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NEWS RELEASE

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POINTLESS LAWSUIT A MAJOR STEP BACKWARD FOR LAKE TAHOE TRPA CONFIDENT COURTS WILL UPHOLD REGIONAL PLAN

Stateline, NV – A lawsuit was filed in federal district court today against the first significant update to environmental protection standards at Lake Tahoe since 1987, a move that rolls back the clock nearly that far on efforts to restore the Lake’s fragile ecosystem, according to the bi-state Tahoe Regional Planning Agency (TRPA), the defendant in the case.

The plaintiffs, the Sierra Club and the Friends of the West Shore, filed suit against the widely supported updates to the Lake Tahoe Regional Plan that were approved by the TRPA Governing Board in December following an extensive bi-state consultation process.

TRPA Executive Director Joanne Marchetta said the Sierra Club’s action goes against current scientific and sustainability principles, including those that the National Sierra Club has endorsed in published reports, and delays policy improvements needed to save the lake and support more vibrant communities.

“The Sierra Club is challenging a plan update for Tahoe that incorporates the best of their own organization’s adopted policies concerning compact, mixed-use land use patterns,” Marchetta said. “Tahoe’s updated plan goes even further and retains the strongest growth control system in the nation. It is difficult to know why they would oppose their own suggested policies.”

TRPA officials said they worked with the Sierra Club and local stakeholders at the table for nearly 10 years to craft updates to the regional plan. “This lawsuit shows just how out of touch the Sierra Club is with the realities that face Lake Tahoe today,” Marchetta said.

Lake Tahoe’s health continues to be threatened by pollution from aging development while communities around the Lake are more troubled than most, Marchetta said. The framework created with the 1987 Regional Plan was focused on stopping runaway development and controlling the impacts of new construction. The strict rules were successful, but most development in the watershed pre-dates the 1987 plan. Neighborhoods and aging town centers continue to feed pollutants like fine sediment, phosphorus and nitrogen into Lake Tahoe, reducing the Lake’s famed clarity from 100 feet measured in the 1960s to an average of around 70 feet today.

“Renewal is badly needed to realize environmental improvements,” Marchetta said. “A modern approach to sustainability that mixes incentives and a streamlined permit process with high

environmental standards is at the heart of 21st century environmentalism. This lawsuit takes us back to the outdated environmental movements of 30 years ago. Simply demanding that development should go away or people should stop coming to Lake Tahoe is not a realistic plan.”

The Regional Plan update received an unprecedented level of public support and was hailed by leaders of both states and the congressional delegation as an important step forward for the continued restoration of Lake Tahoe and support for its communities. More than 5,000 citizens gave their input and vision for the plan.

TRPA Board Chair and Carson City, NV Supervisors Appointee Shelly Aldean said a suit at this point is dismissive of the hard fought compromises that were made over the plan and is an affront to the level of cooperation achieved leading up to the plan’s adoption.

“The Sierra Club’s action goes against the broadest consensus ever achieved at Tahoe,” Aldean said. “The updates were supported by both states, local governments, other environmental groups, businesses, scientists, educators, tourism and health advocates, and numerous private citizens. Regardless of litigation, this plan is the right plan for Tahoe and for threshold achievement.”

TRPA Board Vice Chair and California Governor’s Appointee Casey Beyer said the Sierra Club litigation could lock Lake Tahoe in environmental limbo with no measureable benefits that could reduce the impacts of existing development on the watershed.

“Solutions are hard to find in Tahoe with so many disparate interests at play,” Beyer said. “It’s unfortunate when a few discontented interests fight against change without bringing forward better solutions. What matters most is that we keep moving forward and produce positive changes for the Lake. The cost of doing nothing is too high.”

PLAN DETAILS

The updated Regional Plan keeps the current caps on development in place and retain a prohibition on neighborhood subdivisions while offering bonus “units of use” to targeted projects in town centers that include sensitive land restoration, more open space and pedestrian and transit improvements. Reducing land coverage and increasing open space is required of projects in town centers, many of which are already 70 percent covered by buildings, roads and parking. The new rules would also make it more feasible to remove many buildings from sensitive meadows and wetlands.

“The Tahoe Basin needs a restoration plan and that is what we delivered,” Marchetta emphasized. “The assertion that this is a development plan or that runaway growth will result ignores the fundamental environmental protections in the plan.”

Concerns raised by the Sierra Club and the law firm Earth Justice focus on policies that apply on only 1 percent of the land area in the watershed or less than a dozen of Lake Tahoe’s town-center areas. Environmentally-beneficial redevelopment of private properties confined to these

areas is needed, TRPA said, but the litigants have not offered solutions for other feasible options to achieve it.

TRPA General Counsel John Marshall said the Agency is reviewing the court documents but implementation of the plan will continue unless a court-ordered injunction follows.

Other regulatory improvements implicated by the litigation include:

- Allowing minor home improvements that have no environmental impacts such as decks and wheelchair ramps in exchange for environmental improvements.
- A phased prohibition on the sale of phosphorus fertilizer in the Tahoe Region.
- Land coverage exemptions that make it easier to build bike trails, wheelchair ramps and disabled access facilities.
- Standards to prevent introduction of Aquatic Invasive Species to the lakes of the Region.

The Tahoe Regional Planning Agency cooperatively leads the effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region now and in the future. For additional information, call Jeff Cowen at (775) 589-5278 or email him at jcowen@trpa.org.

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