Opinion: SLT cultivation ordinance is unlawful and dangerous

Dear members of the South Lake Tahoe City Council,

Although I have publicly commended the council for the new cultivation ordinance, recent events have made me realize that this ordinance is clearly unconstitutional and represents a profound threat to the freedom and safety of city residents and their innocent family pets. I urge the council not to adopt this ordinance. If approved in its present form, I urge my fellow citizens not to obey any law that violates their constitutional rights.

The reason for my about face on this ordinance is based upon the announcement last Friday by United States Attorney General Eric Holder that federal agents will continue to raid, arrest and prosecute marijuana gardeners, even if Prop. 19 passes. In addition, Steve Cooley, who is currently in the lead to be elected as California attorney general, has publicly stated his belief that most, if not all, dispensaries are breaking the law by accepting money in exchange for marijuana and he has publicly promised to undertake massive felony prosecutions. “It’s a target-rich environment,” he proclaimed.

Now that the federal government and Cooley have gone on record that they will aggressively prosecute marijuana gardeners, regardless of what voters decide on Nov. 2, everything has changed. Such an openly hostile pronouncement, in the midst of an election, is an unprecedented attack on the very principles upon which this country was founded.

As a result of these direct threats by Holder and Cooley, it is clear that police and drug agents at the state and federal level will be targeting anyone who grows marijuana. Thus, any

public disclosure that one is growing, such as is required to obtain a building permit, would create a real and appreciable hazard of incrimination, home invasions and felony prosecutions against otherwise law-abiding citizens. Such complete lack of respect for civil rights and state law by the United States attorney general, as well as the likely California attorney general-elect, is not only deeply disturbing, it shows that the current SLT cultivation ordinance will expose our residents to severe and traumatic attacks by federal agents who refuse to recognize state law or obey the U.S. Constitution or Bill of Rights.

The legal consequences for those who are forced to incriminate themselves under the proposed SLT cultivation ordinance are extreme. Under current federal law, growing just 101 plants could force a cannabis grower to face a ten year mandatory minimum in sentencing. Furthermore, as was the case for Dr. Marion Fry in nearby Cool, Calif., the feds can add up how many plants one grows over several years and if that number exceeds 100, the feds can demand a 10 year mandatory sentence.

There are other serious consequences for anyone who incriminates themselves by obeying the new cultivation ordinance. That’s because drug agents are notorious for shooting family dogs, even if the dog shows no aggressive behavior or is actually fleeing. ust ask Cheye Calvo, the mayor of Berwyn Heights, Md., about how SWAT team members burst into his home without knocking and shot his two dogs to death, as the dogs attempted to flee, all because a pound of marijuana was accidentally delivered to his home a few minutes earlier.

In Leary v. United States, 395 U.S. 6 (1969), the U.S. Supreme Court ruled upon the constitutionality of the Marijuana Tax Act. Dr. Timothy Leary, a professor and activist, was arrested for the possession of marijuana in violation of the Marijuana Tax Act. Dr. Leary challenged the act on the ground that the act required self-incrimination, which violated the Fifth

Amendment. The unanimous opinion of the court was penned by Justice John Marshall Harlan II and declared the Marijuana Tax Act unconstitutional:

“Compliance with the transfer tax provisions would have required petitioner unmistakably to identify himself as a member of [a]…’selective’ and ‘suspect’ group, we can only decide that when read according to their terms these provisions created a ‘real and appreciable’ hazard of incrimination.”

Even requiring growers to disclose their activity to landlords violates their Fifth Amendment rights. If property owners don’t want marijuana grown in their homes, they can say so on their leases and evict anyone who violates those terms.

Most legal medical marijuana growers want to comply with the law, but if that law requires disclosures of any kind, it is not constitutional and not legally binding.

Meanwhile, the City Council should seriously consider crafting a cultivation ordinance that makes it a crime for agents conducting a drug raid to shoot a family dog or discharge a weapon when children are present. In fact, the city should demand that no marijuana raid can be conducted by any drug agents, unless a real victim – who is not an agent or paid informant – actually files a real police report and an investigation shows actual violations of state law taking place.

In closing, I dare you to watch this deeply disturbing video of a drug raid showing agents shooting the family dog with a 7-year-old boy present – even though no drugs were ever found. This is exactly the kind of violent, dangerous, state-sponsored terrorism that the current SLT cultivation ordinance would unleash upon our otherwise peaceful and law-abiding community.

Let freedom grow,

Steve Kubby, South Lake Tahoe

Caltrans changes date of Echo Summit work for bike event

By Kathryn Reed

With South Lake Tahoe being the host city for Amgen's 2011 Tour of California cycling event, Caltrans is scrambling to change its time line for construction on Echo Summit.

Tom Brannon with the transportation agency said if the weather and TRPA cooperate, the plan is to start work on the retaining wall April 20. Normally, the Tahoe Regional Planning Agency does not allow grading in the Lake Tahoe Basin to begin until May 1.



