

A Balancing Act Around Lake Tahoe

Rick Lyman, New York Times, 10-6-13

SOUTH LAKE TAHOE, Calif. — Protecting this natural wonder, set in a mountain-ringed bowl 6,225 feet atop the Sierra Nevada, would have been difficult enough. But its placement, straddling the California-Nevada border, brings the two states into play, with sometimes-competing visions for the lake's future.

For more than four decades, California and Nevada have worked to control development around Lake Tahoe. But that compact came close to falling apart after legislators on the Nevada side chafed at the way environmental concerns dominated the discussion, especially after the economic downturn battered Nevada's casino economy.

Still, 12 years of negotiations resulted last December in a new development plan for the region that satisfied political leaders from both states and some environmental groups, providing a pathway for more construction in town centers around the lake, a few taller buildings and the possibility to expand some lakeside casinos, ski resorts and other facilities.

But it did not satisfy the Sierra Club, which believes the plan will open the door to much more development than proponents claim. Joined by a few smaller environmental groups, like the Friends of the West Shore, the Sierra Club filed suit to overturn the deal.

"Everything now depends on our lawsuit," said Laurel Ames, a co-chairwoman of the Tahoe Area Sierra Club's conservation committee. "All we want is that the lake be the first consideration when making development decisions."

Joanne Marchetta, the executive director of the Tahoe Regional Planning Agency, which is part of the two-state compact and drew up the new regional development plan, has a different interpretation. "We think the Sierra Club has been running a bit amok," she said.

Proponents of the new plan, including the League to Save Lake Tahoe, an environmental group whose "Keep Tahoe Blue" slogan is a well-known rallying cry here, say that the deal might not be perfect but that it keeps the compact alive. And the plan provides a way, they say, for investors to buy dilapidated properties and make them more ecologically sound, without drastically increasing the number of housing units around the lake.

Opponents are not so sure. Sierra Club officials remain deeply suspicious that the new plan will provide openings for developers to circumvent decades of environmental protection.

"We sat down and negotiated, and nobody got everything they wanted," Ms. Marchetta said. "But we still have a small group of disgruntled environmental advocates who didn't get everything they want."

A bill now on the desk of Gov. Jerry Brown of California would renew the compact with Nevada. He is expected to sign it any day. The new development plan would then roll out unimpeded, unless the Sierra Club's lawsuit is able to hobble it.

At issue is the clarity of the lake, seen by all sides as the main barometer of the ecological health of the region. Runoff from surrounding roads and other development had been chipping away at Tahoe's clearness for decades.

"Clarity has been going down for about 40 years at a pretty steady rate," said Geoffrey Schladow, the director

of the Tahoe Environmental Research Center. “For the last 8 to 10 years, there has been a flattening of that, which is a good thing. But it’s too early to say whether it’s actually getting better yet.”

Impatient with the pace of the talks, Nevada legislators voted in 2011 to pull out of the compact in 2015, but said the state would reconsider if California agreed to give more weight to economic concerns in future development decisions, among other demands.

It was under that threat that the agency finally passed its new development plan in December.

“It was absolutely crucial that the two-state compact be kept in place,” said Todd Ferrara, the deputy director for external affairs for the California Natural Resources Agency. “And this outcome does that.”

The central issue, Ms. Marchetta said, was that the previous development plan had not been working.

Under that plan, buildings that predated the two-state compact, like many older motels and strip malls, could be upgraded only if the owners added expensive environmental safeguards to manage runoff and restore crucial wetlands.

“People were not upgrading their properties, because the environmental requirements made it too expensive for the owners of small, struggling properties,” Ms. Marchetta said. “So the old, environmentally unsound structures just stayed there.”

The new plan allows developers to buy such blighted properties and either refurbish them in an environmentally sound way or shift those housing units to other parcels around the lake.

Ms. Ames believes the agency overstates the amount of blight and is skeptical that the plan would address it. “The plan is just too big,” she said. “It doesn’t have the growth controls the old plan had.”

Yes, Ms. Marchetta said, the new plan would allow for more development and some taller buildings, but the end result would be about the same number of housing units as now — and the new infrastructure would be more environmentally sound.

Darcie Goodman-Collins, the executive director of the League to Save Lake Tahoe, said her group decided to support the plan, not because it is perfect, but because it will address some of the blight around the lake.

“We are not a national park,” Ms. Goodman-Collins said. “You have to work within the constraints of reality. And this should result in less blight, less strip malls and less failing infrastructure.”

The Sierra Club, however, is not going along.

The league’s position is “naïve,” Ms. Ames said. Developers are eager to expand ski resorts, casinos and other businesses.

“They’re just sitting out there, champing at the bit,” Ms. Ames said.

Mr. Schladow, whose research center monitors the lake’s ecosystem, believes the plan is worth a try, if only because the possible alternative, a breakup of the two-state compact, is unthinkable.

“The lake is going to do what the lake is going to do,” Mr. Schladow said. “The water flows where the wind and the currents move it, and it doesn’t know about a state line.”