

Deal allows West Slope tribal gas station to open

By Joann Eisenbrandt

The controversial gas station/convenience store complex on tribal lands of the Shingle Springs Band of Miwok Indians near Red Hawk Casino will be moving forward to completion soon.

El Dorado Council, a local nonprofit advocacy group, had filed a lawsuit against El Dorado County disputing the county's approval of the project's environmental documentation. On May 23, El Dorado Council (EDCI) and the tribe filed a settlement agreement with the court which will end the lawsuit against El Dorado County that has kept the project on hold. The agreement came just one day before El Dorado County Superior Court Judge Curt Stracener was to hear the case. The county supports the settlement agreement, but is not a party to it.

In a press release, Shingle Springs Band of Miwok Indians' Chairman Nicholas Fonseca said, "This settlement enables our tribe to continue to do its good work to benefit the community, our tribal members and our employees."

The project is adjacent to Highway 50 on Shingle Springs Drive in a largely rural area.

County residents on surrounding rural residential parcels have been vocal about their dislike of this project and with what they see as the failure of the county Board of Supervisors to do more to protect their rural lifestyle. The construction of Red Hawk Casino and the subsequent conversion by the tribe of private parcels into trust with the Bureau of Indian Affairs upset residents because of their lack of control over how these parcels could then be used.

El Dorado Council was co-founded in 1992 by local resident

Carol Louis to give voice to residents' land use concerns in the Shingle Springs area. Louis is not happy with the settlement agreement and resigned May 22 from the group she helped start because of it. She believes it did not offer enough mitigation measures for the Shingle Springs community from the impacts that this commercial complex would create. She wanted to let the court decide on the merits of the lawsuit.

"The Shingle Springs neighborhoods have been under siege for 20 years by the tribe," she told *Lake Tahoe News*. "I am disappointed that the El Dorado Council has not done its due diligence in securing a better outcome for the residents."

A resident of the area near the gas station complex who wished to remain anonymous said, "We had a lot of folks go to (El Dorado Council) meetings and contribute personal checks to finance the lawsuit. None of us wanted to settle; we wanted to wait for the judge's decision. It is my understanding that the majority of people were never notified as to the intentions of the three (board members) who signed off on it. We were left totally in the dark."

The EDCI board consists of Mike Doran, Kelly Rosco, and Lori Parlin.

Because lands held in trust for tribes are not subject to local planning and land use regulations, local jurisdictions have less control over what is built. The tribe did not need El Dorado County's approval or permits to build the gas station complex. But to get access off the property, the tribe had to obtain a county encroachment permit for construction of the driveway entrance to the gas station property and for the installation of pipeline extensions and connections for water and sewer service to the property from El Dorado Irrigation District (EID).

The El Dorado County Board of Supervisors approved the tribe's

encroachment permit in June of last year. EDCI filed a lawsuit alleging the county's environmental review was insufficient under requirements of CEQA (California Environmental Quality Act) because it did not fully analyze the environmental impacts of the entire project. In addition to the gas station and convenience store, there is also a potential second phase that could include a restaurant, retail and office space, fast-food establishments, an entertainment venue and an 80-room hotel and conference center. El Dorado Council believed a full environmental impact report needed to be prepared to identify impacts of the much larger second phase on traffic, noise, aesthetics, water quality, and sewer capacity.

Mike Doran, CEO and chairman of the board of EDCI, believes the settlement agreement was a good choice.

"We believe that after many meetings with the tribe on this settlement agreement, it covers a variety of issues important to the community that would not have been addressed had we pursued the litigation. There was no guarantee that we would have won the litigation. The settlement agreement has environmental mitigations for storm water runoff, inspection of the underground storage tanks, tax equity issues important to stakeholders and provisions to make life easier for residents near the gun range," Doran said.

A gun range the tribe opened on trust lands across Shingle Springs Drive from the gas station complex has been a volatile issue with residents because of noise and safety issues. There are many rural residences, schools and churches in the immediate area.

