

Time to declutter at annual Dump Day

Dump Day is the one day of the year South Shore residents can bring unwanted items to South Tahoe Refuse at huge discounts.

Clean Tahoe's annual Community Cleanup Day on June 4 allows locals to dispose of an entire vehicle-load of unwanted household and bulk items for \$5, or \$10 for a truck and trailer. Residents can also take advantage of free document shredding, free disposal of e-waste such as TVs and computer monitors, and disposal of refrigerators for \$15.

The prices are for California residential loads only. Commercial loads will pay regular prices, and Nevada residents will be charged \$10 per vehicle load.

Clean Tahoe can provide pickup service of unwanted bulk items such as furniture or appliances for our senior citizens and disabled residents. Call 530.544.4210 for details and to arrange pick up.

Gates at South Tahoe Refuse will open at 8am and close promptly at 4pm. South Tahoe Refuse is located at 2140 Ruth Ave. in South Lake Tahoe.

Fundraising memorial for Old Long Skiis

A memorial service for Bob Rockwell, aka Old Long Skiis, will be June 11 at 1pm at the Lake Tahoe History Museum complex in front of the 147-year-old Osgood Toll House.



Bob Rockwell

The longtime South Lake Tahoe resident **died Nov. 3.**

Because of Rockwell's lifelong passion for history, his memorial service will also be a fundraiser to restore the tollhouse.

During the memorial, the plans created by Keith Klein will be unveiled. There will be free cabin and museum tours and maps to the historic walking tour of Al Tahoe will be available.

Refreshments will be served and the doors to the toll house will be open for a peek inside.

For those unable to make it, but would like to make a donation in Rockwell's name to the Osgood Toll House project, send a check to Lake Tahoe Historical Society, PO Box 18501, South Lake Tahoe, CA 96151.

SLT Yacht Club hosting membership lunch

Love being on the Lake? Enjoy having fun participating in a variety of activities? Like giving back to the community? South Lake Tahoe Yacht Club offers the opportunity to share these interests with others.

On June 4, the SLTYC is having its annual membership drive lunch at the clubhouse.

The event is noon-3pm above the Harbor Master's Office in the Tahoe Keys Marina in South Lake Tahoe.

Go **online** to see the roster of cruise year activities, club pictures and membership information.

Contact Carol Gerard, vice commodore, at 530.542.2876 for more information. RSVP for the lunch is preferred, but not required.

Distressed animals – to rescue or not?

By Todd Wilkinson, National Geographic

Maybe it's a baby robin that falls out of a nest in the backyard, or perhaps twin deer fawns left orphaned after their mother gets struck by a car or eaten by wolves, or perchance a bald eagle, behaving strangely, staggering on the ground and unable to fly.

When wild animals appear to be in distress, should human beings intervene to rescue them or is it better to back off and let nature take its course?

This existential question is being debated again following a recent incident in Yellowstone National Park involving a bison that raised eyebrows and attracted international media attention.

Earlier in May, a Canadian tourist captured a wild bison calf

with his bare hands and loaded it into his SUV. The man, Shamash Kassam, said he found the animal alone and shivering along the roadside in Yellowstone's wildlife-rich Lamar Valley. Once he turned it over to rangers, park biologists made several attempts to reunite the youngster with its herd but when the calf was rejected, they euthanized it.

Read the whole story

SLT warm room advocates happy with initial winter

In its inaugural year, the warm room at South Lake Tahoe was considered a success by those affiliated with it.

Highlights from this season:

- 102 nights
- 107 different guests
- Provided 1,820 shelter bed nights
- Averaged 18 guests per night
- 1,600 volunteer hours
- Trained 100 volunteers
- Scheduled 32 guest social work appointments
- Scheduled 28 case management follow-up appointments.

Tahoe Coalition for the Homeless is a California nonprofit formed by local residents working together to end homelessness on the South Shore. The warm room is the core of its operations.

