access to the gaming activities in Nevada," Quinn said in a statement. "However, the California Department of Transportation does not plan any such improvements.

"Consequently, construction of new casinos in Nevada will create serious traffic jams, causing a high potential for adverse air quality impacts in California."

Quinn added that the new casinos could cause violation of both federal and California air quality standards.

Quinn said the Brown administration is concerned about the "preservation of the Lake Tahoe area and we are depending on our sister state to help in this important endeavor."

List: won't tolerate Tahoe planning takeover efforts

STATELINE — Atty. Gen. Robert List Wednesday served notice that Nevada will not tolerate efforts by the California Tahoe Regional Planning Agency to take over transportation planning at Lake Tahoe.

Speaking to over 600 delegates of the Western Association of State Highway Officers at the Sahara Tahoe Hotel, List called upon the "State of California, through its elected and appointed representatives, to re-examine its present course." He said should the representatives persist in their "efforts to put the CTRPA in a larger role than the bi-state agency (TRPA) in transportation planning, their efforts will undoubtedly be counter productive."

List noted that in April the CTRPA terminated its participation in a Tahoe Basin transportation plan entered into in 1973 by the TRPA, the California Business and Transportation Agency, the Nevada Highway Department and the CTRPA.

When the CTRPA announced it would, on June 1, produce a total general transportation plan by mid-July, List said.

"California TRPA further proposed last month a new four-party agreement that effectively would give them complete control over transportation planning," List said.

"This would make Nevada responsible to California law and give California final authority over planning results," List added.

"Nevada," List explained, "is steadfastly committed to the concept that planning, control, protection and development of Lake Tahoe must be accomplished under the bi-state agency (TRPA) with fair and equitable consideration to all facets of environment, community values, financial resources and the economy of the basin."

List said a serious struggle had been maturing recently and that it has "turned for the worse in recent weeks."

He said that South Shore Lake Tahoe has serious transportation problems and that if a disaster ever took place, "we would be powerless to help."

If the transportation woes are to be overcome, List said, "the two states must work together."

List outlined the litigation centering around development of casinos at the lake

and said he was alarmed at "political rhetoric" charging that the only way to save Lake Tahoe is to do away with gambling.

"Certain California spokesmen would have us believe that it is a question of gambling vs. the environment," List said. "But legally, there is no choice to be made. Gaming is a business licensed by the state of Nevada, and the compact specifically provides that such a business may be constructed on land suitably zoned. The California Legislature agreed to that," he said.

List said rather it is a question of whether a hotel-casino project conforms to the environmental criteria of TRPA land use ordinances.

List said lobbying efforts of the League to Save Lake Tahoe had borne fruit with the California administration. List said league spokesman Robert Burco "opposes any plan presented for the Tahoe region recommending road construction."

4. CALIFORNIA IS MEEDLING IN NEVADA AFFAIRS.

* California is definitely trying to force gaming out of Nevada at Lake Tahoe and eventually will work on other areas if successful. The attached newspaper articles attest to this fact. Robert Van Allen, California Governor appointee to the TRPA was ousted because he was too independent. The following are quotations from Van Allen: "I said I would not act at the direction of the Governor." "I was told several times by Sierra Club members that I was out of line." "I think the administration would love dearly to do away with gaming in the Tahoe Basin."

California wants

~~California~~ *Chapel & Sun 76*

By SUE MORROW
Appeal City Editor

CRYSTAL BAY — Members of the Tahoe Regional Planning Agency were told last week they must "hang tough on a further expansion of gambling at Lake Tahoe.

"This would be a signal to all and sundry that the TRPA has got teeth and the TRPA means business," said Al Heiner of Orinda, Calif., a member of the board of the League to Save Lake Tahoe.

Appearing before the board at its regular monthly meeting, Heiner said that the owners of casinos "should take some leadership on behalf of the environmental consideration.

"They should be innovative. They should be imaginative," said Heiner. "Leadership should flow from them to the end of fighting for the values at Lake Tahoe."

Casino owners, Heiner said, "should be part of the action in seeing that Lake Tahoe is preserved."

Heiner then suggested that the casinos be removed from Lake Tahoe, at the expense of the taxpayers.

"... just simply underwrite the expense of taking this threat away from Lake Tahoe," said Heiner. "Let all of us pay this expense," he urged, adding "let's be fair to the casinos."

"The thing to remember is, casinos can be removed. Lake Tahoe can't. Casinos can be reborn. Lake Tahoe never can," Heiner postulated.

"Casinos live with volumes of people," said Heiner, "and I know that the other part of that proposition is that Lake Tahoe dies with volumes of people. So how do you reconcile those two almost unreconcilable differences?" he asked.

"This is the position of the league, and we hope you will hang tough on any further expansion of gambling at Lake

Tahoe," Heiner said.

Responding to Heiner's comments, TRPA board member Jim Henry of Placer County said "You're giving this ten-member board the blame for something — some magical control we have over the casinos.

"Now we don't have control over the casinos," he pointed out.

"It's nice to put us in the position all the time that we're the dirty guys that are allowing these things to happen, but we don't have control and neither does the California TRPA," Henry told Heiner.

He said that if the rules (for approving casinos) were going to be changed "we must convince the Nevada Legislature, must convince the California Legislature, to do something about this and work out their problems or the two governors work out their problems. But, I don't see this happening right away.

Henry said that Heiner's suggestion to move the casinos is "a nice thing to say, but if you're going to take the casinos away then you have to buy out all those motels on the California side because they're dependent on the casinos.

"We can't just sit here and not be realistic," said Henry, adding "To me you're not going to remove what's there.

"I would agree with you (Heiner) 100 per cent that should happen but that's alot of bucks" to remove this kind of land off the market, said Henry.

Gov. Mike O'Callaghan's representative on the agency, Reno attorney Thomas Cooke, said the agency has the responsibility for the casinos being where they are because it approved them under the dual majority (voting procedure).

Cooke expressed the hope that legislation would be passed by Nevada, (California already

has passed a bill) which would remove the dual majority method under which the majority of members of both states in the agency must agree on a project or it is automatically approved within 60 days from the date of the application.

The legislation would then have to be approved by Congress.

"I think the casinos have been maligned in a few cases," said John Meder, who represents the Nevada Department of Conservation and Natural Resources on the TRPA.

"They (the casinos) meet the same standards as any other project, and in many cases are asked to do more.

"The casinos have received no special treatment," said Meder, "and we ought to realize that."

TRPA Chairman Dick Scott of Reno locked horns with the League to Save Lake Tahoe on the subject of casinos at the very onset of Wednesday's meeting.

He referred to the league's October newsletter which reported the approval by the agency at its September meeting of parking lot expansion at Harvey's Inn on the South Shore of the lake.

"Washoe County representative Dick Scott held the deciding vote on the Nevada side, and even though Scott has recently announced that he would never again vote for casino expansion, cast his ballot on behalf of the parking lot," said the newsletter.

Said Scott: "I said I would never again vote for a new hotel-casino on the south end of Lake Tahoe.

"I'd appreciate it if when someone quotes me, they'll get it right," he added.

Tahoe's Growth Problems Laid at Gambling's Door

352 15 Nov 73

Special to the Journal
SOUTH LAKE TAHOE — Gambling is the source of Lake Tahoe's growth problems, but future development of the Carson and Martis valleys may provide the outlet for them. At least that's the way Jim Henry, Placer County supervisor and member of the Tahoe Regional Planning Agency (TRPA), sees

Carson City or Reno, claiming, "The gamblers will go where the casinos are."

Henry foresees present development pressures on Lake Tahoe being relieved by areas outside the lake basin.

"It's going to be expensive to live at the lake," he said. "People providing services are not going to be able to afford it. So they're going to look to the Martis and Carson valleys for reasonable cost housing."

Placer County is now in the process of developing a general plan for the Martis Valley area, located between Lake Tahoe and Truckee, which Henry claims will be "the best plan Placer County has ever done."

He was quick to explain the Martis Valley should not become a "ghetto" area for Lake Tahoe as some area residents have feared.

"We're not looking at (FHA) 235 housing in the Martis Valley," said Henry. "But people who provide services want to live in a nice, decent home. I don't think all of these people want to live in a condominium. A developer might have to build quite a number of homes to afford a more reasonable cost, but we do want them to be decent homes. That's why we're going to be holding public meetings on the plan, to get some direction from the people."

One such public meeting is scheduled for tonight at 7:30 in the Tahoe-Truckee High School in Truckee.

Interviewed on a South Tahoe radio station program, "Tahoe Today," this week, Henry said, "There is no doubt in my mind that casinos are the source of Tahoe's trouble."

Henry, who admitted he would probably be "the first one to walk up to a (gambling) table," felt gaming was "not in the best interests of the lake."

"We have to recognize it's here, and recognize the economics of it," he said. "But to allow it to expand is wrong without a good, strong transportation plan."

Henry is one of the TRPA members who voted against the proposed loop road system for the Stateline area which would have allowed construction of the proposed new Park-Tahoe hotel-casino and expansion of Harvey's resort hotel.

"Nevadans are touchy about their gambling. They don't want California involved," said the supervisor from Colfax. "But when they begin exporting it to where it hurts the lake, then California should get involved."

Henry felt the casinos should be situated instead in Minden,

Uppaways suit dismissed by court

Another lawsuit aimed at Nevada's actions at Lake Tahoe has been dismissed in U. S. district court, this time over the construction of a proposed ultra-luxury subdivision to be called Uppaways.