Caltrans will replace the Echo Summit wall in spring 2011. Photo/Kathryn Reed

The race starts May 15 near the state line, with cyclists

doing 1½ laps around the lake to end at Northstar. The second stage will leave from Squaw Valley.

However, tour officials are expected to bring in necessary infrastructure for the event starting May 9. Teams should arrive May 12. A gala event is planned for May 13.

Caltrans still intends to have Highway 50 over Echo Summit closed for two weeks. Then it will be reduced to one lane controlled traffic until the 32-inch wall is in place. This wall replaces the deteriorating wall that was erected in the 1930s.

The job will be advertised starting Oct. 18, with the bid scheduled to be awarded in mid-December. Built into the documents are bonuses for coming in ahead of schedule.

While Echo Summit is off-limits, the routes being touted for people coming from the Bay Area are taking Highway 16 to 49 to 88 to 89 to 50. From Sacramento, the route is Highway 50 to Missouri Flat Road, highways 49-88-89-50. Taking Highway 580 to Highway 4 through Jackson to Highway 88 is another choice. Interstate 80 is another option, then dropping down either the East or West shores.

Snippets about Lake Tahoe



• Ballots for those who vote by mail in California have been sent out for the Nov. 2 election. In El Dorado County, that is 62.8 percent of registered voters and in Placer County it is 56 percent of registered voters.

• Gottschalks department store chain’s plan to revive itself – which could include a store in Carson City – are being postponed from November to the spring.

• Incline Village made Forbes’ list of cities with the most expensive ZIP codes.

• Lake Tahoe Cruises is offering deals for locals through Nov. 30 – just call (530) 543.6191.

• This video is a must-see for San Francisco Giants fans.

• Contemporary Services Corporation of Northridge, the world’s largest event security firm, has expanded into Nevada. Jay Purves will be responsible for managing and overseeing operations in the Lake Tahoe, Reno and Las Vegas areas.

• Sam and Annett Dufour, owners of Teaz N Pleaz in South Lake Tahoe, have opened a location in Fair Oaks.

Coldstream Canyon restoration project meeting

The Truckee River Watershed Council on Oct. 27 from 6-8pm at the Truckee Donner PUD is having a public information meeting regarding the Coldstream Canyon restoration project design and implementation.

Coldstream Canyon, or Cold Creek, extends from the crest of the Sierra Nevada to just west of Truckee. There is a long history of human disturbances in the canyon, from construction of the Central Pacific Railroad to construction of Interstate-80. Such disturbances have and continue to cause increased size of peak floods, increased erosion of fine

sediment, loss of riparian habitat and degraded aquatic habitat. Restoration will begin 2011 and consists of expanding the existing floodplain. By creating additional floodplain, fine sediment erosion will be significantly reduced, riparian vegetation will increase, and some flood protection will be afforded. The project will have water quality and habitat benefits.

To RSVP for the meeting, call the Truckee River Watershed Council at (530) 550.8760. Light snacks will be provided.

Apps keep wine drinkers a click away from latest info

By Chris Macias, Sacramento Bee

Dahlynn McKowen kept noticing the tapping in people's palms when she visited wine tasting rooms around the Sierra Foothills and beyond.

Wine tasters, especially the younger ones, just couldn't get enough of their smart phones – between sips.

McKowen knew it was time to develop a wine application for the iPhone and iPad.

Now, she has 13 Wine Wherever apps that are expected to be released this week. Each app covers a specific region of the United States, offering guides, maps, a tasting journal and other goodies for the plugged-in wine lover.

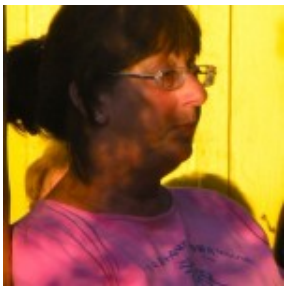
Read the whole story

Kindertown owner wins small financial relief from state

By Kathryn Reed

Maria Barrows-Crist was back in court Oct. 15. This time the owner of Kindertown day care was trying to recoup attorney fees.

Although the judge said no to that request, the state will be reimbursing her $3,600 for the cost of purchasing transcripts.



Maria Barrows-Crist

The state Department of Social Services had spent nearly a year trying to shut down the South Lake Tahoe facility. El Dorado County Superior Court Judge Steve Bailey in August ruled in favor of Barrows-Crist.

The other financial burden Barrows-Crist has been contending with is California not having a state budget until earlier this month. She is owed about $150,000, which she expects to get in the next few weeks.

In the mean time, she said she is scraping by with the help of friends and understanding creditors.

Tahoe history through lecture, film

The Lake Tahoe Historical Society will have its fall meeting on Oct. 19 at 7pm in the Lodge at Camp Richardson.