Letter: STMS students help at Bread & Broth

To the community,

Bread & Broth would like to thank and acknowledge Club Live. Club Live is a program for middle school students that promotes a healthy life style through leadership events, recreational trips and community service projects. Under the guidance of Larry Lambdin and Beth Aiton, the program's co-advisors, five members of the club helped serve at the Club Live's Adopt A Day of Nourishment on May 16.

In addition to helping pack the food giveaway bags, serving drinks and desserts and helping with the dinner's cleanup, the very helpful and eager Club Live members provided toothbrushes, tooth paste and other personal items to supplement food given out at the dinner. Representing Club Live at their sponsorship dinner were members Vesenia Garcia, Katie Ramirez, Anahi Robles, Rose Torres and Delia Zepeda and co-sponsor Paula Lambdin.

"This was a great experience for Club Live," said Larry Lambdin, co-sponsor for the dinner. "We always enjoy it. A couple of my kids were really nervous at first, but became very comfortable as the afternoon went on. One student even asked if we could come back and do it again."

B&B looks forward to partnering with Club Live again and applauds the positive impact the program has on the lives of our community's children.

Carol Gerard, Bread & Broth

Caesars offers to contribute \$4B as part of unit's bankruptcy plan

By Tracy Rucinski, Reuters

CHICAGO — Caesars Entertainment Corp. has offered \$4 billion in a new plan to help its casino operating unit emerge from Chapter 11 bankruptcy, a lawyer for the unit told a U.S. Bankruptcy judge earlier this month.

Under the new plan, creditors will receive a bigger payout than under an initial framework restructuring agreement, which included a contribution from the Caesars Entertainment parent worth \$1.5 billion.

The initial agreement was widely opposed by creditors of the bankrupt unit, who are collectively owed \$18.4 billion.

Caesars is the parent company of Harrah's and Harveys at Stateline.

[Read the whole story](#)

EDC, residents at odds with

West Slope tribe



A motocross track went in on tribal land where housing was supposed to go. Photo/Provided

By Joann Eisenbrandt

PLACERVILLE – In early April, the Shingle Springs Rancheria Band of Miwok Indians presented two applications to the Bureau of Indian Affairs to have fee-simple lands that they had purchased put into trust with the federal government. Together, these parcels total just more than 35 acres and are adjacent to or in close proximity to the existing Shingle Springs Rancheria.

Once lands are put into trust, they fall under the tribe's sovereign status. The federal government holds legal title to trust lands, but the tribe holds the right to occupy the land, called "beneficial ownership." The land is under tribal jurisdiction and is exempt from state and local taxes and

removed from state and local land use regulations. It is this lack of control that has county residents, especially those living in close proximity to the tribe's trust lands, speaking out in protest.

"So what about the rights of non-Native Americans who have worked hard and saved for many years to buy land in this county ... the tribe has stated on numerous occasions that they want to be good neighbors, but their actions prove otherwise. What this tribe has done (and plans to do in the future) with their fee-to-trust land severely devalues all neighboring property owner's investments. The Shingle Springs Tribe has demonstrated that they are unwilling to be good neighbors and that they lack consideration for the health and welfare of the surrounding community."

– David, Thelma and Matthew White, Joan Fasnacht, Beverly Weston, and Mary West; written comments submitted for the May 24, 2016, El Dorado County Board of Supervisors meeting

The fee-to-trust process

The Indian Reorganization Act of 1934 gave the secretary of the Interior the discretion to acquire trust title to land on behalf of federally recognized Indian tribes. Factors considered in approving fee-to-trust requests include the tribe's need for the land, the purpose for which it will be used, impacts on the state or county resulting from the removal of the land from the tax rolls, jurisdictional problems and potential conflicts of land use it may cause and its distance from the tribe's reservation.

Depending on the type of land, its current and future uses, and whether or not federal funds will be used in its development, preparation of environmental documentation under the National Environmental Policy Act (NEPA) may be required. Public entities such as El Dorado County can comment on fee-to-trust requests and federal environmental documents, but

they cannot approve or deny them. An administrative appeal may be made to the Bureau of Indian Affairs' decision to accept lands into trust and if denied, a judicial appeal can be made to the appropriate federal court.

