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Rehearing sought in Lake Tahoe pier dispute

By **BRENDAN RILEY**
Associated Press Writer

CARSON CITY, Nev. (AP) -- Opponents of a plan by two wealthy, politically connected Nevadans to build a big pier on Lake Tahoe's upscale Glenbrook Bay have asked for reconsideration of a federal appeals court ruling favoring the project.

The Glenbrook Preservation Association asked Tuesday for an 11-judge "en banc" review of a ruling by a three-judge panel of the 9th U.S. Circuit Court of Appeals in San Francisco that favored casino lobbyist and developer Harvey Whittemore and Larry Ruvo, Nevada's largest liquor wholesaler.

Association lawyer Ron Zumbrun said there's substantial evidence that the pier would harm the environment, and a full environmental impact statement should have been required by the California-Nevada Tahoe Regional Planning Agency.

"TRPA is required to give the maximum environmental protection to Lake Tahoe and its basin - not the least," Zumbrun said.

Zumbrun said a lower federal court should have required the TRPA to consider the cumulative impacts of the proposed pier in front of lakefront properties owned by Ruvo and Whittemore - including an entertainment compound used for fund-raisers and other events.

In August, Ruvo hosted a \$5,000-to-\$25,000-per-couple fund-raiser for California Gov. Arnold Schwarzenegger at the compound. Last year, Laura Bush was there for a \$10,000-a-plate event for her husband. President Bush was at the compound four years earlier, during his first campaign for the presidency.

Zumbrun said the preservation association provided photographs showing people arriving by bus, limousine and even helicopters for various events at the compound, but the significance of that evidence was ignored.

The bistate TRPA "was in dereliction of its duty" in not considering the cumulative impacts, and the lower federal court's "lack of attention to those same facts violates its duty to consider all evidence in the administrative record," Zumbrun wrote.

Ruvo and Whittemore have proposed a 300-foot-long floating pier with up to four boat lifts. The two multimillionaires have spent heavily for lawyers and other costs for their protracted pier-

building battle that has played out in federal, Nevada and California courtrooms, the Nevada Legislature and the TRPA over the past several years.

The controversy dates to at least 1999, when Whittemore slipped in an amendment to a pending bill in the Nevada Legislature that could have helped in his pier efforts. The amendment to what became known as the "Piergate" bill was deleted after lawmakers heard protests from Glenbrook residents opposed to the plan.

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