Will the U.S. Supreme Court gut public-employee unions?

By Garrett Epps, Atlantic

The most important fact about Monday's oral argument before the U.S. Supreme Court in Friedrichs v. California Teachers Association is that this case—one of the most important of the term—will be decided on the basis of no facts at all.

The petitioners in Friedrichs are asking the Court to hobble unions that represent more than 9 million public employees in 23 states and the District of Columbia. That decision will have large consequences for those employees, for the states that employ them, and for the political system. But the Court will decide the case without, apparently, serious consideration of those effects.

Representing the challengers, the conservative lawyer Michael Carvin described a public-employee union as a purely political group that "advocates an ideological viewpoint" his clients "do not approve of." Every single thing a public-employee union does, he said, is a matter of public concern; contract negotiations with teachers' unions, for example, affect class size, teacher promotion policies, and overall state funding—every one of them a hotly contested political issue. In contrast, the union lawyer David Frederick told the Court that many of the union's activities are "mundane matters" without political content.

Read the whole story

King, Sand fire restoration efforts require collaboration

By Joann Eisenbrandt

PLACERVILLE – “It’s not a sprint, it’s a marathon,” El Dorado County Board of Supervisors Chairman Ron Mikulaco told those assembled in the board chambers Jan. 12 for updated presentations by representatives of the El Dorado County and Georgetown Divide Resource Conservation Districts, Eldorado National Forest and the CalFire Amador-El Dorado Unit on the status of post-King Fire and Sand Fire cleanup and restoration efforts.

In summer and early fall of 2014, these two devastating fires ripped through the foothills and forests of El Dorado County. In July and August, the Sand Fire burned 4,240 acres east of Highway 49 near Plymouth, destroying 20 homes and 47 outbuildings and in September and October, the King Fire, which began near Pollock Pines, scorched 97,717 acres, threatening 12,000 homes and eventually destroying 12 houses plus 68 outbuildings and important infrastructure including facilities, roads, bridges and electrical transmission and distribution lines. More than 100 Native American archaeological sites dating back hundreds and thousands of years were also irreversibly damaged.

Once all the flames were extinguished, the fires were out, but their lingering effects on El Dorado County were just beginning. What also was just starting was a coordinated effort by a broad coalition of local, state and federal government agencies as well as local stakeholders to find a cohesive strategy to not only deal with the immediate aftermath of these two catastrophic fires, but to find solutions to prevent the reoccurrence of such fires in El Dorado County in the future.

Mark Egbert, district manager of the El Dorado County and Georgetown Divide Resource Conservation District, told the board that the RCD had received funding from CalFire for the Sand Fire Restoration and Reforestation Project in the amount of $793,551 and for the King Fire Restoration and Reforestation Project in the amount of $1,893,956.50. These projects are aimed at reversing the ecological, environmental, aesthetic and social impacts of the fires. They include such things as removing accumulated debris and dead trees and selling what timber is still viable, replanting and restoring the affected lands to increase potential carbon sequestration and reduce greenhouse gas emissions, protecting watersheds and water quality for domestic water sources and educating the public about wild fire response.



The 2014 King Fire destroyed thousands of acres in the Eldorado National Forest. Photo/Joann Eisenbrandt

Egbert noted that their post-fire efforts were part of an unprecedented interagency collaboration in the county that included not just the RCDs, but the U.S. Forest Service, CalFire, El Dorado County Fire Safe Council, El Dorado County, Caltrans and private stakeholders such as PG&E, Sacramento

Municipal Utility District and Sierra Pacific Industries.

Meetings were conducted with private landowners as well to assess their needs, since unlike the King Fire, the majority of impacted land in the Sand Fire was privately owned. They are also seeking additional grant funding, including a potential grant from the Sierra Nevada Conservancy under its Healthy Forest Initiatives program as well as several federal grants. District 5 Supervisor Sue Novasel asked Egbert if he could estimate in an ideal world were the funds were available, what it would cost to make the county's forests and foothills fire safe. "I can't even project that. It's an unlimited amount of money," Egbert responded. "The answer is really how much money do you have?"