Current and past concerns

At its May 24 meeting, the Board of Supervisors approved a letter to the Bureau of Indian Affairs (BIA) regarding the impacts the tribe's two current fee-to-trust applications would have on the county and its residents. The board requested an extension of the 30-day comment period in April and was given until May 30 to respond.

The tribe's applications say the lands will be used for tribal housing. The county is concerned that the planned density on one of the residential parcels will be higher than that of surrounding non-Indian parcels. It also worries about the loss of county revenue when all the parcels are removed from the tax rolls as well as loss of future traffic impact mitigation (TIM) fees when they are developed, and the increased service needs and impacts on county roads they will create.

This is not the first time the tribe has had "off-reservation" lands they purchased put into trust. In 2002, nine parcels totaling approximately 104 acres were requested to be put into trust. In that application, the tribe told the BIA that it "intends to use the new trust land for the construction of 1) a much-needed clinic facility for the Shingle Springs Tribal Health Program; and 2) single family tribal housing."

This is not what happened.

The county pointed this out in its May 24 letter.

"Several years after the Department of the Interior accepted the parcels into trust," it says, "the tribe proposed new and decidedly different uses for the parcels. Instead of a health clinic and tribal housing, the tribe proposed to use the

parcels for a public shooting range consisting of 29 lanes and a gas station/convenience store.”

The shooting range was later downsized and limited to use by tribal members but the land originally targeted for the health clinic has been used for motocross events. Tribal housing was never built and the clinic was constructed on existing Rancheria land instead.

The area surrounding all of these parcels is a rural residential area, and residents have continued to express their concerns about the impacts on their way of life—impacts they cannot control.

In written comments for the May 24 board meeting, Ellen Van Dyke of Rural Communities United echoed the concerns of many area residents. “Being ‘sovereign’ should not mean one has the right to make neighbors fear for their safety, or destroy the quality of life of others. Yet this is exactly what has occurred utilizing bait-and-switch tactics, swapping anticipated beneficial land uses for severely incompatible ones on the existing trust land. Please do not reward bad behavior by approving this application to expand that sovereignty and its abuse.”

Speaking at that same meeting, Carol Louis of the El Dorado Council told the board, “We’ve investigated this tribe and their legitimacy. It has not been a good neighbor policy. They have done everything to undermine the community surrounding them and we expect them to continue that.” Louis asked the board to strengthen their letter to the BIA or even ask for denial of the tribe’s request.

As she later told *Lake Tahoe News*, “I’m concerned. The fee to trust process is broken. We have sent the BIA our response to the trust applications. We are also asking the secretary of the Interior to rescind the approval of the tribe’s earlier applications to put the land on the south side of Highway 50

along Shingle Springs Drive into trust.”

Formed in the early 1990s to inform residents about county issues, the EDC is focusing now on the Shingle Springs Rancheria. They believe that “off-reservation lands” should not be allowed to go into trust, but should be subject to the same rules and regulations as lands owned by non-Indians.

The board asked the BIA, “In order to avoid future impacts, the county requests that subject parcels be developed as proposed but not acquired to include in tribal trust. If the parcels are accepted into trust, such acceptance could be conditioned upon the parcels being used for residential purposes only as depicted in the environmental assessment for a period of at least 20 years and if the use is to be changed the tribe must comply with county land use regulations for the development of the parcels.

“An additional request of El Dorado County is to require the payment of any and all fees related to development of the subject parcels to help defray the revenues lost by the county through removal of the parcels from the county’s jurisdiction.”

The question of changing land uses

While the BIA considers a tribe’s need for land and the uses they propose for it, the process is not exhaustive nor the criteria very specific. The standards say the land must be necessary to facilitate tribal self-determination, economic development or Indian housing. Proposing a certain use in its application does not restrict a tribe from changing that use once land has been accepted into trust. As Chad Broussard, environmental protection specialist at the BIA’s Pacific Regional Office in Sacramento told *Lake Tahoe News*, “The fee-to-trust process is not a development project; it is the creation of ‘Indian lands,’ and its focus is jurisdictional.” If required, subsequent development of trust lands goes

through the NEPA process.