In August, District Court Judge Bruce Thompson would not even look at the Tahoe Regional Planning Agency's case, saying that first he wanted to see some evidence that it was a matter for federal jurisdiction. Douglas County Dist. Atty. Howard McKibben had argued that the only law concerned was a TRPA ordinance, not a federal regulation.

On Oct. 24, Judge Thompson looked at TRPA's claims of federal jurisdiction and found them "spurious." He dismissed the suit.

William Cody Kelly, who wants to build Uppaways, has said the 39 homes he plans to construct in the 44-acre subdivision will sell at prices ranging from \$200,000 to \$250,000.

This suit, like many others during the past several years, arose after Douglas County approved a project which then got TRPA approval through the agency's "dual majority" rule. What was unusual about the Uppaways case was that the TRPA staff was suing to overturn an action of the TRPA governing body.

Suits to block construction of two new casino-hotels at Tahoe, also approved in accordance with TRPA's dual majority rule, have risen through every level to the U. S. Supreme Court, which recently dismissed the suit brought by California's attorney general.

As a backlash to that lawsuit, one of the hotel developers (Oliver Kahle) has threatened to sue the State of California and its attorney general to recover losses Kahle says he incurred because of the court actions.

Casinos and subdivisions are not the only targets in suits over land use at Tahoe.

Douglas County, over the past two or three years, has developed a transportation plan to cure traffic jams in the Basin. Earlier this year, TRPA endorsed the Douglas plan, as did its counterpart, the California TRPA. However, CTRPA later backed out of its agreement on the Douglas plan and issued one of its own.

The CTRPA plan calls for a parking lot outside the Basin and mass transit buses, instead of automobiles, to take motorists into the Tahoe area.

The City of South Lake Tahoe announced plans to fight the CTRPA plan in court, a fight which won the support of South Lake Tahoe's Chamber of Commerce. The chamber's directors voted for a campaign to raise \$75,000 in matching funds to help the city's efforts.

Douglas County unsuccessfully urged the TRPA to take the matter to court also, looking for a decision as to which agency—TRPA or CTRPA—has the authority to plan transportation in the Tahoe Basin.

Although TRPA did not agree to a legal battle with CTRPA, it did agree to seek a solution to the jurisdictional question by other means. Douglas County Commissioners have said the county should sue CTRPA over the transportation issue, if nobody else will.

In another case still pending, TRPA wants the district court to issue an injunction against the Heavenly Valley ski operation to prevent the use of base facilities on the Nevada side. That suit is not aimed at the ski lifts and ski runs in Nevada, but to force Heavenly Valley owner Hugh Killebrew to go to TRPA for a permit to operate lodge and restroom facilities. Heavenly Valley representatives said plans for those facilities go back to 1957 and had TRPA blessings.

Not all of California's antagonism is related to gaming. California even objected to a very high quality (and exclusive) estates residential development at Glenbrook. This one also went to District Court.

California Asks Supreme Court
T. West 1 Aug 75
To Block 2 New S. Shore Casinos

Two new proposed luxury resort hotels approved by Douglas County and the State of Nevada really triggered the California reaction. This two year battle (still going on) has cost the developers over \$1 million in successfully defeating 14 successive lawsuits brought by the State of California, the League to Save Lake Tahoe, the Sierra Club, etc., -- as a means of delay and harrassment.

The state of California has asked the U.S. Supreme Court to block the construction of two south Tahoe casinos.

California Atty. Gen. Evelle J. Younger filed the appeal with the Supreme Court last Friday, requesting that the ruling made last May by the 9th U.S. Court of Appeals be overturned.

"This is not a move to stop gaming in Nevada," Dep. Atty. Gen. Zap Henson said following the announcement. "We are taking the action because of the impact the casinos would have on the air, water and traffic on the California side of Lake Tahoe," he said.

Last May, California had based its case on the alleged illegality of the "dual-majority rule" under which the two projects received approval from the bi-state Tahoe Regional Planning Agency.

The two casinos were denied by a popular vote of the agency, 7-3, but the three approving votes served to make the Nevada half of the TRPA favor the projects, 3-2.

With the two states deadlocked (California had voted the casinos down, 5-0), the dual-majority rule allowed "approval by default" after no consensus could be reached in 60 days.

But the unique voting arrangement was upheld by the 9th U.S. Court of Appeals earlier this year, with the federal judge reemphasizing the "sovereignty" of each of the two states in the TRPA compact.

The two casinos...Ted Jennings' \$50 million Tahoe Palace and Oliver Kahle's \$60 million Hotel Oliver...are both presently in the grading and excavation stage at their sites near Highway 50 and Kingsbury Grade.

"This is just a case of harassment as far as I'm concerned," Kahle said, in reaction to the legal action by California.

John McManus, business manager for Ted Jennings' project concurred. "I think this is more (Gov. Edmund G.) Brown than Younger...He just doesn't like the idea he can't run us up here."

Younger firm
T.D.T. 8-29-74
on hotel suit

By BOB MARTIN

"Our suit against high-rise casino development in Nevada has made people mad here, but there's nothing we can do about that," said California's Atty. Gen. Evelle Younger today.

"We are distressed that we've made people unhappy. It's a highly emotional thing," Younger said during a brief press conference at South Lake Tahoe.

Younger's office has filed an appeal to prevent construction of the Hotel Oliver and Tahoe Palace near Stateline which were approved through the controversial dual majority vote of the Tahoe Regional Planning Agency.

All five California members of the agency voted against the projects as well as two Nevada members. "We don't feel it's right that three members on the Nevada side can block the wishes of the other seven members," Younger said.

The agency was formed, Younger said, because Lake Tahoe desperately needed planning help to protect its environment.

"We got into this suit because the California members of the TRPA expressly asked for our action," Younger said.

California to file
T.D.T. 8-1-74
suit against hotels

By JEFF COHEN

The California attorney general's office said today it will file a suit to prevent construction of two Nevada hotel-casinos at Lake Tahoe.

The unusual action will probably start before Aug. 12, when land clearing is planned to begin at the sites of the 960-room Hotel Oliver and 560-room Tahoe Palace at Stateline.

A suit may be filed in federal court in Reno but a location has not been confirmed, said Deputy Atty. Gen. Bob Wright.

"An action will be filed to prevent what we believe is illegal construction," Wright said.

The suit was requested by the California Tahoe Regional Planning Agency (CTRPA), which claims construction of the projects will cause environmental damage to the California side of the lake.

The CTRPA said the casinos would attract enough cars to cause air pollution and further

congest heavily, traveled Highway 50 along Stateline's casino row.

Defendants in the case won't be named until the suit is filed, a spokesman in the attorney general's office said. Developers are Oliver Kahle and Ted Jennings, who received automatic approval for the projects last week from the bi-state Tahoe Regional Planning Agency after California and Nevada members failed to reach a decision.

Wright said the suit will seek federal clarification of a bistate agency regulation which allows projects to be automatically approved if no action is reached within 60 days of application.

Although only a minority of three Nevada members, all local government representatives, voted for the projects, voting rules require affirmative action by both state delegations to pass or deny an application.

The CTRPA also challenged the seven and 10-story heights of

the hotels, claiming no proof was given that an exemption to a 40-foot height limit for commercial buildings was justified.

The California agency, in a unanimous resolution passed last Friday, also asked Nevada Atty. Gen. Robert List to take action to stop building.

List said Wednesday his office was still discussing the request and would have a decision soon.

The casinos were cleared Tuesday for grading by Dist. Court Judge John Sexton, who ruled that air quality standards set by the state would have to be met before foundations could be laid at the sites on Highway 50 near Kingsbury Grade.

Developers said grading would start Aug. 12, one day after the bistate agency's 60-day deadline runs out.

It could not be immediately confirmed if the suit would be the first filed by California against construction of a building in another state.

On March 3, 1972 Ray Knisley (then a Nevada Agency member) raged at a TRPA meeting "This is getting disgusting. We have people out of work in Nevada, while you Californians go merrily on with your construction."

Some times Californian's paranoia on the subject became ludicrous. Witness the irresponsible attitude of Z'berg (now deceased) as indicated below:

California gaming offered *Appeal Refusers* to curb Lake developers

By ROBERTA McCONNELL
Appeal Staff Writer

MINDEN — Douglas County officials today lashed out at legislation being introduced by California state Sen. Edward Z'berg to permit gaming in El Dorado and Placer Counties, "to discourage gaming on the Nevada side of Lake Tahoe."

The Z'berg legislation which would require a California constitutional amendment if passed, is variously described by Douglas officials as, "utter hog wash, sour grapes and completely refuting all the principals behind the formation of TRPA." Commissioner Charles Meneley told the Appeal today he did not know "What was the matter with the guy's head (Z'berg)," and likened the Z'berg proposal to a child who says if no one will play the game his way, he would take his marbles and go home.

Meneley said, "This shows the process (TRPA) is not working," and added he does not believe such legislation has a chance of getting through. In the first place he said, California has no strings on controlling gaming and it stands to reason that long established casinos will be the ones to continue drawing the business and even if casinos are built outside the basin on the California side they would probably go broke because at this point they do not have the operational knowhow.

"It is pure sour grapes," he repeated. The Z'berg bill proposes that gambling be allowed in Placer and El Dorado counties outside of the Lake Tahoe Basin to discourage construction of casinos on the Nevada side of the lake.

Z'berg said he will introduce a constitutional amendment allowing gambling in the counties in an effort to save Lake Tahoe from environmental destruction.

But Z'berg said the proposal would be triggered by Nevada action. He said that for every new casino Nevada allows at the lake, his measure would permit one to be built in California but only outside the Tahoe Basin.

"We hope that threat would be enough to keep Nevada from approving more casinos at Tahoe," said Z'berg, who stressed that his proposal is not a gambling measure "but a 'Save Lake Tahoe' measure."