Laurence Crabtree, Eldorado National Forest supervisor, followed Egbert, giving a presentation on the King Fire Restoration Fire Adapted 50 Cohesive Strategy. This was one of two projects selected for funding in California as part of the federal Cohesive Wildland Fire Management Strategy put into place in 2009 as part of the FLAME Act. Projects must reflect a holistic view of the landscape and include collaboration between federal, state and local agencies, Native American tribes and other local stakeholders. The Eldorado National Forest received $625,000 for the project. An environmental impact statement was prepared under National Environmental Policy Act, which analyzed five alternatives for the project. The alternative selected by Crabtree as the preferred one will treat approximately 17,000 acres, which is 26 percent of the National Forest System lands burned in the King Fire. It includes salvage and fuel treatment, roadside hazard tree removal, erosion control and rehabilitation on watershed sensitive areas and reforestation.

Not everyone was happy with Crabtree's decision. At the meeting Tuesday, he noted at the beginning of his remarks, "We know there are lots of dead trees in the forest and there will be more dead trees in the forest."

While everyone agrees that recovery and reforestation is vital, not everyone agrees on the best way to accomplish that. In their comments on the EIS, some wanted more logging, some wanted less, some wanted to "let nature take its course" and do nothing, some expressed concerns for disturbances logging could cause to the habitat of the spotted owl, the federally threatened red-legged frog, the endangered Sierra Nevada yellow-legged frog and other area wildlife. In the written record of decision by Crabtree in September 2015, he noted, "I know that my decision will not satisfy every competing interest or solve every problem conveyed to me. However, I believe my decision provides an appropriate balance … that achieves the broadest range of goals to best serve the public interest in the long term recovery for this area."

District 4 Supervisor Michael Ranalli, who had requested these presentations to the board, asked Crabtree how the logging efforts were progressing. Initial logging efforts have begun, Crabtree responded, but the current wet winter has stopped them. He noted that all the timber offered for sale has been purchased with more sales pending, with the actual removal of this timber to lumber mills to occur in the spring. A half million seedlings have been ordered, with planting to begin in spring 2017.

Because of the closing of the SPI mill in Camino and the lack of other mills in the local area, most of the logs will go to the SPI mill in Lincoln for processing.

Division Chief Mike Webb of the CalFire Amador-El Dorado Unit also spoke about the Adapted 50 project. "We are on track. We have all come together with a single focus and strategy." Calling the project an, "all lands, all hands" approach, he said he was happy to report that what was once just a strategy is now a real project. He noted the important contributions of all parties, including those of the individual fire safe councils which are part of the umbrella nonprofit El Dorado County Fire Safe Council. "We all must come together where

geographic lines have no meaning because they have no meaning to fire.”

One of the strategies is the creation of “shaded fuel breaks” that can be maintained over time. In the Sly Park phase of the project they will add to an existing forest management plan by expanding existing fuel breaks up the Highway 50 corridor to Fresh Pond, adding more protection for Pollock Pines.

Dale Pierce, a director for the El Dorado County and Georgetown Divide Resource Conservation Districts, explained to after the meeting exactly what a shaded fuel break is. When dead trees are cleared out, he explained, they will grow back as brush which serves as a volatile ladder fuel for future fires. When a shaded fuel break is created, all the brush is cleared out, leaving spaced large trees. These trees create enough shade so that less brush can regrow because of the lack of sunlight. These breaks need to be maintained with a re-burning of the brush every few years.

Webb also noted work being done alongside Highway 50 to clear brush back from the roadway shoulders to prevent fires from jumping the road. Novasel said she drove that corridor often and has seen the effects of these efforts already.

“We recognize that corridor,” Webb responded, “and its importance to your community.”

“If 50 closes,” Novasel confirmed, “our entire town closes down.”

All the presenters at the Jan. 12 meeting agreed that old forest management plans have to be revised so that fires and fuel loads are the driving force. With the effects of bark beetles moving north from Southern California and into El Dorado County, the drought, and the expectation of continued longer fire seasons, creating fire adapted communities is vital to preventing fires before they start.

District 3 Supervisor Brian Veerkamp agreed, “We have to shift to fuel reduction and modification. It will pay much bigger dividends than trying to catch fires from the rear.”

The public was then asked to comment, with several speakers emphasizing the need to keep a real sense of urgency in fire preparedness. Katherine Smith warned about returning to “business as usual” as it was done for the last hundred years. “We didn’t take care of fuel reduction and we got the King Fire.”

