

Overcrowded forests creating fire danger

By Kathryn Reed

Even though millions of federal dollars are headed to California to remove dead trees in national forests, if they had arrived sooner it would not have made a difference for the Emerald Fire.

None of the \$11 million allocated last week by the U.S. Department of Agriculture is coming to Lake Tahoe. That isn't to say forest projects aren't happening, it's just this latest round of funding bypassed the basin.

On the first day of the Emerald Fire by Cascade Lake it was Lake Valley Fire Chief Tim Alameda who told *Lake Tahoe News* one of the issues the firefighters were dealing with was all the dead trees. They just add fuel to the fire.

The new money will help complete 10 dead tree removal projects on 12,000 acres of California's national forests. Eldorado, Sierra, Stanislaus and Sequoia national forests are the beneficiaries.

But clearly there is not enough money or manpower to take care of all the forests.



Flames from the Emerald Fire are visible on Oct. 14 as fire rips through 200 acres of dry forest. Photo/Taylor Flynn/Tahoe Mountain News

“More federal investment will be needed to remove the dead trees most likely to fuel destructive wildfires, but these funds are a down payment to begin to address this crisis and reduce the risk to public safety. Trees that pose a threat to people and property will be removed—there will not be clear cutting,” Sen. Dianne Feinstein, D-Calif., said in a statement.

She has been a strong advocate to get funding for these projects.

Fire season in the West is now a year-round phenomenon and not relegated to the dry months. This is obvious with the 200-plus acre fire on the South Shore that as of today is 90 percent contained, but also with the Little Valley Fire burning in

Washoe Valley. Both started while it was raining. As of Oct.16 the amount of land burned in the Nevada fire is holding at 3,400 acres, with 20 percent containment. But 22 residences and 17 out buildings were destroyed.

The cause of these fires is still under investigation. While no lightning was reported when they both started about 1:30am Oct. 14, winds were howling. Power lines don't need to drop to start a blaze; wires touching each other are enough to spark a fire.

As of the first week in September, in California there had been 5,354 fires this year that had burned 496,126 acres, resulting in seven fatalities and the destruction of more than 1,270 homes and other structures.

"Five years of punishing drought and resulting pest infestations have resulted in 66 million dead trees in California's forests. According to firefighting officials, about 5.5 million of these trees pose a particularly high risk to people and property," Feinstein said. "They are most likely to contribute to increasingly destructive and unpredictable fires near population centers and fall on roads, power lines and homes."

ZCES teaching lessons beyond classroom

By Kathryn Reed

STATELINE – Zephyr Cove Elementary School isn't just focused on academics. Student behavior is also a large component of the school day.

"We don't like calling it bullying. We call it anti-disrespect," Principal Nancy Cauley told the Douglas County School Board last week.

Positive Behavioral Intervention Support started last year and is growing. General disrespect or defiance are the main problems. Cauley said typically it's disobedience that is the main issue.

While those misbehaving get a lesson in how to behave better, the students who don't need to be disciplined are rewarded on a monthly basis with things like extra recess.

For teachers, the program is about how they manage their classrooms.

Every day the Nevada K-6 school starts with a pledge that is delivered over the loud speaker: "Learn with a positive attitude, respect myself and others, always be safe."

Sixth-grader Jan Harrison on Oct. 11 told the board, "In my opinion PBIS is a fabulous thing. It absolutely benefits everyone."

Cauley in her presentation also talked about the ongoing place-based education which focuses on all things Lake Tahoe. This is an opportunity for youngsters to have hands-on experiences outdoors. The last session was **Wonders of Water**, which Lake Tahoe Unified students participated in, too.

In the classroom, the school is following the state's Ready by Grade 3 initiative to have all students reading proficiently by third grade.

Letters just went out to parents of nine of the 33 kindergartners who are falling behind. A literacy team is in place to give specialized attention to these students. However, parent consent is required for the intervention.

CTC set to sell 4 parcels in South Lake Tahoe

By Lake Tahoe News

Four parcels in South Lake Tahoe owned by the California Tahoe Conservancy are about to be sold.

The asset lands policy for the state agency now is called land transfers. The change was made at the board's meeting this fall.

Language was changed so the land doesn't just go to anyone for anything – like large vacation home rentals as has been the case with some CTC land. Now the Conservancy can ensure the land is developed in a manner that is consistent with area plans, the Tahoe Regional Planning Agency's Regional Plan, and fits into what the city and or counties are doing with regards to town centers.

The guidelines were clarified to include:

- Government to government transfers, which are generally intended to facilitate more efficient management of public lands;
- Transfers to non-government entities, which provide significant environmental and public benefits;
- Sales of designated asset land to help revitalize town centers and to help achieve statewide, regional and area plan goals and other Conservancy objectives.

While 331 CTC parcels were identified in 2012 as sellable, the list was narrowed in 2014 to 17 sites near the Y in South Lake

Tahoe, Meyers and Kings Beach.

The board in September approved the presale authorization for these South Lake Tahoe properties:

- 833 Emerald Bay Road
- 981 Tata Lane
- 1860 Lake Tahoe Blvd.
- 1029 Tata Lane.

Presale activities include appraisals; working with the city and Tahoe Regional Planning Agency on permits and CEQA reviews; surveys, environmental and land use analysis; and project management.

