1-week reprieve to save South Tahoe fireworks

By Kathryn Reed

STATELINE – Light up Lake Tahoe may be redefined. There's a good chance it will be the stars that people will be enjoying this Fourth of July instead of fireworks in South Lake Tahoe.

The Lake Tahoe Visitors Authority board of directors at an emergency meeting March 27 decided that if the lawsuit brought against LTVA and Pyro Spectaculars by a Marla Bay couple cannot be resolved or dismissed by April 4, then there will be no fireworks on the South Shore this July 4 or Labor Day weekend – or ever again.

The resolution that was unanimously adopted after 2½ hours of testimony and deliberations further states, "LTVA shall not contract for events, including, but not limited to, the fireworks displays."



Fireworks on the South Shore of Lake Tahoe may be a thing of the past. Photo/Howie Nave

The issue has been percolating since shortly after last year's July 4 fireworks show when debris started washing up on

Pinewild Beach where Joan and Joe Truxler live. They filed a lawsuit last fall with the goal of getting some agency to have oversight of the displays and to have better cleanup at the lake. They repeatedly say they want the lake protected, not to shutdown the 35-year-old show.

Carol Chaplin, LTVA executive director, said the Truxlers never contacted her agency. And she is of the belief that a lawsuit was always planned because legal documents arrived so soon after the Labor Day show that the Truxlers had to have already retained their attorney.

But there is no agency that issues permits involving the fireworks and the lake. Fire departments permit the barges and the actual explosives.

The lawsuit

The Truxlers are invoking the federal Clean Water Act. The lawsuit claims each mortar launch is a separate violation and should come with a fine of $37,500. More than 100 rockets are set off just on July 4. The fines can be retroactive up to five years. If they were to succeed, that penalty would be more than $70 million.

And it was repeatedly stated that this would bankrupt the South Shore's tourism agency.

"The risks to the LTVA are so overwhelming it would be better to get out of the fireworks business," Lew Feldman, attorney representing LTVA, said.

Even if the LTVA says no more fireworks, the lawsuit is still active.

The expense of fighting the litigation could possibly bankrupt the agency, too. This is because it would be a case of first impression, meaning no court in the country has issued an opinion that fireworks violate the Clean Water Act. It could

take years to resolve, especially if appeals and higher courts are involved.

Kim Gallick, executive director of the Rudolph Monte Foundation in Aptos, was one of the 36 people to speak Thursday. Everyone who spoke was in favor the fireworks, wanting to keep the lake and beaches clean; with most speaking of the economic impact if the fireworks go away; as well as the desire to work with the Truxlers.

What Gallick brought to the table is the experience of running an organization that also has a fireworks display in a pristine area – the Monterey Bay Sanctuary. She offered to share their procedures for cleanup, but also is worried the lawsuit will impact her group.

“I believe the lawyer is the problem,” South Lake Tahoe City Manager Nancy Kerry said of Mike Lozeau who is representing the Truxlers. “This would be precedent setting.” She said it would affect fireworks displays from coast-to-coast.

Kerry said she spoke with Joe Truxler this week and believes a resolution can be found. She believes Lozeau is the stumbling block because he wants to make a name for himself.

Lozeau is well known with many in Tahoe. He has often represented the League to Save Lake Tahoe and has successfully sued the Tahoe Regional Planning Agency.

Impacts to the community

Mediation between the two sides fell apart this month. Now there is one more week to find a resolution before the LTVA will be out of the fireworks business and the South Shore out of millions of dollars in revenue.

B Gorman, Lake Tahoe South Shore Chamber of Commerce executive director, said $34.672 million is what the Fourth of July weekend represents to the area just in terms of lodging

dollars. At a minimum, most businesses said that holiday represents 15 percent of their annual income.

Some who spoke said they are getting inquiries about whether they should cancel their reservations because it’s the fireworks they come for. Wait a week is the answer.

Possible oversight

Part of the lawsuit is that the Truxlers want the fireworks to be regulated. Tahoe Douglas Fire Chief Ben Sharit said his agency is willing to be the permitting agency. That offer was presented during mediation and rejected.

On the California side of the lake, where the South Shore pyrotechnics are shot off from, it would be the Lahontan Regional Water Quality Control Board that would issue a permit.

“Water boards are allowed up to 140 days to issue a permit once we have received a complete application. The soonest we could consider a permit is about 90 days from receipt of a completed application,” Lauri Kemper with Lahontan told *Lake Tahoe News*.

The fee would likely be $1,452, which is category 3 – the lowest threat to water quality.

The San Diego Water Board is the only agency that has issued a permit for fireworks. It’s for the Sea World display.