Heather Campbell, chairperson of the Camino/Pollock Pines Fire Safe Council, said her group is planning on distributing a brochure to residents in her area explaining the elements needed to create fire-adapted communities, including the building of “ember resistant” homes which won’t ignite from embers landing miles ahead of actual fires.

Sue Taylor of Camino wanted to be sure that with so many commissions and funding sources that the money gets to “the right place.” Taylor added to what others had said about the impacts of bark beetles on stands of trees and also about the difficulty for agencies and private landowners to clear their land when there are no mills in the area to purchase and process the timber. “We need to get a mill back in this county.”

Ray Nutting, former El Dorado County supervisor, told the board, “I try not to come to Board of Supervisors meetings but I was compelled to come to this one because the No. 1 issue is catastrophic crown fires.” Adding that, “Mother Nature knows how to deal with fuels,” he wondered about what his great-grandfather would have thought about current fire suppression efforts. “In 1935, he knew that a fire at the bottom of a canyon would run up the hill. He had fires on his property in winter, in the snow, and they ran up the hill and they were ‘good fires.’ Now, you’d go to jail.”

Douglas County manager leaves after 16 months

By Kathryn Reed

Jim Nichols is no longer at the helm of Douglas County.

He has been out on paid leave since Jan. 12 and it goes through Jan. 29. After that time he will no longer be affiliated with the county.



Jim Nichols has left Douglas County after 16 months as the manager. Photo/Provided

“It was a mutual agreement,” Commissioner Nancy McDermid told *Lake Tahoe News.* “We are in good shape. This is in the best interest of everybody.”

What led to the agreed upon separation is not being disclosed by county officials, and with Nichols gone he can’t speak for himself.

Nichols had been the county manager since September 2014. He

was one of 72 applicants for the job that was vacated by Steve Mokrohisky. Prior to the Douglas job Nichols was assistant city manager for Midland, Texas.

Melissa Blosser, spokeswoman for the county, told *Lake Tahoe News* she did not believe Nichols had another job lined up.

When he started he was making $172,000 a year. The separation agreement has not been released.

The commissioners at the Jan. 21 meeting at Stateline are expected to finalize the agreement. At that meeting the board will also discuss an interim replacement. For now Christine Vuletich, assistant county manager, is in charge.

Flood insurance not always a sure bet

By Matt Stevens, Los Angeles Times

For the last several months, officials from the Federal Emergency Management Agency have sounded a lot more like salesmen than bureaucrats. And their sales pitch for flood insurance – which harps on the dangers of El Niño while espousing the benefits of protecting your property – has largely worked.

Last week, as long-awaited rains arrived in California, FEMA announced a recent 12 percent increase in the number of flood insurance policies written statewide – a rise the agency said was the "first of its kind in recent history."

But officials remain worried that people still mistakenly assume they are covered for floods under their standard

homeowner policies. That might explain why only 9% of homeowners in the West have flood insurance, according to industry estimates.

Read the whole story

Stalled luxury housing complex in Stateline set to break ground at mobile home park site

By Kathryn Reed

Luxurious, high-end housing on the shores of Lake Tahoe designed to be second or third homes for the wealthy – presumably from the Bay Area – is set to break ground in summer 2016.

The project isn't new. It's been stalled because of the economy and the inability of the developers to secure financing.

Tahoe Beach Club, when it is built out, will include 143 units, a private 40,000-square-foot beach club on the water, restaurant, spa, workout area and facilities for banquets-parties-weddings. The club will offer memberships to the public.

It will be built in three phases, with occupancy expected to be ready in 2017. This will include 46 units, the clubhouse and gatehouse. Completion of the project will depend on how sales go as well as loans. If all goes according to plan,

Tahoe Beach Club could be built out in 40 to 44 months once construction starts.

All of this will be built at the end of Kahle Drive in Stateline. By summer the remaining trailers at Tahoe Shores Mobile Home Park will be gone. The remaining residents have been given notice.

The project has been controversial since 2002 when the trailer park changed hands and the owners made it known the current residents would have to move.