He predicted that if casinos were built in El Dorado and Placer counties, most northern Californians who want to gamble would go there rather than Nevada because it is closer.

Z'berg said Nevada zoning would allow for at least 25 more casinos at the lake.

As early as 1969 prior to ratification of the Bi-state agency, Douglas officials declared in a news release that without to much stretch of the imagination, the agency might be able to shut down gaming in the guise of protecting the lake waters from pollution based on heavy traffic. This essentially officials said is the line California and TRPA has been following in their battles to halt construction of the two new Tahoe casinos Tahoe Palace and Hotel Oliver.

In 1969 also, then Douglas County planner Ray Smith took issue with the proposed compact wording, "Which would be enforced only if they effect the water clarity or purity or natural beauty of the region."

Smith said at that time everything essentially might come under that heading whether it is high rise buildings or a trail through the woods. Smith said this morning Z'berg's proposal was, "A typical California action. He said, "California has a lot of psychosis about this thing." He said his own investigation has shown Californians have been completely brain washed into believing the lake is being destroyed, the air is more polluted than that of Los Angeles and that...Nevada is the culprit.

Smith took strong issue with the Z'berg statement that Nevada zoning would allow another 25 casinos at the lake, saying, "I'd like to know where the Sam Hill they are going to be." Smith stressed also that the proposal could cause extreme friction in El Dorado and Placer Counties if gaming were restricted to the West portion and not the east. "For that matter," he said, "It could cause friction all over California from counties not included."

As far as Nevada being a culprit at Lake Tahoe, Meneley said "Take a look. It doesn't take much to see because it is plain and evident driving across the state line where the problem is and it is definitely not on the Nevada side."

The two other Douglas commissioners were not available for comment, but general court house observation indicates the present California action will either become a laughing stock or result in an even greater route than that anticipated in 1969. The Bi-state agency under the Z'berg bill of that year was described as, "a grab for economic control of the lake under of the guise of pollution control."

And California is not content with Lake Tahoe alone. The clipping below indicates another equally dangerous precedent which is still being contested by the Attorney General:

Court: Nevada Liable in Car Wreck

OAKLAND (AP) — An Alameda County Superior Court jury has decided the state of Nevada is liable for \$1.1 million in damages involving a Nevada employe who rammed his state car into another auto.

The jury verdict issued Wednesday after a three-week trial favored John Hall, 9, of Sacramento, who as an infant suffered brain damage as a result of the May 1968 accident near Auburn.

The Nevada employe, Helmut Bohm who taught at the University of Nevada-Reno, was killed in the wreck.

The jury said the youth should get \$1 million in damages while his mother, Patricia, also hurt in the crash, should get \$150,000 in damages.

Nevada State Journal
8-12-76

Lawyers representing Nevada had argued unsuccessfully California courts and juries should honor a Nevada law which limits state liability in such cases to \$25,000 to be paid any individual.

But the California Supreme Court held in the case that the Nevada law didn't apply in California.

Nevada appealed to the U.S. Supreme Court but that court refused to hear the dispute on grounds no judgment had been issued so the appeal was premature.

Bohm was returning from the San Francisco Bay Area to Reno when his auto crossed into westbound lanes on Interstate 80 and hit the Hall's auto.

The Halls were returning to their home in Sacramento after an outing at Lake Tahoe.

'Off the Record'

California 'grab' obvious

By ROBERTA McCONNELL
Appeal Staff Writer

Senator John Tunney of California has made what may be the most remarkable statement to date concerning Lake Tahoe.

While the California side of the Lake at the south shore proliferates with motels, hamburger joints, condominiums, concessions, restaurants and a Hilton Hotel, Sen. Tunney announced at the opening of the Hyatt House last month (formerly King's Castle) that "The growth of casinos at Lake Tahoe is appalling. I think California is doing a fantastic job of saving the lake."

Somehow, it's like "what paper do ya read?" because while Tunney is disclaiming the growth of casinos at Lake Tahoe, his fellow lawmaker, Assemblyman Edwin Z'berg is introducing legislation for a California constitutional amendment legalizing gambling in Placer and El Dorado counties — the only two California counties bordering the Lake.

And, while Z'berg contends he wants the California casinos located below the lake, if the bill is passed you can bet your

bottom dollar there will be casinos right on the lake front because who, on a vacation gambling trip could be expected to stop at Emigrant Gap or Pollock Pines when for another few minutes driving time he could get to the Lake and have the whole works.

Z'berg makes the public statement that his gambling legislation measure was made necessary by the inability of the Bi-state Tahoe Regional Planning Agency to halt the proliferation of casino-hotels at Lake Tahoe "which will nullify whatever progress has been made to save the lake in the past ten years."

However, since the Bi-state Agency became effective only five years ago there is cause to wonder what Mr. Z'berg thinks his state was doing to save Lake Tahoe in the previous five years — while all the hotels, motels, hamburger joints, etc. were being approved and constructed from Stateline west.

At the same time, Nevada was holding its casino-hotel zoning to a single mile at the south shore, with the balance of the lake front largely comprising the Whittell property, the old Cave Rock area, two state parks and lots of open

Granted, the public has little access to the lake front except at the public beaches, but one has only to drive along the bright blue waters of the Nevada side around to Tahoe Keys on the California side to prove a point. There, where the water of the public beach and the condominiums resembles the muddy Mississippi we are assured that Mr. Tunney was absolutely correct and that "California is doing a fantastic job of saving Lake Tahoe" (for itself perhaps?)

Douglas County opposed the bi-state agency from the very beginning and even prior to its

ratification referred to it as a California "grab for power at the Lake". The "grab" is even more obvious when the two California legislators attempt to pick the political plum through such devious tactics as introducing gaming legislation for the two California Lake counties at the same time one legislator is celebrating the opening of a Nevada hotel by saying "California is doing a fantastic job of saving Lake Tahoe" (from the proliferation of hotel-casinos in Nevada!)

There is a strangely hollow ring to it all and one wonders just who did crack the Liberty Bell! *17 Aug 75*

T. W. Noel 28 Dec 73

Federal Control Over Private Tahoe Lands Called Inadequate

Federal control in the Tahoe basin over private lands is not adequate, an Environmental Protection Agency (EPA) official told members of the Tahoe Regional Planning Agency last week.

And he said changes in the Bi-State Compact, including authority to control Nevada's right to license casinos, might be necessary to better protect the basin's ecology.

John Wise, an EPA official who has been working on a study of basin management mandated by Congress, said the study is now in draft form and will be available around Christmas. The EPA is asking for reactions to the draft statement and will then finalize the report and make recommendations to Congress.

Outlining the report in general terms for TRPA governing board members, Wise said the EPA had defined six problems on the federal and state level in the basin.

The major problem, he said, is that "there is no federal policy toward Tahoe." An assessment of the federal governments "oversight and control" in the basin found the federal government had more than adequate control of public lands through the United States Forest Service, but control was not adequate over private lands, he said.

Erosion and sedimentation control is a big problem with private lands," Wise explained. "And there are serious legal authority questions."

Other state and federal government level problems include sewers (especially at the north shore), erosion and sedimentation controls, air pollution standards, water supply regulation and transportation, said Wise.

On the regional and local level, the major problem seen by the EPA was with the bi-state compact provisions which regulate TRPA powers.

The TRPA is a regional planning agency and not a general purpose governmental agency," Wise said. "It has police power, but no provision to assess property tax or hold and acquire land."

Another "inherent problem" in the compact is the exemptions given state-licensed facilities so they don't come under TRPA review, Wise said.

One of the changes the EPA might recommend for the compact would bring those facilities—including Nevada's legalized gaming industry, which is state-controlled—under the supervision of the TRPA. Exemptions would then be eliminated.

Any change in the compact would have to come from the legislatures of both California and Nevada, which Wise admitted would be extremely difficult.

Other regional and local problems defined by EPA involve the legal aspects of the regional plan which have resulted in numerous court cases of alleged inverse condemnation, TRPA budget inadequacies which prevent aggressive planning and enforcement, the economic repercussions of sewerage and bonding, and a lack of public understanding of the TRPA's authority, said Wise.

While the issue of local or non-local TRPA representatives has long been blamed by conservationists as one of the stumbling blocks to saving Tahoe, Wise said the EPA had found the balance of in-and-out-of-basin representatives was "not really an issue."

Some of the alternatives recommended by the EPA are: a request to federal agencies to study their duties in the Tahoe Basin and to formulate future guidelines for controls; development of a system of basin land acquisition; possible establishment of bi-state agencies to control air and water pollution standards; and formation of a federal, state and TRPA task force to assess the ecological effect of maximum building at Tahoe and determine if increased federal intervention or a change in laws is required to forestall that.

The central issues, however, according to Wise, as well as the elimination of exemptions for state-licensed businesses, include modifying the Bi-State Compact to eliminate the dual majority rule, giving the federal TRPA representative a vote, initiating a more flexible financing structure, allowing the TRPA to assess property, and reconstituting the representation of the TRPA governing body.

And it is not only the State of California who wishes to "control Tahoe." The Feds, (through EPA) also think everything should stop at Tahoe. Adjoining is a clipping relating to an EPA study (which has since been conveniently pigeonholed) calling for greater controls over PRIVATE property.

EPA is still in the Act, however, and has recently funded environmentalist attempts to influence State legislation regarding amending the present Nevada Legislature to conform to the new Gualco Bill recently passed in California. At this meeting, the author of this bill threatened Nevada that California would "seriously consider" withdrawing from the Agency if Nevada failed to pass his bill. See clipping on following page.