The gas station complex has been completed for some time and has just been sitting empty waiting for the outcome of the lawsuit. Under the settlement agreement, EDCI will ask the court to dismiss its lawsuit against the county. AmyAnn Taylor, attorney general of the Shingle Springs Band of Miwok Indians, said the tribe will try to take advantage of summer

vacation when children are not in school and road traffic is lower to do the needed three to four months of outside road construction needed to complete the driveway access. Completions of the hookups with EID also have to occur before the gas station can open.

In its press release, El Dorado Council pointed out what it believes were key components of the agreement. "As part of the settlement," it states, "the tribe agrees to study and perform feasible mitigations to bring the gun range within the bounds of the county's noise ordinance. Mitigations could include enclosing the gun range to create an indoor range or installing a sound wall around the outdoor gun range."

Another issue is what some called the tribe's unfair tax advantage. EDCI's press release notes the tribe has agreed to charge non-Indian customers approximately the same tax rate that other non-Indian businesses in the county charge for gasoline and for the goods and services at the new complex. Tax equity was included in the 2006 memorandum of understanding (MOU) between the tribe and El Dorado County. This MOU was part of the settlement of the lawsuit against the initial construction of Red Hawk Casino. This provision has not yet been put into effect by the county.

Doran told *Lake Tahoe News* that, "We are taking the tribe at their word at this point that they will in good faith accomplish these things that are part of the settlement agreement."

One of the stipulations of the settlement agreement is that Judge Stracener retain jurisdiction over the settlement agreement. Either party could then return to the court to request action if the other party failed to live up to the terms of the agreement. The court has not yet issued the minute order outlining the terms of the settlement, including whether or not it agrees to retain jurisdiction.

The settlement agreement also indicates the tribe will perform an environmental review before any further development takes place on the parcel, but it is not entirely clear at this point precisely what form that review would take.

Carol Louis is not ready to take the Tribe at their word. She told *Lake Tahoe News* that the tribe has been given too much “wiggle room” regarding compliance with the provisions of the settlement.

El Dorado Council will also be dismissing its lawsuit opposing the tribe’s request to put 25 additional acres of land contiguous to Red Hawk Casino into trust. The tribe indicated in its application to the BIA that the land would be for tribal housing. Housing was originally the stated purpose for the 32-acre parcel where the gas station complex now stands. Changing uses is allowed after lands are put in trust as long as the new use still meets federal guidelines. Louis believes the tribe intends to now build their hotel on the 25-acre parcel next to the casino.

AmyAnn Taylor said this is not true. She told *Lake Tahoe News* that the Tribe had already mapped out this land into 5-acre residential parcels and that there were 90 tribal members on a waiting list to live there. She added that the tribe would “rather spend its money for the community instead of fighting lawsuits.”

With regard to one of the community’s biggest concerns, Taylor noted the tribe will be doing an economic analysis in the next few months to see if it would be financially feasible to convert the existing outdoor gun range into an indoor range.

Right now, neither of the parties has released a copy of the final settlement agreement. Doran said it will most likely be made public by EDCI once the court has published its final order.

Federal budget proposes to eliminate Brand USA

By Bart Jansen, USA Today

WASHINGTON — As President Trump aims to eliminate the deficit over the next decade while shifting funding to border security, one of the programs slated for elimination in his budget Tuesday is Brand USA, a federally funded organization that promotes the country overseas as a tourist destination.

Trump's budget, which is being delivered to Congress on Tuesday, would eliminate Brand USA and shift the revenue to Customs and Border Protection, according to summary budget documents released Monday. The proposal would raise the deficit \$510 million over the next three years, according to the summary.

Congress will spend months debating the proposals and may decide to change or ignore them. But Trump's budget sets out the administration's priorities before lawmakers decide where to actually spend money.

[Read the whole story](#)

Traffic restrictions changing

for Caltrans' projects

Traffic restrictions are changing next week for Caltrans' two water-quality improvement projects in the Lake Tahoe Basin.