“The permit requires a BMP plan, including requirements for debris removal and consideration of pyrotechnics with lower quantities of perchlorate, and completion of a post fireworks report, found here – estimating quantity of debris cleaned up/removed,” Kemper said. “This example would be similar to a permit that the Lahontan Water Board might develop and consider if an application were received. The board may consider imposing additional monitoring requirements.”

One way to avoid the Lahontan requirements would be to move the barge closer to Edgewood Tahoe or anywhere in Nevada.

“The Nevada Division of Environmental Protection encourages the Lake Tahoe Visitors Authority and its contractors to continue compliance with any applicable local permits, plans or requirements. NDEP does not require additional oversight of the twice a year firework displays,” JoAnn Kittrell with the Nevada Department of Conservation & Natural Resources told *Lake Tahoe News* in January.

The EPA is above Lahontan and the NDEP. That agency has not received a fireworks permit to review.

Discrepancies and other issues

While the Truxlers claim to have collected thousands of pieces of debris, it is not all from the LTVA show.

Sharit said debris was from illegal displays and that some of the trash was just that – trash like bottles, shoes and other items. He added that the Truxlers did not contact his agency after the Labor Day show.

Cherise Smith’s family has had a house on the first privately owned beach past Nevada Beach on the Nevada side since 1946. For 35 years she has watched the Fourth of July fireworks.

“I have never experienced debris,” she told the board. “We think you have done a great job. And our water comes straight from the lake into our pump. If we felt there was a problem of any type, if there were pollution, we would be the first to complain.”

Cameron McKay, general manager of Kingsbury General Improvement District, said, “I’m willing to commit resources to LTVA to do water sampling. The lake is our water supply.”

The district does regular testing.

“We test for parts per billion and we get non-detect,” McKay said.

Going forward

It was left Thursday that Feldman would work with the courts to try to reactivate the mediation process. The course of action is for the community to try to engage the Truxlers. Their phone number was being handed out as the more than 100 people in attendance left the meeting.

It’s also possible a group of community members will meet with the Truxlers. Nevada Lt. Gov. Brian Krolicki and California state Sen. Ted Gaines, R-Roseville, spoke first and both urged that a resolution be found to keep the fireworks alive. They also offered their offices as a means to work on compromise.

Another casualty in all of this is the fireworks show that NBC and American Century had planned for the 25th anniversary of the American Century Championship Golf Tournament in July.

The lawsuit does not, at this time, affect any other fireworks around the lake.

Being off the clock doesn’t protect workers using social media

By Ed Komenda, Las Vegas Sun

It’s the new workplace commandment: Thou shall not Tweet without using common sense.

And here’s the reason: Social media have all but replaced email in reaching out to current and would-be customers, co-workers and bosses. You can now transmit a message to the world versus contain it to a specific message group.

So you’d better be careful because once you hit the “post” button, there’s no mulligan.

And if you go off the rails and use social media as a means to complain about company politics, disparage management or insult competitors, you’re going to swallow hard when you get blasted by the blowback.

That’s true whether you’re on the clock or not.

Read the whole story

Calif. earns F in health care pricing transparency

By Lisa Aliferis, KQED-TV

California – and 44 other states – received failing grades in an analysis on transparency of health care prices. The report comes from Berkeley-based Catalyst for Payment Reform, and it shows that consumers remain pretty much in the dark if they want to figure out, in advance, what a treatment or procedure will cost.

“Very few states have done anything meaningful to help consumers understand what their health care costs were going to be,” said Suzanne Delbanco, executive director of the

organization.

While California has taken “important symbolic steps” by passing price transparency laws, Delbanco said, “what hasn’t happened is turning that information into something that’s useful to consumers.”

Read the whole story

Meyers Landfill remains issue for county

By Kathryn Reed

Until the U.S. Forest Service signs off on the report created by El Dorado County regarding the Meyers Landfill, that plot of land on the South Shore is likely to remain an agenda item for the Board of Supervisors.

Three issues related to the now defunct landfill off Pioneer Trail were before the supervisors on March 25.



Meyers Landfill has been in litigation for decades. Photo/USFS file

One had to do with balancing change orders from work done on the site last summer. Work included reseeding the vegetative cap, irrigation and repairing damage to the conveyance features.

The other two items were to extend the contract for two firms doing work on the site through the end of the year. This is in anticipation the Forest Service will respond by this summer to the report the county submitted in November. This will allow the county to contract for any work the feds request.

“There is no time line stipulation for (the Forest Service) to give us an answer,” Greg Stanton, deputy director of environmental management for the county, told *Lake Tahoe News*.

A lawsuit involving the landfill is still in federal court. The two government bodies are racking up legal bills as they dispute who should pay what.

In early 2013, the Ninth Circuit Court of Appeals sided with El Dorado County in regards to whether it should pay for unexpected costs. The bill is about $13 million – twice what was expected. No matter who pays, it’s taxpayer money.