The Gualco Bill is yet another attempt by California to gain control; it would:

1. eliminate Nevada's protection over land uses through the repeal of the dual majority vote.
2. increase nonbasin representation on the Agency by expanding membership from 10 to 14 members (all non-local participants).
3. incorporate the ordinances of the California TRPA into the Act.
4. eliminate the gaming "grandfather" clause.
5. increase State budget support over the local \$150,000 funding.

Nevada Opposes California's Plan

CARSON CITY — There's no way Nevada will accept a bill signed by California Gov. Edmund Brown Jr. in efforts to revamp the Tahoe Regional Planning Agency, Nevada Gov. Mike O'Callaghan said Thursday.

The bill as it stands could eliminate construction of high-rise casinos at Lake Tahoe by changing membership and voting procedures of the agency.

O'Callaghan said the new California law, which must pass the Nevada legislature and Congress to take effect, marks at best a "starting point" for discussion of a possible compromise.

The bill drew sharp criticism and warm support from Tahoe basin governments and TRPA officials.

South Lake Tahoe Mayor Roger Capri said he was terribly disappointed by Brown's action.

Capri complained that the bill would shift the majority of the TRPA board to appointed rather than locally-elected representatives.

"We are asking for at least equal representation of locally elected officials on the board that makes decisions affecting our area," Capri said.

Capri objected to the incorporation

into the bill of the ordinances of the California Tahoe Regional Planning Agency, an environmentally-oriented rival to the TRPA. The city is presently engaged in court action against the California agency, contending that its ordinances are unconstitutional because they interfere with private property rights.

"We're going to fight this bill all the way," Capri said.

Gordon Hooper, chairman of the California Tahoe Regional Planning Agency and a local realtor, said he was pleased by the bill's success in California.

Nevada Legislature threatened over TRP

In a not-so-subtle threat to the 1977 Nevada Legislature, California Assemblyman Eugene Gualco told a gathering Saturday that his state would seriously consider withdrawing from the Tahoe Regional Planning Agency if the Nevada legislature failed to pass the bill he authored which was signed into law by California Gov. Jerry Brown earlier this year.

Gualco's bill provides for changes in the state Tahoe Regional Planning Commission to eliminate the dual majority voting and add more appointed members to the agency's board of governors.

The dual majority voting method provides that if a proposed project in the Lake Tahoe Basin does not receive approval or rejection from a majority of board members from each state within 60 days the project is automatically approved.

The present membership of the board is composed of three elected-type members and two appointees from each state. Gualco's bill adds two more appointed members to the California side.

Gualco, D-Sacramento, was a speaker at a forum in Washoe Valley sponsored by the League of Women Voters of California and Nevada, held to determine what govern-

mental entities were necessary to preserve the quality of air, land and water in the Lake Tahoe Basin. The League, financed by a donation from the Federal Environmental Protection Agency, attracted about 100 persons who heard from and asked questions of a panel of governmental officials.

Among the speakers in addition to Gualco were City of South Lake Tahoe (Calif.) Mayor Roger Capri, Nevada State Sen. Thomas "Spike" Wilson, and William A. Morgan, acting administrator of the Lake Tahoe Basin Management Unit, U.S. Forest Service.

No changes may be made in the bi-state compact which created the Tahoe Regional Planning Agency unless both states pass legislation to do so and then that legislation must be ratified by the U.S. Congress.

A bill similar to Gualco's failed to pass the 1975 Nevada Legislature.

In an obvious attempt to soften the impact of Gualco's threat that his state might withdraw from the TRPA, Wilson reminded the audience that Nevada legislators are "very independent" and would not consider the position of California in withdrawing from the TRPA when they voted on its neighboring state's bill.

When a member of the audience pointed out that the dual majority voting procedure was put into the Compact to protect Nevada's sovereignty and gaming industry against California's domination, Gualco's response was "Nevada is going to have to surrender some of its sovereignty to make the TRPA work."

Gualco's bill came under fire by South Lake Tahoe Mayor Capri who has frequently challenged the TRPA's authority over that of local elected government.

"Our (the city's) goals," said Capri, "are to protect the rights of our citizens as guaranteed under the constitution, provide for the general welfare, protect and preserve local control and, when applicable, to maintain the sovereignty of the states involved and to assure local control."

Capri told the gathering that Gualco's bill "was not supported by any locally-elected body on the California side of the Basin."

The three California local governments in the Basin — the City of South Lake Tahoe, El Dorado County and Placer County, were unanimous in their opposition to the Gualco bill, Capri said.

"At the state level, three of the four representatives of the Basin elected in the senate and assembly voted against the bill," he said.

"We (the city) opposed the bill because it places four appointees and only three locally elected officials on the governing board (of the TRPA), further eroding local control," said Capri.

He said the city also opposes the measure because "we believe it provides for taking or changing the property rights without just compensation. It lacks provisions for reimbursing local control costs, and lastly, it does not provide for the dissolution of the CTRPA (California Tahoe Regional Planning Agency), the rescinding of its plan or end regulations which we believe are duplicated, unpredictable, derisive, costly, and we believe unconstitutional."

THE RISE & FALL OF TAHOE...

Brown Administration

Takes "No Growth" Stand

By George Bryson

By the conclusion of Easter Week, California Governor Edmund G. Brown, Jr. had left little doubt that he plans to take an active role in the future of Lake Tahoe. In a week-long series of surprise announcements concerning the lake, the Brown administration has:

—Declared flatly that there is to be no more "growth inducing" highway construction on the California side of the Tahoe basin (notably the proposed widening of Highway 50 that joins Sacramento with South Lake Tahoe).

—Released research on the air quality of Lake Tahoe that shows how air pollution levels on the south shore exceed the levels existing in Sacramento and the bay area. "In fact," said Tom Quinn, Gov. Brown's new head of the California Resources Control Board, "the situation is now so bad that Tahoe's air in some respects is worse than what we find in Los Angeles."

—Has given notice that several large casino developments in the south shore may never get off the ground. The approval of two high-rise casinos at Stateline had come with the expectation of a "loop highway" project through South Lake Tahoe to handle traffic congestion...part of a CTRPA Transportation Plan that has been vigorously criticized by the Brown administration as "growth inducing."

—Dismissed two of the three Reagan appointments to the two Tahoe Regional Planning Agencies (see related story) and announced the appointment of two women...both self-described as independent-thinking environmentalists.

—Supported through a number of cabinet officials the pending "land use plan" of the California Tahoe Regional Planning Agency.

This plan...the subject of a controversial, sometimes angry, public hearing in South Tahoe last Friday...proposed to comprehensively down-zone California's side of Lake Tahoe in an effort to hold back development of forested lands.

At the conclusion of the CTRPA hearing, governing board member Jim Henry asked that the CTRPA board arrange an in-person meeting with Gov. Brown.

"In light of his actions over this past week," Henry said, "it behooves this board to meet with the governor and find out what he has in mind...He said his door was open to local government at the Mayor's Conference, and I want to put that to the test."

The CTRPA board agreed to meet with the governor if it could be arranged by Henry.

Otherwise, the South Tahoe public hearing offered something of a sounding board for both those disturbed over Brown's actions (largely Nevadans) and testimony from the scientific community that generally supports Brown's no-growth philosophy for Lake Tahoe.

NEED ANYTHING MORE BE SAID!

120-156

5. ARBITRARY ACTIONS:

The staff and some Agency members have, over the years, evidenced some rather strong and arbitrary attitudes in their statements and behavior. Several examples will suffice:

* Mr. Knisley, once the Nevada At Large Appointee, has consistently pushed for "slow downs" of development until some future and vague "studies" are completed. In August 1973 he attempted to have a Resolution to this effect adopted. It failed, however, Mr. Knisley state, "I proposed to vote exactly as the Resolution is drawn up anyway." (NSJ, 30 August 1973).

* The staff (especially) exhibits a continuing arrogant position; frequently fails to respond to both written and verbal requests, unduly "hassles" applicants (in certain cases) and tends towards "enemies' lists," especially those who cross them or fail to submit docilely to their demands.

* Mr. Henry of Placer County, at his first meeting, clearly set forth his position relative to gaming when he stated, "the public (can) go to Reno-Sparks, Carson City or Minden to gamble." In April 1974 he stated, "I vote against them (gaming facilities) many times and I'm told I can't vote against them because they look bad, I must have some other reason. Well, I vote against them because they look bad anyway; it's a good thing they can't read my mind when I'm voting."

* Statements of certain staff have not accurately or fairly stated the facts, positions or analyses of items under consideration. Reports are purposely misrepresented to be self serving.

* Many of the staff decisions reflect arbitrary and capricious attitudes. There are examples of favoritism; emphasis has been made on California development (the total staff are Californians).

* The operation has become excessively bureaucratic with interminable paper work, detailed EIR's, red tape, arbitrary "fees" (for processing items) and delays.

* Actions are often inflexible, intractable and unreasonable. There is a slavish adherence to imprecise and vague regulations, a refusal to recognize certain allowances in their own regulations, and a blind devotion to environmental concern with little if any recognition of equity, economics or esthetics.

* Many actions are blatant attempts to circumvent court decisions, to hide or play down certain activities, to centralize authority, to develop a full fledged policy function, and to disseminate false information masquerading as technical facts.

TRPA members cannot interpret the documents of the General Plan and must, or usually, rely on staff. For example: Tom Stewart, El Dorado County representative, in a sworn statement, on Mar. 4, 1975, said he could not tell from TRPA documents, maps, general plan and ordinances how many residential units could be constructed on a specific parcel of property in Douglas County. Further, that in such a situation, he "would rely more on the input from Staff than from applicant."