Work on the \$57 million South Lake Tahoe Y to Trout Creek Bridge project on Highway 50 and the \$70 million Highway 89 West Shore project will resume Tuesday night.

Beginning next week on the Y to Trout Creek project, the contractor will be required to keep two lanes open in each direction from 9am-8pm Monday through Thursday. To accommodate that and continue work, traffic in the westbound No. 1 lane will be shifted into the two-way left turn lane and the No. 2 westbound lane and shoulder will be closed for construction.

Eastbound and westbound left turns will be restricted within the work zone. This configuration is expected to continue through Labor Day.

These two miles of Highway 50 are getting drainage systems to collect and treat storm water runoff, new curb, gutter and sidewalks, a wider highway to provide 6-foot shoulders for bike lanes and repaving. This is the first season of what's anticipated to be a three-year project.

On the West Shore, work is focused in the Sunnyside area between Ward Creek and Spruce Street in the final year of construction. During peak season, the contractor has to be off the road by 11am on Fridays and can't have lane closures between 11am and 6pm Monday through Thursday.

Motorists can expect one-way traffic controls with up to 20-minute delays beginning at 10pm Sunday and then from 6pm-11am Monday through Friday.

This project has constructed new drainage systems on about 8 miles of Highway 89 from Tahoma to Tahoe City. The highway

also has been widened to increase shoulder room and repaved. Completion is expected by the end of July.

Pot shop property thrown out of bankruptcy court

By Kathryn Reed

The future ownership of the strip of land that houses South Lake Tahoe's lone medical marijuana dispensary is in limbo.

Patty Olson, who owns that retail area in the Bijou Center, had filed bankruptcy earlier this year. Tied to that case was whether Tahoe Wellness Cooperative owner Cody Bass' allegations that he had the first right to buy the property were legally correct.

The bankruptcy judge in Reno this week threw out the case. This is because Olson had received rent payments from Bass for a business that is illegal under federal law. It doesn't matter that medical pot is legal in California. Per federal law that rent money would be deemed illegal cash. Rent was \$10,200/month.

Bass is still operating his business there, and Olson still owns the property. Bass is operating without a valid city permit. He must have the owner's OK to operate. While that had been obtained in the past, it could not be secured last year. That is a separate legal issue tied up in local courts.

Bass can't just rent or buy another place because of the city's pot shop ordinance. It limits the number of such businesses and where they can operate. It would take the City

Council's approval to open elsewhere.

The bankruptcy filing occurred after the commercial property and Olson's nearby home were foreclosed on. The bankruptcy halted the foreclosure hearings. (Olson now lives in Sparks.)

The bankruptcy judge put a 60-day stay on the foreclosure process. This gives Olson time to decide if she would want to appeal the bankruptcy court's decision. If no appeal is filed, the legal wrangling would resume to where it was before bankruptcy court.

Bass believes the agreement he has with Olson to buy the commercial and residential properties for \$4.2 million is still valid. Not true says Olson's lawyers. Bob Hassett, who owns a neighboring apartment complex and operates the Timber Cove Marina, has offered Olson \$2.35 million for the commercial property with the contingency all matters with Bass are resolved and that the property not need more than \$400,000 in repairs. He also wants the residential property.

Gaming regulators to fine-tune regulations on nightclub employees

By Richard N. Velotta, Las Vegas Review Journal

Gaming regulators will spend a little more time fine-tuning regulations designed to monitor employees within the nightclub industry, the state Gaming Control Board agreed Thursday.

Following a 90-minute hearing, Control Board members directed their staff and attorneys to review comments from a

representative of the Nevada Resorts Association on a series of amendments to regulations regarding nightclub employee registrations and independent agents.

Regulators first established rules for nightclubs in 2015 and 2016 when the club industry was beginning to heat up in Nevada casinos.

Read the whole story

Nevada races to get recreational marijuana on shelves

By Jenny Kane, Reno Gazette-Journal

Now that Nevada has the green light to move forward with its early start recreational marijuana program, it could set the national record for the fastest turnaround of retail reefer.

