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Lawsuit declares federally funded agency violated Lake Tahoe Compact, seeks pause in new development and environmental impact statement to protect public and Tahoe Basin from harm

Tahoe Regional Planning Compact requires regulatory agency to protect Tahoe Basin from excessive development, reduce impacts from new growth and ensure environmental thresholds are achieved

Sacramento, CA, February 9, 2024 – Mountain Area Preservation (MAP), a 36-year-old grassroots environmental nonprofit organization, today [filed a lawsuit](#) against the Tahoe Regional Planning Agency (TRPA) in the Eastern District of California, declaring the federal agency is in violation of the 55-year-old Tahoe Regional Planning Bi-State Compact (“Compact”), the Regional Plan, and TRPA regulations. The lawsuit is necessary to ensure TRPA fulfills its duties set forth in the Compact, a congressionally approved agreement between California and Nevada. Under the Compact, TRPA must ensure that new development will not exceed or impede environmental threshold carrying capacities adopted to protect water quality, air quality, scenic views and other extraordinary Tahoe resources.

A unique regulatory agency, TRPA was created by the Compact, which sets goals to protect and preserve Lake Tahoe and conserve the 501 square mile Tahoe Basin. It requires that regional plans must attain and maintain Federal, State, or local air and water quality standards, whichever are strictest. Under the Compact, TRPA must prepare and consider a detailed environmental impact statement (EIS) before deciding to approve or carry out any project that may have a “significant effect on the environment.” An EIS from TRPA is required to use “a systematic, interdisciplinary approach,” and TRPA must consult with relevant public agencies and provide a minimum 60-day public comment period on an EIS.

Since TRPA’s last EIS for its Regional Plan Update in 2012, the lake’s health has deteriorated from, among other things, record amounts of microplastics and new invasive species. Lake Tahoe also has special status under the Clean Water Act. Designated an Outstanding National Resource Water, Lake Tahoe is now “listed under Clean Water Act Section 303(d) as impaired by inputs of nitrogen, phosphorus, and sediment.” In addition, local conditions have been negatively impacted by substantial increases in visitation, proliferation of short-term vacation rentals, and escalating populations in adjacent cities. Changes to Tahoe’s current environmental and public safety conditions, together with other planned regional development, will increase vehicle miles traveled (VMTs) in the Lake Tahoe Basin, contributing to potentially hazardous air and water pollution for one of our nation’s most treasured watersheds.

MAP’s lawsuit contends that TRPA failed to comply with the Compact and TRPA regulations by adopting amendments to the Regional Plan and TRPA code that will increase height, density, and coverage limits without fully considering the impacts of intensified land uses, including evacuation safety in the event of a major wildfire. By failing to prepare an EIS, the agency deprived the public of critical information

pertaining to impacts on environmental resources and mitigation and alternatives to reduce these impacts, as well as skirting procedural safeguards for public review. Moreover, while TRPA promoted the new amendments as necessary to achieve affordable housing goals, TRPA actually eliminated existing affordable housing requirements without any public process at the 11th hour.

“Apart from not adhering to its own regulations, TRPA has ignored and downplayed the greater public’s consistent plea to take into account modern-day threats not envisioned in the 2012 Regional Plan Update and environmental analysis, such as wildfire threats and public safety concerns tied to evacuation in Tahoe’s constrained area. Our mission has always been to preserve our natural environment for present and future generations while advocating for responsible development,” said MAP Executive Director Alexis Ollar.

Related Litigation

MAP has repeatedly challenged land use proposals and policy decisions where local jurisdictions and developers have violated laws designed to protect the environment and public safety by failing to undertake mandatory environmental analysis. MAP’s successful lawsuits have resulted in the protection of critical habitat, development of workforce housing, and restrictions on housing and commercial development in high-severity wildfire danger areas in Tahoe. Legal challenges to projects such as Martis Valley West helped protect Tahoe and its people from poorly planned growth and development.

About Mountain Area Preservation

[Mountain Area Preservation](#) (MAP) was founded in 1987 by Truckee Tahoe citizens who wanted to preserve open space and advocate for sound land use planning and policies. MAP’s mission is to preserve the Truckee Tahoe region’s mountain character and natural environment for present and future generations. Over the past thirty-six years, MAP has worked with diverse conservation stakeholders and developers to preserve more than 7,000 acres in the Martis Valley, Donner Summit, Brockway Summit, and Eastern Truckee. As advocates of good community planning, MAP’s advocacy efforts over the last three decades have brought forward more than 700 workforce housing units through collaboration, negotiations, and settlement agreements.

About Shute Mihaly & Weinberger

[Shute, Mihaly & Weinberger](#) was founded in 1980 by three former members of the California State Attorney General’s office. Their first case culminated in a unanimous decision from the U.S. Supreme Court in *Agins v. Tiburon*, 447 U.S. 255 (1980), which upheld the ability of cities and counties to protect open space. Since that time, the firm’s attorneys have achieved an exceptional record of victories in the U.S. and California Supreme Courts, in lower federal and state courts, and before a wide range of state and federal administrative agencies. A majority women-owned firm, its attorneys and in-house land use planners bring a broad range of expertise to a variety of practice areas, including Environmental Law, Municipal & Public Agency Law, Clean Energy Law, Tribal Law, and Litigation & Appeals.