Les Nagy, representative from South Lake Tahoe, on Mar. 4, 1974, in a sworn statement, said that he could not tell from the Land Use Map and Land Capability Map how many residential units could be placed on the same parcel of property and stated that "he would rely upon Staff's recommendation" in the event of a dispute between Staff and the owner's experts.

William Briner, former Placer County representative and now assigned to the TRPA, representing California Resources Agency, stated that "++if I had enough time and did enough studying, I could come fairly close, but it would be foolish for me to attempt that."

The way the General Plan and Ordinances are drawn, in order to develop any project in the Tahoe Basin which involves more than already subdivided lots, the developer should have a team of 6 or 7 people consisting of:

A Marketing Man, An Architect, A Soil Expert, An Attorney, An Engineer, A Forestry Expert, A Land Planner. (Statement of Richard Heikka, Feb. 26, 1974).

If the TRPA Staff disagrees with the experts, staff recommendations are almost always followed by the TRPA members. As a result, TRPA staff, has become the "criteria and

CONCLUSION:

Douglas County has no desire to endanger or destroy the environment at Lake Tahoe or our county's portion of it, as we fully realize that it is one of our most valuable assets. However, Douglas County, for reasons itemized, feels strongly that the present TRPA represents an insidious, anti-constitutional and extremely dangerous influence in the area and the State. Douglas County takes the firm position that while some form of cooperative regional planning is desirable, an autocratic Agency is totally unacceptable. El Dorado County and the City of South Lake Tahoe in the Tahoe Basin feel the same way (see clippings below). Previous legal attempts have failed. The only way (it seems) to combat this evil is in the Legislature. We ask your help!

Ask TRPA abolishment

Assemblyman Lawrence Jacobsen, R-Minden, Wednesday introduced a measure calling for the abolishment of the Tahoe Regional Planning Agency which controls development in the Lake Tahoe Basin.

The bill, AB 781, would put the responsibility for controlling development on the Nevada side of the lake in the hands of the Nevada Tahoe Regional Planning Agency.

Jacobsen, who has been critical of the bi-state agency, said he doesn't believe his measure has a chance of passing but that he wants to allow the people of Lake Tahoe a chance to speak.

He said that a number of Tahoe residents feel they have not had an opportunity to be heard as individuals about their attitudes about the TRPA.

A public hearing on the bill is set for 5 p.m. Tuesday.

The Douglas County assemblyman was expected to introduce three amendments today to a Senate bill which is now before the lower house and which adds the lieutenant governor and the secretary of state to the bi-state agency.

The amendments to SB 254 would substitute one Nevada senator and one assemblyman for the two state officials named in the bill.

Another amendment would direct the TRPA to work on land exchanges for persons whose land use is restricted by the agency.

The third amendment would request California to conform to the Nevada legislation should the secretary of state and lieutenant governor or senator and assemblyman be added to the agency.

Page 8

Tahoe World

Friday, January 31, 1975

El Dorado Supervisors Call For Abolishment Of TRPA

The supervisors of El Dorado County released their own special death sentence for the Tahoe Regional Planning Agency last week.

In a 3 1/2-page resolution that has been forwarded to the legislatures of both California and Nevada, the supervisors have asked for the abolishment of the bi-state agency. The statement charges, among other things, that:

—The TRPA is "offensive" to the principals of the U.S. Constitution.

—The TRPA imposes a financial burden on property owners under its jurisdiction without allowing them "true" voting representation in the agency.

—The agency has brought "severe economic hardship" to some property owners because of its decisions on land use restriction.

—The TRPA has usurped the power of land use planning away from the "traditional local control."

—The powers of the TRPA exceed those of the El Dorado County board of supervisors.

The resolution mirrored a previous opinion policy statement by the El Dorado board and passed with a 4-0 approval. Sole dissenter in the matter was supervisor Thomas Stewart, the El Dorado County representative to the TRPA as well as chairman of the TRPA governing board.

Stewart agreed to make the resolution unanimous if his own statement that suggested positive reforms to the TRPA could be sent along at the same time as the "minority opinion". When the board turned down his request, Stewart decided to abstain from the vote.

During the supervisor's discussion, a telephone message from the South Lake Tahoe City Council was read to the board which listed the council's unanimous opposition to the board's attempt to abolish the TRPA.

"The city of South Lake Tahoe, through the city council's adoption of a formal resolution, has indicated its preference for a revision and reformation of the TRPA," the statement read.

At the same time, several state legislators in both California and Nevada are moving ahead in the opposite direction to bring a number of positive, life-saving reforms to the TRPA.

One proposal which has drawn the united support of Nevada's Gov. Mike O'Callaghan and California Assemblyman Edwin Z'berg (one of the strongest voices in Sacramento concerning Lake Tahoe) is an effort to terminate the agency's troublesome "dual majority voting system."

120-158

Exhibit 1

Box 1506, Zephyr Cove, Nev. 89448

GENERAL ELECTION - NOVEMBER 2, 1976
County of Douglas - State of Nevada
REFERENDUM

QUESTION - Referendum

Shall . . . Nevada Revised Statute No. 277.200 entitled Tahoe Regional Planning Compact as it affects or otherwise pertains to Douglas County be approved.

- YES.....
- NO.....
- UNDECIDED..

(Explanation of Question.)

A majority vote of "YES" would validate the Tahoe Regional Planning Compact as it now exists, and would continue control over all the land, air, and water both public and private, in the Tahoe Basin by a non-elected Board of Governors of the Tahoe Regional Planning Agency. The Agency board is empowered to pass ordinances which are superior to those passed by the elected Douglas County Commissioners. It would also require Douglas County taxpayers to fund the Tahoe Regional Planning Agency.

A majority vote of "NO" would void the Tahoe Regional Planning Compact as it affects or otherwise pertains to Douglas County, and would return control of the Douglas County Portion of the Lake Tahoe Basin to the elected representatives of the people, the Douglas County Commissioners, and would make the Douglas County Ordinances superior to those of the Tahoe Regional Planning Agency. It would eliminate payment of Douglas County taxpayers monies to support the Tahoe Regional Planning Agency.

(Explanation of Procedure.)

The Nevada Constitution expressly provides that the right of referendum is "self executing". This means no one, no county clerk, no county commissioner, no court, no legislature, nor any public official is empowered to deny, limit, or inhibit this right reserved to the people. The legislature however may facilitate this right as set forth in Section 5, of Article XIX of the Nevada Constitution to wit: (Article XIX guarantees the right of referendum).

"The provisions of this article are self-executing but the legislature may provide by law for procedures to facilitate the operation thereof."

Whether the majority votes "YES" "NO" or "UNDECIDED", on the question, this procedure will serve to protect and preserve the people's inherent right to referendum.

Box 1506, Zephyr Cove, Nev.

George C. Finn
George C. Finn
GEORGE C. FINN - VOTER

1432

BOOK 1076 PAGE 1376

Exhibit "P1"



TANOE REGIONAL PLANNING COMPACT REFERENDUM BALLOT

BULK RATE
U.S. POSTAGE
PAID
Zephyr Cove,
Nev. 89448
Permit No. 11

POLLS OPEN 7:00 a.m. - 7:00 p.m.

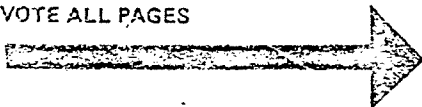
YOU WILL VOTE THIS BALLOT AT
YOUR DESIGNATED VOTING PLACE

NEVER WITH PENCIL, ONLY WITH PEN
INSTRUCTIONS TO VOTERS:

Mark this ballot by making an "X" in one of the three
boxes on the reverse side of this page.
Deposit your marked ballot at your polling place in the
red, white, and blue sealed receptacle marked
"DEPOSIT TRPA BALLOTS HERE."

VOTE ALL PAGES

BOXHOLDER



GO TO NEXT PAGE

TO START YOUR VOTING

120-160

STATE OF NEVADA,

County of Douglas } ss.

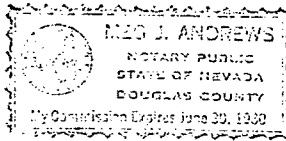
On October 29, 1976 personally appeared before me,

DATE a Notary Public (or judge or other officer, as the case may be),

George C. Finn
who acknowledged that he executed the above instrument.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official stamp at my office
in the County of Douglas
the day and year in this certificate first above written.

Mes J. Andrews
Signature of Notary



CARLES FORM NO. 35 N (ACKNOWLEDGMENT GENERAL) - A-63187

REQUESTED BY

George C. Finn
OFFICIAL RECORDS OF
DOUGLAS CO. NEVADA
11.020

1976 OCT 29 PM 2:58

PATRICIA J. WILLIAMS
RECORDER

Patricia Williams
Deputy

04323

BOOK 1016 PAGE 1377

120-161

Finn

Exhibit "P2"

DONALD A. PRINGLE, C.P.A.
MICHAEL W. POLLARD, C.P.A.

PRINGLE & POLLARD
CERTIFIED PUBLIC ACCOUNTANTS
502 EAST JOHN STREET • SUITE H • P.O. BOX 766
CARSON CITY, NEVADA 89701
TELEPHONE 882-3615

MEMBERS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
NEVADA SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

December 1, 1976

George C. Finn
P. O. Box 1505
Zephyr Cove, Nevada

Dear Mr. Finn:

At your request I went to the Douglas County Courthouse on the evening of November 2, 1976 to count the ballots collected on the referendum question regarding the Tahoe Regional Planning Compact as it affects Douglas County. As you know when I met with you to count the ballots in the Courthouse we were told by the County Clerk that we could not count the ballots there. We then went to the Minden Inn to count the ballots.

