

E. Coli contaminates Agate Bay water

By KRNV-TV

According to a voice recording on the Agate Bay Water Company phone line, the water provided in Agate Bay (located between Kings Beach and Dollar Point on the North Shore) is contaminated with E. Coli.

All residents are under a boil water order.

E. Coli bacteria was found in a water sample collected on Dec. 13.

The boil water order will be in place until the California Department of Public Health determines that there's no threat of contamination. They are hoping to lift the order by Saturday.

Letter: Names of mass murderers should not be published

Publisher's note: The following letter is reprinted with permission. A clarification, though, the government does not dictate what names are published. That is up to individual media outlets. There are rules that govern what information law enforcement gives to the media.

Mr. President, Senators, and Congressman;

In the light of last Friday's tragedy I am writing with a suggestion that might stop at least a fraction of these future events from occurring.

It seems to me that at least some of these heinous acts committed by misguided individuals are motivated by the fact that their names will outlive them in terms of the notoriety accorded them in the media and history.

I am a firm believer in the rights of a free press and would never condone its suppression, but could not the reporting and recording of these tragic events be equally well covered without the inclusion of the perpetrators name(s). Using the name(s) of the responsible party creates an example or martyr for other misguided individuals whose own lives are so miserable and worthless to themselves, that the thought of being remembered for their deeds provides, value and motivation over the worth of their own life and the lives of others. Engendering a twisted desire among these individuals to exceed previous acts thus ensuring their place in the annals of depravity.

The courts and lawgivers of our nation prevent the publishing of the names of innocent individuals to protect them. Would not the prevention of publishing the names of the heinous individuals who commit these acts be a protection of the innocents also?

I believe that in the time of these ever-increasing events and the great National sadness they cause, the public would be served best by the coverage of the event, without the direct identification and unintentional promotion of the responsible individual(s).

Thank you for your time and consideration of these ideas.

John W. Runnels, South Lake Tahoe

No arrests in magnet school vandalism

While Lake Tahoe Unified School District officials are sending out emails saying suspects have been located in the doughnut-spinning, wall demolition incident from last week, no one has been arrested.

A California Highway Patrol employee at the Meyers office tersely told *Lake Tahoe News* on Thursday night, "We are the investigating agency and no one is in custody."

The wall of the kindergarten classroom was repaired last weekend after the Dec. 14 crash.

A change in policy is the staff parking lot gate is now locked at 4:30pm.

– *Lake Tahoe News staff report*

Snow totals to be measured in feet at Tahoe this weekend

A white Christmas it will be in Lake Tahoe. And a sunny one.

But before Tuesday arrives there is going to be a lot of shoveling and snow blowing in the basin.

A winter storm warning is in effect from Friday at 6am to

Monday at 4am.



Expect to see this sign for the next few days in and around Lake Tahoe. Photo/LTN file

“There’s very high confidence of several feet of snow in the Sierra starting (Friday),” a National Weather Service spokeswoman in Reno told *Lake Tahoe News*.

The brunt of the storm is expected to arrive Saturday. That night into Sunday 1 to 2 feet of snow could fall at lake level, with 3 feet above 7,000 feet.

“The highest accumulations will occur along and west of Highway 89 where up to 5 feet is possible above 7,000 feet and up to 3 feet below 7,000 feet,” the Weather Service is predicting.

Wind is already gusting, and it will continue to do so. Ridgetops could see gusts of 100 mph. This will lead to whiteout conditions for motorists.

For road info, click on the state icons on the home page of *Lake Tahoe News*.

And the highs are not expected to reach the 40s.

If you need to know more, check out this video from the National Weather Service in Reno:

– *Lake Tahoe News staff report*

Judge hears arguments in Homewood development lawsuit

By Denny Walsh, Sacramento Bee

A Sacramento federal judge will decide soon whether public officials who green-lighted a major resort expansion in the Tahoe basin ignored the needs of the environment and the area's residents.

U.S. District Judge William B. Shubb heard five hours of oral arguments Wednesday by attorneys for two groups challenging the development; the Tahoe Regional Planning Agency, which approved the proposed project; a comparatively small, existing ski resort that would be expanded; and a San Francisco-based developer.

The judge took the matter under submission and will issue a written order.

Placer County and its Board of Supervisors, which also approved the proposed project, are named as defendants in the lawsuit, but the county's attorney did not argue.

The plaintiffs are the Sierra Club, a national conservation organization, and Friends of the West Shore, a community organization of more than 500 activists and residents on the West Shore of Lake Tahoe. They contend the supervisors and TRPA's governing board steamrolled the project through the approval process with little or no concern for its effects on the quality of life in the area.