Mobile home residents will need to have different lodging in spring 2016. Photo/LTN

“On the human side we want to do the best we can,” Tom Castaneda told *Lake Tahoe News*. He and Bob Mecay are the principles of Tahoe Beach Club. “We’ve met with every single one and told them the good news. I can give them some direction, which they have been looking for for 15 years.”

The developers will be responsible for helping with relocating the remaining 11 coach owners. There are also about 30 trailers that are being rented.

Part of the approved plans call for turning apartments on the street into deed restricted low income housing in which many of these people would qualify.

Castaneda would not put a price on the units, but mentioned how new high-end construction not on the lake is going for between $900 and $1,000 per square foot. These units are expected to be between 1,250- and 3,500-square-feet. On the low end that is $1.125 million. All will be whole ownership.

The duo doesn't regret delaying the project.

"If we had gone into the market in 2009 when it was first approved, it would have been a disaster. I think it would have been extremely difficult to get construction financing. If we had gotten it, it would have been hard money and leveraged strongly," Castaneda said.

During this time there has been some work done on the property. A nearly 160-foot pier, part of which is floating, has been installed.

More recently the Kingsbury General Improvement District pump house that was near the beach has been moved to the far southwest section of the property near where the current entrance to the trailer park is. A larger building had to be built to meet certain codes and regulations. Tahoe Beach Club gave KGID an easement on the property for the new structure.

Another advantage to the delay is being able to keep with contemporary design and interior features. While neither the footprint of the property nor the height of the buildings is allowed to change per the Tahoe Regional Planning Agency permit, the look and interiors can. There can also be fewer units, just not more.

"We can decide what the market is calling for," Castaneda said.

Final architectural renderings are not complete.

IMI has been hired to be the sales team – the same company that sold Martis Camp and Lahontan in the Truckee area. Presales are likely to begin in the spring.

End of drought not an easy thing to know

By Paul Rogers, San Jose Mercury News

Now that 2016 has gotten off to a wet start, with a series of El Niño storms drenching California in recent days, the question is turning up with increasing frequency at dinner parties and coffee shops:

“How will we know when the drought is over?”

The answer, water experts say, is more complicated than you’d think.

Simply put: The drought could end this year, according to state water officials. But for that to happen, as California enters the fifth year of the worst drought in the state’s history, rains will have to continue arriving in pounding, relentless waves through April to fill depleted reservoirs and dry rivers and push the Sierra snowpack to at least 150 percent of normal.

Read the whole story

Nev. No. 2 most popular destination in West for movers

By Jason Hidalgo, Reno Gazette-Journal

Many U.S. residents are apparently considering a move to Nevada to be, well, a nice move.

A survey by national moving company United Van Lines found that the Silver State is the second most popular destination in the Western United States for folks moving to a new area.

Only Oregon was a more popular destination for movers in the West, according to the 2015 National Movers Study, which compared inbound and outbound moves for every state. Nevada's inbound rate of 57 percent also placed it seventh overall among all states in the country, with Oregon's 69 percent also getting the top ranking nationwide as well.

Read the whole story

Scientist rings climate change alarm at Tahoe

By Kathryn Reed

STATELINE – "The threat of climate change is not from what we have done in the past, but what we do in the future."

Those are the words of Ken Caldeira, the keynote speaker at

last week's annual Operation Sierra Storm conference, a gathering of television meteorologists hosted by Lake Tahoe Visitors Authority. Caldeira is with the Department of Global Energy at the Carnegie Institution for Science at Stanford.

His concern is that most of the carbon dioxide emissions are going to come from infrastructure that is not built. That prospect also offers him hope because it means there is still time for change.

"We need to stop using the sky as a waste dump for our CO2 pollution," Caldeira said.



Ken Caldeira is worried not enough is being done to stop climate change. Photo/LTN

He was at the international climate conference in Paris last month. On the one hand Caldeira is encouraged that the world is acknowledging climate change to the point leaders want to do something about it. At the same time he is skeptical about the agreements that were made because he believes those actions were going to happen any way so in many ways nothing new came from the gathering.

"There is a mismatch in what is politically feasible and what is necessary," Caldeira said.

Previous conferences – this was the 21st – sought binding agreements. The problem any president of the United States has with this is needing Congress to approve it.

President Obama committed to reducing emissions to 17 percent below 2005 levels by 2020. Using the Environmental Protection Agency is how he can circumvent Congress.

