

USFS-CTC want to swap Lake Tahoe parcels

By Kathryn Reed

A significant land swap between the U.S. Forest Service and California Tahoe Conservancy will take an act of Congress to come to fruition. The two agencies are banking on the passage of the Lake Tahoe Restoration Act (LTRA) to make it a reality.

The overriding goal of the exchange is to create better management opportunities by having contiguous parcels be owned by the same entity. It also has the Forest Service getting out of the urban lot business.



The proposal includes:

- CTC to USFS – 92 parcels; 2,007 acres
- USFS to CTC – 2,029 parcels; 1,918 acres
- California State Parks to USFS – 1 parcel; 184 acres
- USFS to California State Parks – 1 parcel; 274 acres

There are two bills circulating in Congress that would

reauthorize the LTRA. Sen. Dean Heller, R-Nev., introduced a bill that the CTC and USFS provided technical assistance to. The land exchange language regarding retiring coverage and other development rights has been vetted by the Tahoe Regional Planning Agency legal counsel. It would follow the Burton-Santini Act by not allowing the USFS transferred properties to be built on. The bill also says the CTC would not sell the parcels nor would any of the commodities, like coverage, be able to be sold. All assets associated with the parcel would be retired.

“Our proposal is to retire all development rights,” Patrick Wright, CTC executive director, told *Lake Tahoe News*. “The House bill is a little looser.”

The bill Rep. Tom McClintock, R-Granite Bay, is pushing does not have all the same constraints as the Senate bill, nor is it the preferred bill by the agencies.

“Both bills contain provisions that would prevent us from selling parcels,” Chris Mertens, associated environmental planner with CTC, told *Lake Tahoe News*.

Senate Bill 1724, section 9:

- *Land exchanges shall “not result in any significant changes in the uses of the land”;*
- *Prohibits the recognition or transfer of development rights associated with conveyed parcels under TRPA’s “transferable development rights” system. (In other words, the development rights of conveyed parcels would be permanently retired.);*
- *If any conveyed parcel is used in a manner inconsistent with its original use, the parcel will revert to the USFS.*

House Bill 3382, section 9:

· *Conveyance “shall not result in any substantial reduction in public access or reduction in availability of existing and traditional public recreation uses.”*

On Sept. 9 the two agencies hosted an open house for people to give input about the proposed land swap. A similar gathering will occur tonight in Tahoe City.

The information that is gathered this week will be analyzed and passed up through the USFS ranks and to congressional offices.

Jeff Marsolais, supervisor for the Lake Tahoe Basin Management Unit, said the comments will help direct the agencies to which lots might be traded, and when and how to do so. A phased approach has been recommended, but officials don't want the process to be dragged out. After all, talk of this land swap has been going on for years.

The bills don't require all the parcels to be transferred, but it allows for them to be.

The Forest Service will also have to go through an environmental review process, though to what magnitude has not been determined. If things go forward, any deed restrictions on individual properties will have to be identified as well as any other constraints.

For the CTC to transfer its properties all that is needed is board approval.

Essentially what will happen is the transfer will be called a donation of land from one agency to the other to expedite the process.

If the LTRA again fails to be reauthorized, it's possible to have a separate bill authored to deal just with the property transfer or to tie it to another lands bill. Because state's rights are involved, it is believed the president is not able

to issue an executive order to make this happen without congressional approval.

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Notes:

· The Tahoe City open house is Sept. 10 from 5-7pm at the Tahoe City Public Utility District's Lakeview Room, 221 Fairview Drive.