TRPA wins Regional Plan lawsuit vs. Sierra Club

By Kathryn Reed

A judge on Monday sided with the Tahoe Regional Planning Agency in a lawsuit that would have unraveled the bi-state regulatory agency's Regional Plan that was adopted in December 2012.

In February 2013, the Sierra Club and Friends of the West Shore filed a lawsuit in U.S. District Court in Sacramento to stop the Regional Plan from taking effect in its entirety.

U.S. District Court Judge John Mendez on April 7 said the agency could keep the document in place. In June he had handed TRPA a partial victory by saying the Regional Plan update does not violate California law by allowing local jurisdictions to have more authority. That was one of the items in the lawsuit.

Total maximum daily load, concentrated coverage, soil conservation, best management practices and the ozone threshold were the main issues the two groups have problems with in the latest Regional Plan. In each case the judge sided with the TRPA, saying the agency was adequately addressing the concerns.

No one from the Tahoe Area Sierra Club was available for comment.

"We respect the concerns of our colleagues at the Sierra Club, Friends of West Shore and Earthjustice about the new Regional Plan. It is not a perfect plan, but the League to Save Lake Tahoe also recognizes that it has the potential to help Tahoe's environment through multiple safeguards that require restoration and environmental improvements with any new development or redevelopment," Darcie Goodman Collins,

executive director of the League, said in a statement.

In the past the League and Sierra Club have been lockstep in challenging the TRPA. Not so in this case.

“It will give investors more confidence and homeowners more confidence,” Jeff Cowen with TRPA told *Lake Tahoe News* of the judge’s decision.

With the Lake Tahoe Basin being one of the more litigious oriented areas in the country, as well as overregulated, some investors are said to have shied away from doing business here.

TRPA had been operating as though the Regional Plan update was the law of the land because no injunction had been imposed. This is proven by the adoption of two area plans at the lake in the 16 months since the plan was ratifeid. These are planning documents that are now required by TRPA by jurisdictions in the basin to create.