Caldeira's repetitive mantra is stop building smoke stacks and tail pipes. He's taking that call to the average person with the hope individuals will put pressure on elected officials to create the change he believes is needed to curb global warming.

He said the rate things are going now the Arctic ice will melt, sea levels will continue to rise, coral reefs will disappear and the world as we know it going to be very different – even if it's not in our lifetime.

"It's not too late to do something, but we need to start doing it now," Caldeira said.

Will California's booming economy pay off in pupil spending?

By Lisa Leff, AP

Soaring tax revenues have carried per-pupil education spending in California beyond where it stood before the recession, but even the record sum proposed by Gov. Jerry Brown is unlikely to reverse the state's standing as a comparative miser when it comes to investing in public schools, advocates and education

officials said.

Brown, a Democrat known for preaching fiscal restraint, released a budget plan last week that would boost state spending per student to $10,591 in the next fiscal year, compared to $8,564 per student in 2007 and $7,008 during the worst of the recession. The rebound stems from a constitutional amendment that guarantees schools a minimum level of annual funding, an amount that grows considerably, as now, during good economic times.

While expressing gratitude, lawmakers and school officials noted that with California consistently ranking in the bottom 10 in state-by-state rankings of school expenditures, student-teacher ratios and other measures, the latest infusion may not be enough to get the state to the national average, never mind the top of the charts.

“We have to be aware of the fact that even though we have increased our funding in education, we’re still number 40-something in the nation, so we’re still far, far behind in terms of adequately funding our schools in comparison to other states,” said Assemblywoman Shirley Weber, D-San Diego, who heads the Assembly budget committee.

Brown’s proposal would increase the state’s overall K-12 spending to $51 billion, or $1.4 billion more than the current year. The figure reflects both cuts attributed to projected enrollment declines and more than $3.2 billion in new funds.

Most of the money – $2.8 million – would go toward accelerating one of Brown’s signature initiatives: a new school funding formula that directs extra funds to schools with the most students learning to speak English, from low-income families or living in foster care.

Brown said the funding would bring the formula close to full implementation, a milestone the state originally did not expect to reach until 2020. The funding formula also

encourages districts to set class sizes kindergarten through third grades at no more than 24.

Even if California ideally would be spending more on its schools, redistributing the money it does spend could narrow the achievement gap in a state where half the students are eligible for free school meals and 22 percent are learning to speak English, Education Trust-West Executive Director Ryan Smith said.

“The governor’s kept his promise in creating a more equitable funding system. It’s now up to policy makers, districts and schools to live up to their end of the bargain in getting results for students,” Smith said.

Mike Walsh, a Butte County school board member who serves as vice president of the California School Boards Association, said school leaders are thankful for what would be a fourth consecutive year of budget growth following the same number of painful cuts.

At the same time, they are mindful that schools also are being tasked with carrying out instructional, staffing and testing reforms linked to the new funding formula and the Common Core standards – all of which cost money, Walsh said.

“It’s not like we are arguing to be #1 in spending. We are just suggesting that we are moving in the right direction but still have a lot to do to get back to average in spending, even if it was just to hire more teachers to do the work we have been asked to do.”

State-by-state comparisons of per-pupil funding are based on federal data that typically are a few years old. Education Week’s Quality Counts report, a respected ranking system that accounts for regional living costs and poverty rates, last week listed California at 46th among the states with per-student spending of $8,213 in 2013, far below the national average of $11,667.

Since then, schools have received sizable funding bumps thanks to revenue from income tax growth, observed Public Policy Institute of California Research Associate Paul Warren. Increases in 2014-15 and 2015-16 may already have gotten California to the national average, although it likely will be another two years before state-by-state standings can confirm that, Warren said.

And while Brown's 2016-17 budget takes a more modest approach, "things are probably going to be rosier in June than they are now," if negotiations with the Legislature and higher-than-anticipated tax revenues yield a bigger payoff for schools, he said.

The new proposal "is the standard Jerry Brown woe-is-me budget, which personally I think is the best approach for schools," Warren said. "Let's not get overly excited about how much money is out there, let's put it out in a paced way so they can absorb it, and not get out ahead of yourself and have to cut because you overspent."