Lori Parlin of the Shingle Springs Community Alliance, shared Louis' concerns that the board's letter did not "paint a clear enough picture for the BIA of what is happening on the ground ... of how the tribe's current trust parcels are impacting the neighborhood." After discussion, District 1 Supervisor and Board Chairman Ron Mikulaco appointed an ad hoc committee consisting of Supervisors Michael Ranalli and Shiva Frentzen to review the county's letter and make any needed changes. The revised letter sent to the BIA included a number of the suggested changes made by the public and the board.

According to Arvada Wolfin, BIA realty specialist in Sacramento, all comments submitted regarding the tribe's applications would be reviewed. This can take from 30 to 60 days and then the BIA decides to go forward with the process, deny the applications or return them to the tribe for additional information or changes. A notice of decision is then published and a 30-day review period follows. It usually takes at least two years, sometimes longer, after approval for the lands to be finally received into trust.

The changing county and tribe relationship

The other issue in the mix is the county's current memorandum of understanding with the tribe. At the end of the May 24 meeting, District 3 Supervisor Brian Veerkamp cautioned the board to be sure to "keep in mind the MOU we currently have with the tribe because that is legally-binding document. "

The MOU that Veerkamp alluded to only came at the end of a twisting road. In 1999, the tribe entered into a compact with California and received approval from the National Indian Gaming Commission to operate a gaming facility. Because the tribe's Rancheria was landlocked, an overpass to Highway 50 had to be constructed before a casino could be built. In a 2003 position statement on the Shingle Springs casino, the

county said it would “degrade the quality of life in El Dorado County in so many ways ... this is a planning nightmare—no rational planner and no sensible public official would ever approve a commercial project of this magnitude in an area zoned for rural residences.”

The county filed a lawsuit challenging the state’s environmental analysis under CEQA (California Environmental Quality Act) of the impacts of the Highway 50 interchange on traffic. It also challenged the lawfulness of the recognition of the tribe by the BIA. “Under federal law, gaming is only permitted by a federally recognized ‘Indian tribe’ and only on ‘Indian lands,’ that is, land held in trust for an Indian tribe,” the board said in 2003. “Records from the Bureau of Indian Affairs disclose that the two unrelated groups of Indians from Sutter and Sacramento counties, jointly referred to at that time as the ‘Sacramento-Verona Band of Homeless Indians’ for administrative convenience, never functioned historically as a tribe, never had any historic relationship with El Dorado County, and were never formally or properly ‘recognized’ by the federal government as an ‘Indian tribe.’ “

Despite these comments, in September 2006, the county entered into an MOU with the Tribe to settle the litigation. In that MOU, the Tribe asserted their legitimacy and their right to the land they occupy. “Shingle Springs Band of Miwok Indians is a federally-recognized Indian tribe, which is the beneficiary of trust land that is owned by the United States, entitled Shingle Springs Rancheria and located within the geographical boundaries of the county of El Dorado.”

The county agreed to dismiss their federal recognition lawsuit and assist the tribe in winning the CEQA Highway 50 interchange lawsuit against the remaining private petitioner. In return, the tribe agreed to pay the county \$5.2 million annually for 20 years to mitigate the anticipated impacts of the casino. The tribe further agreed to fund construction of a portion of a programmed HOV (high occupancy vehicle) project

for Highway 50 from Bass Lake Road to South Shingle/Ponderosa Road. The interchange was subsequently constructed and Red Hawk Casino opened in December 2008.

In 2012, the MOU with the tribe was revised. Instead of using the tribe's payments specifically for HOV lanes, the county would now be able to use the \$5.2 million annual payment for "public improvements," including road improvements and maintenance on a revised map covering a broader area from Cameron Park up to Placerville. The county also agreed to pay the tribe an annual payment of \$2.6 million a year beginning in December 2017, to be applied to the health programs at the tribal health clinic since it serves tribal members and non-Indians.