On the evening of November 2, 1976 and the early morning of November 3, I counted 7 recepticles, containing ballots, presented to me by you. These recepticles were labeled Box #1 Whittell High School, Box #2 Roundhill Firestation, Box #3 Firehouse on Pineridge, Box #5 Genoa, Box #6 Civic Hall, Box #8 Gardnerville Fire Dept. and Box #9 Topaz.

On the morning of November 5, 1976 I counted, in my Carson City office, the ballots from Box #4 Upper Kingsbury Firestation which had been delivered the previous day by you. Each recepticle was welded with two wires which I broke to open and get the ballots. In addition I counted the names contained in the registry that contained the signatures of those casting ballots. These registries were also presented to me by you. There is still one recepticle missing Box #7 Middle School, Gardnerville. The registry for this balloting place has 120 signatures. Enclosed are the tabulation of the ballots I counted the totals were 119 yes, 1,078 no, 13 undecided and 4 blank.

If you have any further questions please give me a call.

Yours truly

Michael W. Pollard

Michael W. Pollard
Certified Public Accountant

120-162

RESULTS OF TAHOE REGIONAL PLANNING COMPACT
 REFERENDUM BALLOT
 BALLOTS COLLECTED NOVEMBER 2, 1976

120-163

	YES		NO		UNDECIDED		BLANK		TOTAL
	NUMBER	% OF BALLOTS	NUMBER	% OF BALLOTS	NUMBER	% OF BALLOTS	NUMBER	% OF BALLOTS	
Box #1 Whittell High School	28	10.77%	229	88.08%	2	.77%	1	.38%	250
Box #2 Roundhill Firestation	20	8.58	212	90.99	1	.43			233
Box #3 Firehouse on Pineridge	12	7.79	141	91.56	1	.65			154
Box #4 Upper Kingsbury Firestation.	13	7.56	157	91.28	1	.58	1	.58	172
BOX #5 Genoa	17	16.35	85	81.73	2	1.92			104
Box #6 Civic Hall	22	12.50	149	84.66	3	1.70	2	1.14	176
Box #7 Middle School Gardnerville									
Box #8 Gardnerville Fire Dept.	6	7.06	77	90.59	2	2.35			85
Box #9 Topaz	1	3.33	28	93.33	1	3.34			30
	<u>119</u>	<u>9.80%</u>	<u>1078</u>	<u>88.80%</u>	<u>13</u>	<u>1.07%</u>	<u>4</u>	<u>.33%</u>	<u>1214</u>

Accompanying letter is an integral part of this statement.

TAHOE REGIONAL PLANNING COMPACT REFERENDUM BALLOT
 BALLOTS IN COLLECTION RECEPTICLES AND SIGNATURES IN REGISTRY
 BALLOTS COLLECTED NOVEMBER 2, 1976

	<u>BALLOTS IN COLLECTION RECEPTICLES</u>	<u>SIGNATURES IN REGISTRY</u>
Box #1 Whittell High School	260	231
Box #2 Roundhill Firestation	233	221
Box #3 Firehouse on Pineridge	154	153
Box #4 Upper Kingsbury Firestation	172	172
Box #5 Genoa	104	104
Box #6 Civic Hall	176	171
Box #7 Middle School Gardnerville		120
Box #8 Gardnerville Fire Dept.	85	77
Box #9 Topaz	<u>30</u>	<u>32</u>
	1214	1281
Less Box #7 Middle School Gardnerville not counted		120
	<u>1214</u>	<u>1161</u>

Accompanying letter is an integral part of this statement.

filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.
(Added to NRS by 1967, 381; A 1969, 896)

295.125 Results of election.

1. If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

2. If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

(Added to NRS by 1967, 382)

COUNTY REFERENDUM CONCERNING SPECIFIC LEGISLATIVE ACTS OR RESOLUTIONS

295.140 Referendum petition concerning special county legislation: Required signatures; filing. Whenever 10 percent or more of the registered voters of any county of this state, as shown by the number of registered voters who voted at the last preceding general election, shall express their wish that any act or resolution enacted by the legislature, and pertaining to such county only, be submitted to the vote of the people, they shall file with the county clerk, not less than 4 months before the time set for the next succeeding general election, a petition, which shall contain the names and residence addresses of at least 10 percent of the registered voters of such county, demanding that a referendum vote be had by the people of the county at the next general election or at any election called for such purpose, upon the act or resolution on which the referendum is demanded.

(Added to NRS by 1960, 280)

295.150 Registered voters' names may be contained in more than one petition; verification of petitions.

1. The names of the registered voters petitioning need not be all upon one petition, but may be contained on one or more petitions; but each petition shall be verified by at least one of the voters who has signed such petition.

2. The voter making the verification shall swear, on information and belief, that the persons signing the petition are registered voters of the county and state, and that such signatures are genuine and were executed in his presence.

(Added to NRS by 1960, 280)

LEGAL OPINION ON REFERENDUM RIGHT IN NEVADA

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QUESTION: CAN THE QUESTION OF APPROVAL OR DISAPPROVAL OF THE TAHOE REGIONAL PLANNING COMPACT (NRS 277.200 et seq.) OR ANY PART THEREOF BE SUBMITTED TO THE REGISTERED VOTERS OF DOUGLAS COUNTY AS A REFERENDUM QUESTION ON THE NOVEMBER 1976 GENERAL ELECTION BALLOT OR ON A SPECIAL ELECTION BALLOT?

ANSWER: YES, ON EITHER THE NOVEMBER 1976 GENERAL ELECTION BALLOT OR ON A SPECIAL ELECTION BALLOT.

OPINION

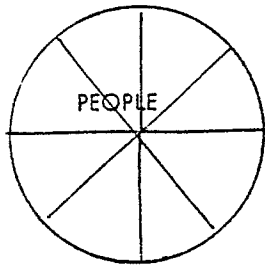
All political power and authority must be derived from one or more sources, and, within the political jurisdictions existing in the United States, such source may be singularly stated, viz., The People. Starting with the apex of the hierarchy of law, the Constitution of the United States, one immediately notes therein, in the Tenth Amendment, the recognition afforded by that austere document to the aforementioned source of political power:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

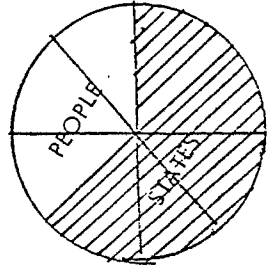
That amendment accurately reflects that the powers of the United States are powers that were delegated, that some powers are prohibited to the States, and that all powers not falling within either of the foregoing two categories are reserved to the States respectively, or to the people. Note that although the recitation of reservation designates the States as one of the reserving parties, and properly so in that the States did the actual delegating of power to the United States, the closing disjunctive phrase, "or to the people," properly discloses and recognizes the people as the ultimate repository of all undelegated and reserved political power, i.e., the States could delegate such political powers, in whole or in part, as they possessed, and no other political powers, and therefore political powers not possessed by the States and consequently not delegable to the United States must, perforce, fall into a separate and distinct category, the residuum of political power — the people. Similarly, those political powers they may have been delegated by the people to

JERRY COLLIER LAFFI
Attorney and Counselor at Law
P.O. Box 2028
883-2630
Carson City, Nevada 89701

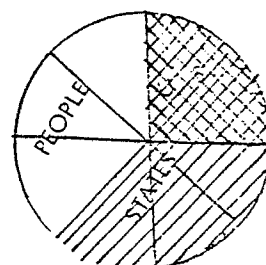
1 the states, and then prohibited to the states by the U.S. Constitution although not therein
 2 delegated to the United States, must return to the people, as recognized by the reservation
 3 clause of the 10th Amendment. Perhaps the residuum, delegation, and reservation of polit-
 4 ical powers may be more clearly demonstrated graphically, as follows:



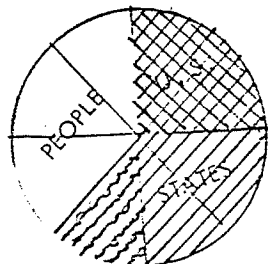
11 Totality of Political Powers



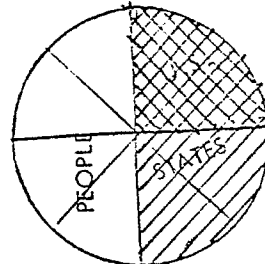
12 Powers Delegated by People to the States



13 Powers Delegated by the States to the United States



14 Powers Prohibited to the States by the U.S. Constitution, but Not Delegated to the United States.



15 Returned to the People By Virtue of the Reservation Clause of the 10th Amendment

16 As a fundamental premise, a referendum is, of course, a political power of direct
 17 veto action that is one of the inherent powers belonging to the people. As recently as June
 18 21, 1976, the United States Supreme Court, in reversing the Ohio Supreme Court, stated:

19 "A referendum cannot, however, be characterized
 20 as a delegation of power. Under our constitutional
 21 assumptions, all power derives from the people, who
 22 can delegate it to representative instruments which
 23 they create. See, e.g., Federalist Papers, No. 39.
 24 In establishing legislative bodies, the people can
 25 reserve to themselves power to deal directly with

JERRY COLLIER LANE
 Attorney and Counselor at Law
 P. O. Box 2028
 Carson City, Nevada 89701
 883-2630

120-167

JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. Box 2028
Carson City, Nevada 89701
83-2430

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matters which might otherwise be assigned to the legislature." Eastlake v Forest City Enterprises, Inc., Supreme Court

Advance Sheets, B 3501, June 21, 1976.