There will always to be some maintenance expenses at the site, which the county will pay, Stanton said.

“Basically, mediation discussions between the Forest Service and El Dorado County are on-going. The substance and content of those discussions cannot be disclosed due to on-going litigation and the mediation agreement between the Forest Service and county,” Lisa Herron, spokeswoman for the USFS, told *Lake Tahoe News*.

The Meyers Landfill off Pioneer Trail on the edge of South Lake Tahoe was used from 1947-71. Twenty years later the feds sued a slew of entities for cleanup costs. Vinyl chloride, a carcinogen produced when household waste breaks down, was the main contaminant under the sealed plot, although methane and

other gases posed problems.

Calif. pot growers a drain on water resources

By Rob Hotakainen, McClatchy

WASHINGTON – In drought-hit California, marijuana growers are feeling the heat, accused of using too much water for their thirsty plants and of polluting streams and rivers with their pesticides and fertilizers.

State officials say a pot plant sucks up an average of 6 gallons of water per day, worsening a shortage caused by one of the biggest droughts on record. They say the situation is particularly acute along California's North Coast, where the growing pressure to irrigate pot threatens salmon and other fish.

California is also the most popular state for pot producers to grow crops in U.S. forests, accounting for 86 percent of the nearly 1 million plants federal officials seized in 2012.

The situation is a complicated one in California, which passed the nation's first medical marijuana law in 1996, allowing people to possess and grow pot, even though the federal government still bans the drug.

Read the whole story

S. Tahoe woman dies following motorcycle accident

The South Lake Tahoe woman involved in the March 22 motorcycle accident has died.

Audrey G. Rugamas, 21, died March 26 at Renown Medical Center in Reno.

She had been the a passenger on a motorcycle driven by Andrey Gallegos, 20, of Sparks.

The motorcycle collided with a pickup in Carson City.

– Lake Tahoe News staff report

Man arrested in ’92 El Dorado County homicide

By Bill Lindelof, Sacramento Bee

Placerville police say that a suspect in a 1992 homicide has been arrested in the Bay Area and booked into El Dorado County Jail.

Jorge Luis Ponce Barajas, 40, was arrested by Richmond police on March 20 in Richmond.

An arrest warrant had been issued for Barajas in 1992 after the El Dorado County District Attorney’s Office filed charges

against him. There had been an outstanding arrest warrant for Barajas ever since.

Read the whole story

Snippets about Lake Tahoe



• El Dorado County Fair entry forms are due May 21.

• Washoe County sheriff's Capt. Heidi Howe was elected to serve on the American Jail Association's board of directors.

• Sierra Sotheby's International Realty is opening a Truckee office in the summer.

• The Academic Team at Truckee High School earned the state championship trophy in Winnemucca.

• Fifteen members of Lake Tahoe Boys and Girls Club will be planting sugar pines at Lake Tahoe Airport on April 10 from 1-4pm. Others are welcome to participate. Bring water and sunscreen. Gloves and shovels will be provided for all volunteers. Contact Maria for more info – 650.814.9565.

Calif. water bond advances, differences remain

By Patrick McGreevy, Los Angeles Times

SACRAMENTO -– A Senate panel Tuesday advanced one of the three competing proposals for water bond measures, but lawmakers acknowledged that more negotiations will be required to reach a consensus on what to put before voters.

Lawmakers have two months to approve a bond measure that would replace an $11-billion water bond currently on the November ballot that is viewed by many as too large and too full of pork projects to win voter approval.

On Tuesday, the Senate Natural Resources and Water Committee voted 7-2 to approve an $8-billion bond measure drafted by Rendon to fund water quality, conservation and water storage projects.

Read the whole story

Letter: Yes on Measure L makes sense

To the community,

Once I popped a bubble filled with carbon dioxide from dry ice and it was very cool! That was at the Tahoe library’s summer program. I love the library. I am home schooled and we get about 75 percent of my books from the library system’s six branches. If there is a book that is in another library, you

can get it. I have “The Red Badge of Courage” loaned from Placerville.

All sorts of people use the library for different purposes. I go there almost weekly, and there are reading programs and writing programs. I’ve seen friends studying and little kids playing with dinosaurs and blocks. All nine of the computers seem to be in use most of the time. Teens can go there for education, for a safe place to go after school and even do homework on borrowed laptops.

Measure L is for continued funding of the South Lake Tahoe library. Vote “yes” on Measure L on the June 3 ballot. It is $20 year. Your taxes will not go up. You will pay what you have been paying for 12 years.

Unless it passes with a two-thirds majority, we do not keep all of the things that we have now. We will have fewer programs, and school kids won’t be able to go there most afternoons because the hours might be cut to two days a week. If I could vote, then I would vote for the library. We need your vote for Measure Library.

Sincerely,

Jessie Brown, South Lake Tahoe (14 years old)