"The suggestion is ludicrous," countered the defendants in court papers. "At every turn, the agencies solicited input.

The developer met with the community – including members of both plaintiff organizations – hundreds of times. Formal opportunities for review and comment were generous and vastly exceeded what the law requires.”

The project would vastly expand the Homewood Mountain Resort, which has operated since 1962 as a wintertime recreation spot.

The community of Homewood, an upscale enclave of 906 residents on the lake’s West Shore, is six miles south of Tahoe City. The ski resort is next to and west of Highway 89, with residential neighborhoods to its north and south.

But the resort is failing, according to the defendants. It has gone in the hole \$1 million in each of the last five years, Whitman Manley, a lawyer for the resort owner and the developer, told Shubb.

His clients, Manley said, are pinning their hopes on an expanded facility attracting midweek skiers for more than one day on the slopes. Manley said Homewood is a weekend “commuter” resort because there are no overnight accommodations, so it is unable to compete with other resorts in the lake region.

The plaintiffs, Manley and other defense lawyers argue, are a vocal minority and sore losers in the bruising arena of land use politics.

“Of particular note,” defense filings say, “year-round residents of Tahoe’s West Shore supported the project as the best prospect for revitalizing a community that is withering away and would be further devastated by the closure” of the ski facility.

The project would hike the resort’s size from approximately 25,000 square feet of the mountain to more than 1 million square feet. At its north base area, 14 new structures would go up and house 349 residential and tourist units, including

hotel rooms, condominiums and townhouses. Also planned are a commercial area, a four-level parking garage, a ski lodge, an outdoor amphitheater, an ice skating rink, a swimming pool and a miniature golf course. A new day-use lodge would be built at the midmountain base area, along with a gondola terminal and a swimming pool.

The project "will significantly increase urbanization of the region and result in more automobile traffic, increased ozone levels, worse water quality and excessive community noise, but defendants have failed to adequately study and mitigate these impacts," plaintiffs claim in court filings.

They accuse the defendants of failing to adhere to their environmental review obligations under the terms of the California Environmental Quality Act and the Nevada-California Compact that, along with its implementing regulations, governs the TRPA.

The region "is already violating air quality, water quality, and noise standards, with no workable strategy to correct course and achieve the standards," the plaintiffs insist.

They do not oppose all development, but wanted the county and TRPA to shrink the project by about a third.

Defendants argue that would not alter environmental impacts "in any material fashion." It would, however, "gut its economic viability."

Plaintiffs' attorney Wendy Park told Shubb on Wednesday that the county and TRPA broke their own procedural rules for processing development proposals in their haste to approve the project.

The developer is stingy with information and the proposal is vague, virtually bereft of details, which make it difficult to evaluate the arguments about how big the project must be and how it will improve the environment, she said.

“We make policy,” TRPA attorney Andrew Sabey told Shubb. “We are empowered to do it. We chose to support this project.”

“They lost this fight,” Sabey said of the plaintiffs. “That doesn’t translate to a viable lawsuit.”

Letter: Reminder about where to park in Placer County

To the community,

The Placer County Sheriff’s Office wants those traveling to beautiful Lake Tahoe for the holidays to bring home good memories, not a parking ticket.

Whether coming up to the mountains from the Bay Area or the Sacramento Valley, the sheriff’s office wants to remind drivers that there is no parking on any county roadway or shoulder of roadways from Nov. 1 to May 1.

This includes roads in Squaw Valley, Alpine Meadows, Northstar and Homewood ski areas.

Vehicles parked in these areas will be ticketed and may be towed. A ticket costs \$55.

Roadways must remain clear for the operation of snow removal equipment.

Happy holidays and drive and park safely!

Ed Bonner, Placer County sheriff

Gray's Crossing homesites in Truckee change hands

By Sanford Nax, Sacramento Business Journal

The same team that helped develop McClellan Business Park and owns the 4,000-acre Stanford Ranch in Rocklin has bought 81 finished homesites at Gray's Crossing resort in Truckee.

LDK Capital LLC, is buying the remaining lots at Gray's Crossing, a 750-acre community built around a championship golf course designed by Peter Jacobsen and Jim Hardy. A big marketing push is planned for 2013.

"We see substantial value in Gray's Crossing, located in one of the most serene areas in north Lake Tahoe," said Denton Kelly, a principal with his father, Larry Kelly, in LDK Capital. "The opportunity to own within a master-planned community where all of the infrastructure and amenities are complete provided a compelling investment."

With the purchase, LDK is adding to its real estate investment portfolio in Northern California, which includes the conversion of the former McClellan Air Force Base into McClellan Business Park; a former H.J. Heinz Co. plant in Stockton that will be remade into a distribution and warehouse facility and Stanford Ranch.