Dave Borges will open the program with a short talk on early days at Emerald Bay followed by a film on the story of Vikingsholm just released by the State Parks of California.

Helen Smith, long time summer docent narrates much of the film. Smith's mother was a good friend of Lora Knight.

The event is free.

Upper Truckee River – a scenic mountain bike ride

By Kathryn Reed

Which way, now?

It's a constant thought and verbalized question every time we set out to ride along the Upper Truckee River behind Lake Tahoe Airport. With so many trails in the area, I would bet we've never done the exact route twice.

One of the things I love about mountain biking on the South Shore is the abundance of trails. And the scenery, well, I'm

not sure it gets any better than Lake Tahoe.



Cycling along the Upper Truckee River is breathtaking. Photos/Kathryn Reed

As the seasons change, I always like to revisit some of my favorite places to pedal. The terrain doesn't look the same from one season to the next. The difficulty of the ride changes depending on whether the ground is wet or soft dirt, like now.

Entering off the end of Lodi Avenue near where Caltrans dumps snow in the winter, we meander through thick pines until it opens into a meadow. Forks in the road have us wondering which way to go. I follow the sound of airplanes.

Tires get squirrelly in what feels like sand beneath me. Even in a super low gear I don't seem to be going very far, very fast.

Up ahead is civilization. For a brief, albeit uphill ride, we go up Jicarilla Drive. We take the bikes into the forest at the dead-end. We know there is a trail here. She just isn't making herself readily known.

Left. There she is.

Oh, no. A more distinct trail goes left, but veering right is clearly the direction we want to go. Sue convinces me right is the correct way to head.

I'm not sure I'd recommend this trail to the person who isn't familiar with the area. For those who know the lay of the land, just head to where you think the airport is. I can't be more definitive on how to get there from this side because we zigged and zagged quite a bit.

Multiple meadows captivate us. At times the trail is wide and flat enough to ride side-by-side and have a conversation. Other times I seem to have a death grip on the handlebars, not knowing what's around the bend. And at the far end of the river on this section is a single-track route that has more rivets and jarring bumps than Venice Drive.

Taking the low route we get as close to the Upper Truckee River as we can. The airport is across the way. The wind beacon is flat. It's a warm September day when a slight breeze would be nice.

The water seems still, as though it's not even moving. And, yet, it must be – that's what rivers do.

A dad is teaching his son and daughter how to bait a hook and cast a fishing line. Tiny fish are in the water, but nothing one could call dinner. A crawdad, though, now that was catching the youngsters' attention.

Up ahead on the trail a different father and son are on bikes headed in the direction we came from.

Splashes of yellow twinkle in the sunlight – fall is here.

Bouncing along the trail we are looking left, right, left, right – it's all so beautiful.

Finally, we are at the end of the trail. We come out at the California Tahoe Conservancy land at Sawmill Road. Time to

make it a road bike ride home.

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El Dorado County budget meeting in Tahoe

El Dorado County is having a special budget briefing and discussion on Oct. 25 in South Lake Tahoe.

Staff from the Chief Administrative Office will be at the South Lake Tahoe branch library to present an overview of the county budget and answer questions.

“The county’s budget is currently balanced, but we know there are hard decisions on the horizon to maintain that balance,” Chief Administrative Officer Gayle Erbe-Hamlin said. “We want to provide a convenient opportunity for people to learn about their county’s budget, understand the challenges and offer constructive feedback.”

El Dorado County’s general fund budget is approximately $200 million. The county is projecting an $11 million shortfall for 2011-11.

Similar budget briefings were in Placerville earlier this month.

The meeting will be from 6-8pm, Oct. 25, county library, 1000 Rufus Allen Blvd., South Lake Tahoe.

Residents help douse fire in Washoe Meadow State Park

By Kathryn Reed

What was supposed to be a casual afternoon walk through Washoe Meadow State Park turned into a firefighting scene for two South Shore residents.

Michael Lipkin saw smoke Friday afternoon and went to investigate with his walking companion Lynne Paulson. What they discovered was dry grass on fire in what Paulson said was in about an 8 x 8 foot square area.



Michael Lipkin monitors a wildfire in Washoe Meadow State Park on Oct. 15. Photos/Lynne Paulson

“It reminds me of a situation like Seneca Pond,” Paulson said in reference to how the 2007 Angora Fire started small before erupting into a devastating inferno.



A Forest Service firefighter puts out the fire.

Lipkin started to put out the fire, while Paulson ran up the hill about a quarter mile to houses on Normuk Street near the south end of the park to call 911. Before firefighters arrived some of the neighborhood kids helped with dousing the flames.

Lake Valley, CalFire and U.S. Forest Service officials arrived, with the Forest Service being the lead agency. No one was available Friday night to give details on how the fire may have started.

No one was around when Paulson and Lipkin arrived at the scene.