



Emerald Bay, Lake Tahoe

This week the Tahoe Regional Planning Agency (TRPA) won a major legal victory in the U.S. Court of Appeals for the Ninth Circuit. A unanimous three-judge panel of that court rejected environmentalists' challenge to TRPA's adopted Regional Plan for the Lake Tahoe Basin in [\*Sierra Club v. Tahoe Regional Planning Agency\*](#).

The Ninth Circuit decision effectively concludes a decade-long process by which TRPA formulated, held multiple hearings on, and ultimately adopted a revised Regional Plan for the Tahoe Basin. That Plan's most noteworthy element is its concentration of development in relatively densely-constructed "community centers" in already-urbanized portions of the Tahoe Basin. The environmental trade-off is that in exchange for that intensified development, currently-developed areas outside those community centers will be returned to open space.

The promotion of this type of infill development tracks a land use strategy being pursued in many of California's urban areas. But while the motivation behind that strategy in urban areas is to reduce suburban sprawl, shorten workers' commutes and thereby cut conventional and greenhouse gas air pollutants, the primary goal at Tahoe is different: to better concentrate and mitigate runoff from developed areas that would otherwise transport nutrients into Lake Tahoe and thereby decrease the lake's world-renown clarity.

California's Attorney General and the League to Save Lake Tahoe originally registered serious concerns about the draft Regional Plan—not about its ultimate goals but, rather, some of the regulatory means of achieving them. As stressed in the Ninth Circuit's opinion, however, TRPA substantially revised both the proposed Regional Plan and the environmental impact statement it had prepared in connection with the proposed Plan to address those concerns. By the time TRPA's Governing Board voted to approve the

Regional Plan in late 2012, California, Nevada, the League to Save Lake Tahoe and virtually all local stakeholders supported the Plan's adoption.

Nevertheless, a local chapter of the Sierra Club and a small homeowners' group sued, claiming that the Plan and EIS were defective under the bistate Compact that created TRPA and controls its functions. But a federal district court rejected their legal challenge, and the Ninth Circuit has now confirmed that ruling on appeal. Both courts found that the Regional Plan and the EIS conform to the strict mandates of the Compact.

This week's ruling is good news not just for TRPA, but for the Tahoe Basin and environmental values generally. The process by which the Regional Plan was developed and enacted, while painfully slow, otherwise worked well. Substantial criticisms of the draft Regional Plan lodged by the State of California and the League were taken seriously by the Agency and prompted major, positive changes to the Plan TRPA ultimately adopted. That Regional Plan, if rigorously implemented and enforced, should continue two welcome trends over the past two decades: the previously-steady decline in Lake Tahoe's water clarity has been halted (and actually begun to improve); and the environmental health of the Lake Tahoe Basin generally is slowly but surely improving as well.

Good news indeed, for one of America's finest environmental resources.