In the same opinion, the United States Supreme Court also stated:

"The referendum, similarly, is a means for direct political participation, allowing the people the final decision, amounting to a veto power, over enactments of representative bodies. The practice is designed to 'give citizens a voice on questions of public policy.' James v Valtierra, 402 U.S. at 141." Eastlake v Forest City Enterprises, Inc., Supreme Court

Advance Sheets, B 3501, June 21, 1976.

From the sphere of general political powers, we next focus our attention on those within the State of Nevada, and, specifically, upon the Nevada Constitution, which, in Article 1, Section 2, provides, inter alia:

"All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it."

Unequivocally, the power of political action through referendum is a political power, and, pursuant to the Nevada Constitution, it is a power inherent in the people, unless the people have delegated such power to some political entity that exists under our republican form of government. At this point, we should note that in the event the people of the State of Nevada have not delegated the referendum power, such right still belongs to the people, irrespective of which of two theories is applied, i.e., (1) an inherent power not delegated remains in the possessor, or (2) the enumeration of rights in Sections 1 through 19 of Article 1 of the Nevada Constitution does not affect the unenumerated referendum power,

JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. box 2028
Carson City, Nevada 89701
893-2430

1 and this conclusion is patently clear by virtue of Section 20 of Article 1 of the Nevada Con-
2 stitution:

3 "This enumeration of rights shall not be construed
4 to impair or deny others retained by the people."
5

6 The foregoing demonstrates inferentially through legal analysis that the referen-
7 dum power within Nevada is still possessed by the people. Such conclusion is irrefutably
8 buttressed by the explicit language of Article XIX of the Nevada Constitution. The referen-
9 dum power and its exercise are first discussed within the frame of reference of statewide ex-
10 ercise of such power, e.g.,

11 "Whenever a number of registered voters . . . shall
12 express their wish by filing a petition . . . that any
13 statute or resolution or any part thereof enacted by
14 the legislature be submitted to a vote of the people,
15 the officers charged with the duties of announcing
16 and proclaiming elections and of certifying nomin-
17 ations or questions to be voted upon shall submit
18 the question of approval or disapproval of such
19 statute or resolution or any part thereof to a vote
20 of the voters at the next succeeding election at
21 which such question may be voted upon by the reg-
22 istered voters of the entire state." Article XIX, Section 1 Nevada

23 Constitution.

24 Secondly, the consequences of the exercise of the referendum power are dis-
25 cussed therein:

26 "If a majority of the voters voting upon the proposal
27 submitted . . . votes approval of such statute . . .
28 such statute . . . shall stand as the law of the state
29 and shall not be amended, annulled, repealed, set
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JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. Box 2028
Carson City, Nevada 89701
883-2630

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aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute. . . such statute . . . shall be void and of no effect." Article XIX, Section 2, Nevada Constitution.

Then, Section 4 of Article XIX of the Nevada Constitution provides:

"The initiative and referendum powers provided for in this article are further reserved to the registered voters of each county and each municipality as to all local, special and municipal legislation of every kind in or for such county or municipality. . . .Referendum petitions may be instituted by 10 percent or more of such voters."

Note particularly that the foregoing constitutional recognition of the reservation — to the people — of the referendum power does not limit or restrict the scope of the referendum power to ordinances; it includes legislation for, as well as legislation in, counties, and it proceeds to describe a scope that includes:

- (1) All local legislation of every kind in or for such county or municipality;
- (2) All special legislation of every kind in or for such county or municipality;
- (3) All municipal legislation of every kind in or for such county or municipality.

What do such words mean? Turning to Black's Law Dictionary, one finds under the entry "local law" the following:

"A law which is special as to place. (Citing cases.) One applicable exclusively to special or particular places, or special and particular persons. (Citing cases.) One applicable only to a particular part of the legislative jurisdiction. Handy v Johnson, D.C., Texas, 51 F.2d 809,812.

JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. Box 2028
Carson City, Nevada 89701

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"One limited in its operation to certain districts of the territorial jurisdiction of the law-making power or to certain individual persons or corporations, one which pertains to a particular place or to a definite region or portion of space or is restricted to one place. (Citing cases.)(Emphasis supplied.)

"One operating only in a part of domain of state. (Citing cases.) One whose operation is confined within territorial limits, other than those of the whole state or any properly constituted class or locality therein. (Citing cases.) Exemption of one or more counties from law makes law 'local.' (Citing cases.) (Emphasis supplied.)

Then, the same law dictionary, under the entry, "special law", contains the following:

"One relating to particular persons or things; one made for individual cases or for particular places or districts; one operating upon a selected class, rather than upon the public generally. (Citing cases.)
"A law is 'special' when it is different from others of the same general kind or designed for a particular purpose, or limited in range or confined to a prescribed field of action or operation."(Citing cases.)

The terms "local legislation" and "special legislation" must be considered in the light of the Nevada Constitution, e.g., Article 4, Section 20, states:

"The legislature shall not pass local or special laws in any of the following enumerated cases— that is to say:

JERRY COCKER LANE
Attorney and Counselor at Law
P.O. Box 2023
Carson City, Nevada 89701
803-2630

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" . . .
Regulating county and township business;
. . .
For the assessment and collection of taxes for
state, county, and township purposes."(Emphasis supplied.)

Of the same Article 4, Section 21 states:

"In all cases enumerated in the preceding section,
and in all other cases where a general law can be
made applicable, all laws shall be general and of
uniform operation throughout the State."

There can be no validity, logically or legally, to an attempted assertion that the
Tahoe Regional Planning Compact is not special or local legislation. It may well be both.
It imposes financial burdens "for the assessment and collection of taxes for state purposes"
upon 3 counties and excludes 14 of the state's 17 counties therefrom. It bisects Douglas
County jurisdictionally and thereby emasculates the political power the people of Douglas
County have delegated to their elected county representatives in that county land use and
other ordinances are purportedly valid and enforceable only in that portion of the county
that is not geographically within the Tahoe Basin.

At this point, attention must be directed to Section 5 of Article XIX of the Nevada
Constitution:

"The provisions of this article are self-executing
but the legislature may provide by law for procedures
to facilitate the operation thereof."

Note that the sole authority granted to the legislature is the option of providing
(or not providing) procedures to facilitate, not to limit, restrict, or inhibit, the operation of
the self-executing provisions of the referendum power pursuant to Article XIX. Let us there-
fore examine the legislation passed by the Nevada Legislature on the subject of the referendum
power.

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JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. Box 2028
Carson City, Nevada 89701
883-2630

1 Nevada Revised Statutes 293.481, Section 1, provides certain time limits within
2 which a governing body of a political subdivision may submit a question to be placed upon
3 the ballot. However, the introductory prepositional phrase of said Section 1 states:

4 "Except as provided in subsection 2, . . ."

5 Subsection 2 of NRS 293.481 states:

6 "The requirements of subsection 1 do not apply to
7 any question expressly privileged or required under
8 Article 19 of the constitution of the State of Nev-
9 ada or under chapter 295 of NRS or any other
10 statute to be submitted if proposed after the dates
11 specified."
12

13 The poor syntax of the said subsection 2 tends to obfuscate the meaning thereof
14 in that the drafter did not comprehend the basic rules of grammar as to punctuation and an-
15 cedents in English usage. For example, the proper antecedent of the final phrase, "submi-
16 ted if proposed after the dates specified", is "question" in the first line of the statute, i.e.,
17 the statutory language should be: "The requirements of subsection 1 do not apply to any
18 question . . . submitted if proposed after the dates specified." However, we need not con-
19 cern ourselves with that particular aspect of the said Subsection 2. The portion to which
20 our attention should be directed is:

21 "The requirements of subsection 1 do not apply to
22 any question expressly privileged or required under
23 article 19 of the constitution of the State of Nevada
24 or under Chapter 295 of NRS or any other statute . . ."

25 Thus, it is apparent that the time limitations of subsection 1 of the said NRS
26 293.481 do not apply to referendum questions under Article 19 of the Nevada Constitution.

27 The next legislation, numerically, to be examined is NRS 295.085 through
28 295.125, which, although entitled "County Initiative and Referendum," is expressly limited
29 to "ordinances" in contradistinction to the broader term "legislation." This becomes clearer
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JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. Box 2028
Carson City, Nevada 89701
883-2630

1 when NRS 295.120 et seq. are analyzed. That group of statutes is entitled "County Referen-
2 dum Concerning Specific Legislative Acts or Resolutions."

3 The first of said statutes, NRS 295.140, the authority for which must be found,
4 if at all, in Article XIX of the Nevada Constitution, initially recites the provisions of Sec-
5 tion 4 and a part of Section 1 of the said Article XIX:
6

7 "Whenever 10 percent or more of the registered
8 voters of any county of this state, as shown by
9 the number of registered voters who voted at the
10 last preceding general election, shall express
11 their wish that any act or resolution enacted by
12 the legislature, . . ."