Concerns have been expressed that the county is putting money ahead of the welfare of its residents. "It's about the people, their quality of life and how they are being impacted," Parlin told *Lake Tahoe News*. "The county tax dollars and MOU dollars should not be No. 1. It should be public safety and the quality of life."

Status of the gas station complex

The final disposition of the tribe's current fee-to-trust applications will take time. The gas station and commercial complex proposed for the southeast corner of Shingle Springs Drive and Highway 50 on land the tribe already holds in trust is currently moving through the environmental review process. The tribe prepared an environmental assessment under NEPA. The comment period for the EA closes June 8. After review of all comments, the BIA will either make a finding of no significant environmental impacts, or a finding that there are impacts that can't be fully mitigated. In the second case, a more comprehensive environmental impact statement will be required.

Residents in the area of this project remain upset and frustrated. A September 2015 letter included in a packet of

information the El Dorado Council sent to the BIA, local, state and federal agencies, says, "Our elected officials have a moral obligation to stand up and fight for what its community wants and needs. Our community does not need a commercial truck stop in a residential neighborhood, next to two elementary schools and a church. Our community doesn't need a 29 lane gun range aimed at our back yards while school children are at recess. We expect and need our elected officials to state in a public forum that this is wrong. Some residents have expressed their view that the tribe is trying to pressure them into selling their land in what they term a tribal land grab."

The county doesn't have a say in the NEPA process but it can conduct a limited CEQA review of the proposed road encroachments needed for access from the gas station complex onto Shingle Springs Drive, and for water, sewer, utilities and storm drain improvements that are in the public right-of-way. It has prepared an initial study and just issued a mitigated negative declaration, saying in effect that any impacts found can be mitigated to less than significant. The 30-day comment period for this document began on May 28 and it will come before the Board of Supervisors on June 28.

The larger issue

The issue of federally recognized tribes putting lands into trust is not just an El Dorado County or California issue. It has raised concerns nationwide. Sen. John Barrasso of Wyoming, chairman of the Select Committee on Indian Affairs, introduced a bill to address what he sees as the ongoing problems with the Department of the Interior's existing fee-to-trust land acquisition process.

Rural County Representatives of California (RCRC), an association of 34 rural California counties which work together on a variety of issues, including land use, has been involved in this issue. California has 100 federally-

recognized Indian tribes, and many of them are located in RCRC representatives' counties. El Dorado County's representative to RCRC is Supervisor Ranalli. The trust lands in question are in his district. *Lake Tahoe News* made repeated attempts to contact Ranalli on this issue, but he did not respond.

In an Aug. 27, 2015, letter to Barrasso, the RCRC said, "The existing fee-to-trust process is opaque, cumbersome, lengthy, and uncertain for all parties involved. More than one-quarter of the Tribes in California have applied for fee-to-trust lands within the past four years. These applications comprise 10,314 acres of land, approximately equal to the number of acres taken into trust in California in the previous 10 years. During that period, 100 percent of the fee-to-trust applications were approved by the Bureau of Indian Affairs. We recommend that land use be a required element of an application and that relevant mitigation be legally enforceable. Any change in land use, particularly in cases where there is no cooperative agreement, must be subject to review by the public and contiguous jurisdictions, otherwise, there is no accountability in the process at all."

Opinion: Placer County ignoring residents' concerns

By Alexis Ollar

The May 12 North Tahoe Regional Advisory Council hearing was a testament to how the public process can fail.

The Martis Valley West Parcel project was on the agenda and the room was packed with community members from Truckee and North Lake Tahoe. Placer County presented the project and made

the assertion that MVWP is surrounded by existing development, placing it in a totally different context.

In reality, it is an isolated landscape adjacent to Brockway Summit with no development touching its property lines. This is a clear indication of how poorly this project is being presented to the public and our decision-makers.