In a rush for kush, the state is attempting to power forward with recreational marijuana sales in a mere eight months since voters approved Question 2 in November.

That's faster than any other state so far.

Read the whole story

Motorcyclist survives collision on Hwy. 50 in SLT

A motorcyclist on Friday night was hit by a vehicle turning into Safeway in South Lake Tahoe.

The motorcyclist was taken to Barton Memorial Hospital out of precaution. Police officers plan to interview the South Lake Tahoe man after he has been treated.

The accident occurred about 8:48pm May 26 on Highway 50.

"The damage to the car is in the middle of the passenger side car," police Officer Doug Sentell told *Lake Tahoe News*. No one in the car was hurt. The driver as of Friday lives on the North Shore, having moved there from the South Shore.

That vehicle was going west, and the motorcyclist east.

The accident is under investigation.

– *Lake Tahoe News staff report*

Trump budget OKs sale of wild horses for slaughter

By Scott Sonner, AP

President Donald Trump's budget proposal calls for saving \$10 million next year by selling wild horses captured throughout the West without the current requirement that buyers guarantee the animals won't be resold for slaughter.

Wild horse advocates say the change would gut nearly a half-century of protection for wild horses – an icon of the American West – and could send thousands of free-roaming mustangs to foreign slaughterhouses for processing as food.

Read the whole story

Boat with quagga mussels stopped near Tahoe

By Lake Tahoe News

Quagga mussels were found on a boat wanting to launch at Lake Tahoe this month.

The boat was being inspected at the Alpine Meadows station May 14. California Department of Fish and Wildlife quarantined the boat for several days, and Tahoe Resource Conservation District staff performed multiple decontaminations to ensure all invasive species were removed before the boat was released to the owner.



Quagga mussels like these on

a boat prop leaving Lake
Mead are what scares water
managers elsewhere.
Photo/TRPA

This is not the first time quagga mussels have been found at a Lake Tahoe area inspection station. In 2011 a boat with 37 mussels were discovered at the Spooner Summit station.

In 2016, there were 7,689 boat inspections, 2,689 decontaminations, with 39 boats intercepted. The last figure means a boat that had an aquatic invasive species. Eight of the 39 were mussel species.

A study done in 2015 by UNR and Desert Research Institute scientists proved that quagga mussels could survive and thrive in Lake Tahoe. To date, none has been found in Lake Tahoe or Fallen Leaf Lake.

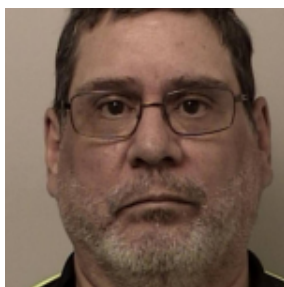
Quagga mussels have caused billions of dollars in negative economic impact to waterways nationwide, including areas in Southern California and Lake Mead.

Once they enter a water body there is no way of eliminating the invasive species. They glom onto water in-take pipes, leave craggily shells behind and disrupt the ecosystem.

As part of increased prevention methods approved by the Tahoe Regional Planning Agency Governing Board this week, motorists towing boats in the Lake Tahoe Basin will be required to remove drain plugs from their watercraft after leaving the water. This is to help prevent the spread of existing aquatic invasive species within the lake.

Removal of drain plugs while traveling will assist boaters in arriving at boat inspection stations across the West clean, drained, and dry—an effective way to prevent the spread of invasive species.

EDC gymnastics instructor arrested on sex abuse charges



Keith Willette

By Bill Lindelof, Sacramento Bee

A gymnastics instructor and professional photographer who has worked in Sacramento and El Dorado counties has been arrested on suspicion of sexual abuse.

The El Dorado County Sheriff's Office received a report on May 18 of child molestation that had occurred between 1999 and 2004. The victim said that her gymnastics instructor, Keith Willette, 54, of Cameron Park had sexually abused her for years.

[Read the whole story](#)