13 However, the legislature failed to include the constitutional phrase "or any
14 part thereof," i.e., the phrase should read, "express their wish that any statute or resolution
15 or any part thereof." Note also that the word "act" was substituted for the constitution's
16 term "statute," without any authority. It must constantly be borne in mind that the legisla-
17 ture was given no other authority as to the referendum power than to "provide by law for pro-
18 cedures to facilitate the operation" of the self-executing provisions in the constitution.
19

20 Next, the legislature gratuitously, and with no authorization, added a restric-
21 tion and limitation on the referendum power, viz., the phrase, "and pertaining to such
22 county only." The constitution contains no such limitation that the legislation pertain to
23 "such county only," and such a construction is neither logically nor legally possible in that
24 such a construction would enable the legislature to enact laws completely exempt from the
25 people's inherent referendum power. For example, the legislature could pass laws in three
26 categories, viz., (1) Laws applicable to all 17 counties, which laws would be subject to
27 the statewide referendum power, (2) Laws applicable to one county only, which laws would
28 be subject to the county referendum power, and (3) Laws applicable to more than one, but
29 fewer than all 17 counties, which laws, according to the legislature's theory in NRS 295.140,
30 would not be subject to the referendum power at all, a manifest absurdity.
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JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. Box 2028
Carson City, Nevada 89701
883-2630

1 The next part of NRS 295.140 that requires discussion is the time element inje-
2 ted by the legislature, i.e., that the petition for exercise of the referendum power be filed
3 with the county clerk "not less than 4 months before the time set for the next succeeding gen-
4 eral election." Such language must properly be construed as directory rather than mandatory
5 upon either of two bases: (1) The legislature is authorized to enact only such legislative pro-
6 cedures as will "facilitate" the operation of the self-executing provisions of Article XIX of
7 the Nevada Constitution, and if an arbitrary time limitation, without rational and justifiable
8 basis, impedes, limits, or inhibits the exercise of the referendum power, such time limitation
9 is a legislative act beyond the authority of the legislature, or (2) ordinary rules of statutory
10 construction require that such language be construed as directory rather than mandatory, e.g.
11 the outstanding authority, since 1802, on statutory construction, Sutherland, Statutory Con-
12 struction, Volume 2A, Section 57.19 - "Time Provisions" - states:
13

14 "A great many cases involve the determination of
15 whether time provisions shall have mandatory or
16 directory effects, as where a statute limits things
17 to be done within a certain time or prescribes the
18 date on which a thing is to be done. In this de-
19 termination there is seen an outstanding example
20 of statutory construction not on the basis alone of
21 ascertaining the actual intent of the legislature,
22 but on grounds of policy and equity to avoid harsh,
23 unfair or absurd consequences. . . .

24 "It is difficult to conceive of anything more
25 absolute than a time limitation. And yet, for
26 obvious reasons founded in fairness and justice,
27 time provisions are often found to be directory
28 merely, where a mandatory construction might
29 do great injury to persons not at fault, as in a
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JERRY COLLIER LANE
Attorney and Counselor at Law
P.O. Box 2028
Carson City, Nevada 89701
883-2630

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case where slight delay on the part of a public officer
might prejudice private rights or the public interest.
It has been aptly stated that 'when there is no substan-
tial reason why the thing by statute required to be done
might not as well be done after the time prescribed as
before; no presumption that, by allowing it to be so
done, it may work an injury or wrong; nothing in the
act itself, or in other acts relating to the same subject
matter, indicating that the legislature did not intend
that it should rather be done after the time prescribed
than not done at all— the courts will deem the statute
directory merely." (See Diamond Match Company v United States,

181 F.Supp.952 (1960), citing this portion of Sutherland.)

"for the reason that individuals or the public should
not be made to suffer for the dereliction of public officers,
provisions regulating the duties of public officers and
specifying the time for their performance are in that
regard generally directory. A statute specifying a
time within which a public officer is to perform an
official act regarding the rights and duties of others
is directory unless the nature of the act to be performed,
or the phraseology of the statute, is such that the designation
of time must be considered a limitation of the power of
the officer." (Emphasis supplied.)

As already noted, the Nevada Legislature was without authority under the Nevada
Constitution to impose any limitations, of time or otherwise, upon the exercise of the referen-
dum power.. Therefore, a proper construction of NRS 295.140, and granting the legislature
the benefit of the doubt that it was intending to provide procedures to "facilitate" the

RESOLUTION

1 WHEREAS, the Constitution of the State of Nevada provides for
2 referendum as follows:

3 ARTICLE XIX Sec. 5,

4 Provisions of Article; Self-executing;
5 Legislative Procedures; The provisions of
6 this article (Initiative and Referendum)
7 are self-executing but the legislature
8 may provide by law for procedures to
9 facilitate the operation thereof; and

10 WHEREAS, Section 4 of Article XIX states:

11 "The initiative and referendum powers provided
12 for in this article are further reserved to
13 the registered voters of each county."; and

14 WHEREAS, six hundred and fifty nine (659) registered voters of
15 Douglas County signed and filed with the County Clerk, a petition pursuant
16 to Article XIX Section 1, of the Nevada Consitution, to place the question of
17 voter approval or disapproval of the Tahoe Regional Planning Compact N.R.S.
18 277,200 on the November 2, 1976 general election ballot and,

19 WHEREAS, the Douglas County Clerk alleged the said petition was
20 filed too late, claiming the filing should have been made four months prior
21 to the November 2, 1976 election instead of three months as was done and,

22 WHEREAS, a legal brief filed by Attorney Gerald Lane on behalf of
23 the petitioners established to the satisfaction of a majority of the County
24 Commissioners that the word "shall" in the statute which established the
25 four month time limit is "directory" and not "mandatory", and because there
26 was sufficient time for the Clerk to print the question on the ballot, it should
27 have been done; and

28 WHEREAS, the majority of the County Commissioners accept Attorney
29 Gerald Lane's interpretation that "shall" in the statute is merely
30 "directory" and that the mandatory interpretation by the County Clerk
31 would deny Douglas County registered voters the right of referendum; and

32 WHEREAS, the County Commissioners on July 30, 1976 exercising their

1 authority to place questions on the ballot pursuant to N.R.S. 293.481(a)
2 timely filed the same question; and

3 WHEREAS, the County Clerk on July 30, 1976 accepted and filed
4 the said document signed by Harold Dayton, Chairman of the Board of County
5 Commissioners; and

6 WHEREAS, at the County Commissioner's meeting on September 2, 1976,
7 the County Clerk refused to acknowledge the validity of the petition submitted
8 by the citizens of Douglas County, or the timely filing of the ballot question
9 submitted by the County Commissioners, and publicly stated the question would
10 not be placed on the ballot "even if the Commissioners order me to do so"; and

11 WHEREAS, at the same meeting the Commissioners voted to place the
12 question on the ballot, having the power to do so; and

13 WHEREAS, the County Clerk thereafter failed and refused to place
14 the question on the ballot; and

15 WHEREAS, Harold Dayton and Henry J. Martin, Douglas County registered
16 voters, on September 20, 1976 filed a mandamus action in District Court,
17 Case No. 7725, to compel the County Clerk to place the question on the
18 ballot; and

19 WHEREAS, a trial on the matter was held within twenty-four (24)
20 hours and visiting Judge Llewlyn Young from Pershing County verbally
21 denied the petition for writ of mandamus, but failed to render an opinion
22 or enter judgement in the matter prior to the general election, and thus
23 prevented an appeal to the Nevada Supreme Court; and

24 WHEREAS, the November 2, 1976 general election ballots were printed
25 and circulated by the County Clerk without the question appearing thereon; and

26 WHEREAS, on October 29, 1976 a Douglas County citizen filed the
27 question with the County Clerk and recorded it that same day as document
28 No. 04321 in Book 1076 Page 1376; and

29 WHEREAS, pursuant to the "self-executing" clause of the Nevada
30 Constitution, Article XIX the citizens themselves conducted an election
31 whereby the registered voters of Douglas County were granted the right to
32 vote on a separate ballot containing the question: "Shall...Nevada Revised

1 Statute No. 227,200, entitled Tahoe Regional Planning Compact, as it affects
2 or otherwise pertains to Douglas County, be approved." Vote "Yes", "No" or
3 "Undecided"; and

4 WHEREAS, the citizens set up and manned polling places adjacent
5 to the nine polling places set up by the county and they were open between
6 the hours of 7:00 am and 7:00 pm on November 2, 1976; and

7 WHEREAS, the voters cast separate ballots containing the said question
8 and deposited them in sealed containers; and a register was kept and signed
9 by the registered voters of Douglas County who voted the separate ballot, and
10 at the close of the polls the container seal was broken and the ballots were
11 counted by a Certified Public Accountant, and the ballots so counted were then
12 put in envelopes and sealed and placed in a vault for safe keeping, and the
13 published results were:

14 No - 1078 Yes - 119 Undecided - 13

15 WHEREAS, the count established that 24.4% of the registered voters
16 who voted in Douglas County on November 2, 1976 voted the separate ballot,
17 and that 80.8% of these rejected the Tahoe Regional Planning Compact and
18 voided it as it pertains to Douglas County; and

19 WHEREAS, unconstitutional regional government patterned after the
20 Tahoe Regional Planning Compact, and granting appointed officials power to
21 make laws is being instituted in other areas of these United States
22 and because the Douglas County Commissioners deem it necessary to
23 abide by and preserve the right of referendum for all those citizens
24 of the United States to abolish unconstitutional forms of government.

25 NOW THEREFORE BE IT RESOLVED that the Douglas County Commissioners
26 do hereby declare the citizens election held on November 2, 1976 in Douglas
27 County, under the authority of the self-executing clause of Article XIX
28 of the Nevada Constitution, be and is an official election, and the
29 ballots canvassed by the Certified Public Accountant, and the results
30 reported are hereby certified.

31
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1 Dated this 31st day of ~~November~~, 1976.

2 Harold P. Dayton
3 Harold P. Dayton
4 Chairman, Board of Douglas County
5 Commissioners

6 ~~_____~~

7 Charles Menckley
8 ~~_____~~

9 A copy of the citizens election report, by the Certified Public Accountant is
10 attached hereto and made a part hereof as though fully set forth herein.

11 Harold P. Dayton
12 Harold P. Dayton
13 Chairman, Board of Douglas County
14 Commissioners

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