UNR a leader in federal highway improvement models



UNR Assistant Professor Elie Hajj shows off some test samples in one of the five pavement testing labs. Photo/UNR

By Mike Wolterbeek

When the Federal Highway Administration needed to update it's crucial and complicated 30-year-old formula for fuel consumption and vehicle operating cost predictions, it awarded the project to UNR's renowned Pavements/Materials Program. The results of the study will give federal highway managers more accurate data as they seek to improve the nation's transportation network.

"The project is one of the extremely highly critical and influential projects for FHWA and the nation," said Elie Hajj, assistant professor of civil and environmental engineering and the project's lead researcher.

Hajj works with Peter Sebaaly, director of the university's Western Regional Superpave Center, on this and a number of research projects to improve pavements in Nevada and around the country, including asphalt and concrete pavement testing, software management tools used around the world, a national research database and super heavy load research – all in the

department’s five labs dedicated to pavement and materials research.

“Pretty much on any road on which we drive in Nevada, the pavement – whether asphalt or concrete – has been to some extent influenced by our laboratory,” Sebaaly said. “We work with government agencies and industry in Nevada and around the West to help determine the best materials and mixtures for economical, durable, and sustainable pavements under every conceivable condition.”

All of these initiatives combine to give the group in the civil engineering department, and their industry and agency partners, the expertise to tackle this important five-year federal project. The team includes the transportation group in the civil engineering department, Nevada Automotive Test Center, and Dynatest Consulting, a leading manufacturer of pavement testing equipment and analytical expertise.

The research will improve the vehicle operating costs estimation by taking into consideration changes in vehicle technology, vehicle operating speeds, traffic management, driving cycles over the past 30 years – including hybrid and electric vehicles – and pavement types and conditions.

“Savings on vehicle operating costs are a key measure of the effect of improvements of the transportation network,” Hajj wrote in his proposal to the highway agency. “Accordingly, vehicle operating costs equations need to adequately describe the effects of different speeds, traffic conditions, roadway characteristics, and current vehicle technology.”

Typically, such a study occurs every 20 to 30 years with the last study being in the 1980s. This one will be expected to have a similar lifespan, which shows the need for a comprehensive, research-based approach.

“Most of our research is for asphalt, which is what 90 percent of the paved roads in the country are made of,” Hajj said.

“There are 2.5 million miles of asphalt paved roads, under all types of temperatures, climate, humidity, traffic loads. We help design the best mixture of materials and binders through research in our five labs with all of those specific variables in mind.”

For example, in one research project Hajj and his team used a large-scale experiment, with a 6-foot tall, 8-foot diameter tank and numerous channels of instrumentation, to capture data on five variables, including vertical stress distribution, deformation, confinement and slippage condition. The tank lets the University engineers conduct dozens of asphalt and concrete experiments economically in a short time with a variety of depths and layers of soil, aggregates and binders or cements – the glue that holds the mixtures together. The insights gained on this and other research help to inform the researcher’s vehicle cost prediction work for the federal highway administration.

Federal and state governments continuously evaluate the transportation network’s performance and use transportation management programs and performance models to take the necessary corrective actions. They will use the information developed by Hajj and his team in three analysis tools, including revenue forecasting, economic requirement systems and truck size and weight analysis to estimate the potential effects of suggested regulations and investment scenarios over 20-year periods.

The Nevada Automotive Test Center is one of the preeminent groups in modeling and simulation of full vehicle performance, bringing to the table a wealth of experience in vehicles dynamics, powertrain performance, suspension types, and tire characteristics. The test center also brings a unique capability and expertise in the measurements of the onboard fuel economy for gasoline and diesel powered vehicles.

The second phase of the project will specifically look into

the influence of pavement roughness on fuel economy and other vehicle operating costs such as tire wear, vehicle repair and maintenance, and oil consumption. This phase of the study will also quantify and provide means to estimate the effect of traffic congestion on vehicle operating costs.

Phase two will last two years, followed by a final year of evaluation, consolidation of data and a final report to the Federal Highway Administration.

“This grant is an issue that can have immediate effects on the regional and national economy,” Manos Maragakis, dean of the College of Engineering, said. “It’s a great accomplishment that shows our Superpave Center is one of the major leaders in this field.”

Mike Wolterbeek works for UNR.