Gray's Community is on Interstate 80, a quarter mile east of downtown Truckee. It has six miles of public hiking and biking trails that connect to the commercial core. Tahoe Mountain Resorts Real Estate will continue to serve as the exclusive listing brokerage.

Ski resorts win water rights case against USFS

By Jason Blevins, Denver Post

A U.S. District judge on Wednesday overturned a controversial new water law requiring ski area permit holders on public land to turn over water rights to the Forest Service.

Judge William Martinez ruled that the Forest Service's revision of 2011 and 2012 permit regulations governing water rights violated federal procedural rules, failed to evaluate economic impact and violated ski area rights.

Martinez sided with the National Ski Areas Association, which was suing the Forest Service over the new water rights permit rules, ordering the agency to not enforce the terms of the new rules. Martinez remanded the issue back to the Forest Service.

If the agency chooses to revive the issue, NSAA public policy director Geraldine Link said would "definitely be a more public process."

"I think a lot of different entities will weigh in this time. This had much broader issues than just the ski industry. I don't expect the Forest Service will issue the same clause next time around," she said. "This really threatened the administration of state water law and I would be surprised if the state didn't weigh in."

The Forest Service argued that the new clause – which required ski area permit holders to transfer water rights secured by areas operating on public land to the federal government – kept the natural resource connected to the land. In mid-

November oral arguments before Martinez, the Forest Service argued it merely returned permit water policy to long-held conditions imposed before a 2004 change in the rules.

Still, Martinez's ruling noted that during the last three decades, the Forest Service "did not follow a uniform policy and did not require federal ownership of water rights in all ski area permits."

The agency said it changed the permit requirements to assure that ski areas never sold water rights connected to federal land.

"It's a monetary calculation," Department of Justice attorney Clay Samford argued in the Nov. 15 hearing. "As the value of these rights increases, it may make economic sense for ski areas to sell some rights off."

The NSAA argued that the agency violated the Federal Administrative Procedural Act by not soliciting public input on the new rule. The association's January 2012 lawsuit also argued the new water regulations violated the National Forest Management Act and the Regulatory Flexibility Act. The NSAA said the agency water rules impacted 121 ski areas in 13 Western states.

The Forest Service admitted it did not follow the public review and comment guidelines of the Administrative Procedural Act because the new water rules were simply a regulatory tweak, not a consequential legislative rule change.

Martinez, who in October last year cited improper environmental review in ordering the U.S. Department of Energy to stop permitting uranium mining and milling at 31 leased sites in western Colorado, ruled the Forest Service violated all three regulatory acts when it issued the new water rule.

Martinez's decision only addresses the Forest Service's procedural deficiencies when it crafted the new water

directives. He did not rule on the NSAA's substantive claims, specifically that the agency should not condition ski permits on the transfer of water rights obtained through a state process.

The Forest Service midday Wednesday was checking on a response to Martinez's ruling.

Colorado plays a large role in the water issue, said Melanie Mills, whose Colorado Ski Country trade group includes 21 of 25 of the state's ski areas. She said ski areas were ready to work with the agency to forge water rights rules that did not impact water purchased off federal lands but used on federal lands.

"There is plenty of room for agreement. Plenty of common ground," Mills said. "Our belief is that the focus should be on the water on the permit area itself. Talking about water that a permittee might divert from other areas off-permit or might purchase or lease through other arrangements, that gets into area that folks beyond ski areas will be worried about."

Wednesday's ruling is not that surprising. At the Nov. 15 hearing, Martinez grilled Forest Service attorneys on the idea that a ski area would sell essential water rights.

"Why would a ski area sell off water rights and leave itself with insufficient water to operate a ski area?" he said. "Then you are not a ski area anymore."

Ski report: Hang on, it's windy



Wind will be a problem for lifts at higher elevations. Some chairlifts at Heavenly and Kirkwood are starting off on wind hold this morning.

A storm is on its way.

Here is the Dec. 20 ski report.

– *Curtis Fong*

Young professionals raise \$5,000 for SkiDUCK

The holidays will be a little brighter for more than 100 underprivileged local children/teenagers thanks to Tahoe Regional Young Professionals raising \$5,000 at the organization's 2nd annual Winter White Holiday Party.

TRYP organized a holiday party to benefit Tahoe's SkiDUCK, (Ski and snowboarding for Disabled and Underprivileged Children and older Kids) at Riva Grill.

SkiDUCK is a grassroots nonprofit organization dedicated to enriching the lives of disabled and underprivileged children by sharing the joys of skiing and snowboarding. SKiDUCK is run entirely by volunteers.