The project applicant kept their presentation to a generalized level, choosing to focus on the merits of the Martis Valley Opportunity Agreement, rather than on the project specifics and necessary mitigation for the environmental impacts the 760 unit residential development would create.

The MVOA outlined a process by which two conservation groups, Sierra Watch and Mountain Area Preservation, would work with the business groups, Mountainside Partners and Sierra Pacific Industries, to negotiate a transfer of land use designations and preserve the last large landscape in the Martis Valley.

The agreement specified that the land on the east side of Highway 267 would be preserved as open space, to be purchased by or donated to the Truckee Donner Land Trust and Trust for Public Land in exchange for the development of the west side.

What the agreement did not outline was a specific project, nor the proposed Brockway Campground. A key component of the MVOA was negotiation through the public process.

Unfortunately, this is where the agreement fell apart. Despite attempts by MAP and other environmental groups to get clarity on the proposed MVW project, provide alternatives and suggest mitigation, the project proponent made minimal changes to the Specific Plan and the Final Environmental Impact Report.

The FEIR was released on May 3, 2016, and blatantly dismissed significant and unavoidable impacts to the Lake Tahoe and Truckee region.

The NTRAC hearing requested the council provide a recommendation to the Planning Commission on the proposed project and final environmental impact report, only nine days after the release of the 2,000-plus page legal document.

This approach to land use planning is an affront to a reasonable public process. We are in the midst of reviewing the FEIR for Squaw Valley, and the public and decision-makers are forced to review another project of epic scale on what appears to be a fast tracked schedule.

In a room full of people, there was not one voice, other than the project applicant, in support of the MVWP project. There was great concern and opposition raised by MAP, Sierra Watch, League to Save Lake Tahoe, Friends of the West Shore, Sierra Club, members of the public and, most important, the community advisors for North Lake Tahoe.

NTRAC members asked critical questions and voiced numerous concerns regarding traffic, visual impacts, greenhouse gas emissions, workforce housing, night sky protection, project access from Highway 267, cumulative impacts from the adjacent Brockway Campground proposal and the limited amount of time to review the FEIR.

NTRAC members struggled with how to move forward, and finally voted to request the Planning Commission postpone their action on this item for 30 days to allow ample review of the FEIR, and that the Planning Commission be aware that there are serious concerns with the project, whether development is on the east or west side.

Based on my conversations with the county, this recommendation was ignored by Placer County; MVWP will be up for a vote on June 9 by the Planning Commission. This demonstrates a total failure by Placer County to honor the voice of the advisory council and dilutes the public process for a major land use proposal in Martis Valley.

What is the purpose of these advisory councils if their recommendations are not upheld? Furthermore, why is Placer County allowing for more public review time on the Squaw Valley Village proposal and FEIR released in April, which will go to the Planning Commission on June 23?

There are far too many questions floating around as to the purpose of expediting the MVWP project with many unresolved impacts to the region.

Attend the Placer County Planning Commission hearing on June 9 at Granlibakken and make your voice heard. We support the preservation of the east side; however we cannot support the current proposal for the west side or the Brockway Campground.

Alexis Ollar is executive director of Mountain Area Preservation.

Truckee youth accused of setting 2 fires

An 11-year-old is accused of setting two fires in Truckee.

On May 29 at about 7:35pm Truckee Fire, CalFire and U.S. Forest Service units responded to a small brush fire in the area of the Henness Flats apartments off Henness Road in Truckee. Firefighters were able to knock down the fire before it spread to any structures. Winds were light, but they pushed the fire in several directions, allowing it to spread rapidly.

USFS arson investigators quickly determined it was an intentionally set fire.

Truckee police officers and an arson investigator with the Truckee Fire Protection District continued the investigation and identified an 11-year-old boy who they believe was responsible for intentionally setting the fire. The juvenile was not cooperative when originally interviewed, but did admit to setting another fire two days prior in the same area that was put out by a neighbor.

– Lake Tahoe News staff report