Sensitive areas of this parcels have not been mapped.

The hope is the sale of the above parcels would help South Lake Tahoe achieve its goals with the Tahoe Valley Area Plan in terms of the green belt, bikeway and water quality.

Court slows West Slope tribe's project

By Joann Eisenbrandt

Completion of the Shingle Springs Village project, a gas station/convenience store complex on tribal lands of the Shingle Springs Band of Miwok Indians, has been slowed by a stay granted Oct. 7 by El Dorado Superior Court Judge Curt

Stracener.

The project has been quickly taking shape just off Highway 50 south of Red Hawk Casino in Shingle Springs.

It is being built on land held in trust for the tribe by the Bureau of Indian Affairs (BIA). Tribes can purchase privately owned lands not directly attached to their Rancheria and then request they be put into trust, thereby removing them from local jurisdictions' tax rolls and regulations. While the title to the land rests with the federal government, the tribe retains control over its use. Development of projects on these lands are not subject to county planning regulations, but are controlled by NEPA, the National Environmental Policy Act. No NEPA document was required or prepared for Shingle Springs Village.

The loss of local control over what the Shingle Springs Band of Miwok Indians has chosen to do with their lands has been a source of ongoing concern as far back as the construction of Red Hawk Casino. Recent requests by the tribe to put additional land they have purchased into trust have only exacerbated local residents' fears.

When the tribe originally requested the federal government put the gas station complex parcel and others around it into trust, the paperwork they submitted to the BIA indicated they would be used for needed tribal housing and a health facility. Instead, a gun range and motocross track were constructed and now the gas station/convenience store complex is well under way. Tribes are allowed to change the use of lands put into trust as long as they develop them in accordance with federal guidelines.

County residents on surrounding parcels, mainly zoned 5-acre rural residential, have been vocal about being upset not only with the tribe, but also with the county Board of Supervisors, who they believe could have done more to protect their

interests. The character of their neighborhoods is changing; the peaceful rural lifestyle they enjoyed is being lost and they have been powerless to stop it. El Dorado Council (EDCI), a local nonprofit advocacy group, has been among the most outspoken.

While the county cannot control what is built on tribal lands, it can control “encroachments” from them onto county lands or roadways. The tribe was required to obtain a county encroachment permit for construction of the one driveway entrance to the gas station property and, after receiving approval from EID (El Dorado Irrigation District), the installation of pipeline extensions and connections for water and sewer service to the property.



Shingle Springs Village continues to take shape on tribal lands just off Highway 50 on the West Slope. Photo/LTN

The Board of Supervisors approved the tribe’s encroachment permit on June 28. EDCI believes the county’s environmental review was insufficient. They filed a lawsuit alleging the mitigated negative declaration the county prepared violated the requirements of CEQA (California Environmental Quality

Act) because it did not fully analyze the environmental impacts of the entire project.

Because the facilities themselves are on tribal land, the lawsuit did not prevent the tribe from continuing to construct the fueling bays and commercial buildings as they waited for the legal process to play out. Lawsuits take time, as the lengthy administrative record is prepared by both parties, briefs are submitted and settlement conferences are scheduled. El Dorado Council requested a stay which would prevent the county and EID from moving forward with any actions related to implementing the encroachment permit itself—the disturbance of any county roadways to construct the permanent driveway access to the property or for the installation of connections to existing EID water and sewer lines offsite.

At issue is what the actual scope of the Shingle Spring Village project is, what potential impacts on traffic, noise, aesthetics, water and sewer capacity it will have, and whether the county's environmental review before granting the encroachment permit was legally adequate.

As requested by the county, the tribe provided a complete project master plan as part of their encroachment permit application. It showed the gas station/convenience store complex as Phase I and a restaurant, retail and office space fast-food establishments, an entertainment venue and an 80-room hotel and conference center as Phase II. A traffic impact analysis was prepared which outlined how both phases of the project would affect traffic circulation in the immediate area, but the county's review of environmental impacts and needed mitigation measures only focused on Phase I. Analysis of the impacts of Phase II was deferred to a later time. Such segmentation of the environmental review process, EDCI contends, violates CEQA; a full environmental impact report analyzing the impacts of the entire project is required.

What concerns El Dorado Council is that the admittedly more

significant impacts of Phase II have not been taken into account and that the county may not ever get another chance to do so.

Speaking for the tribe and its development corporation, attorney Matthew Adams told the court Phase II of the project was, "a long-range concept, a hypothetical plan submitted by the tribe at the county's request." He added that the tribe has not planned or budgeted for it. He added that before Phase II of the project could take place, there would have to be additional environmental review by the county.

Attorney Marsha Burch, representing EDCI, disagreed. The environmental analysis the county just completed might be, "their only opportunity to address all of the project's impacts ... the idea of a second (encroachment) permit process is not supported by fact," Burch contended. If the tribe did not request approval for additional encroachments to access the property or changes to the pipes needed to supply water and sewer for Phase II, then there would be no further county review.

Phase II as presented in the Master Plan, or an even bigger project, could be built with no opportunity to mitigate the increased traffic and other impacts. The traffic impact analysis indicated that Phase I would generate 807 new daily vehicle trips, but that Phase II would generate 8,549.

Lake Tahoe News asked El Dorado County Development Services Director Roger Trout what would trigger additional review of the Shingle Springs Village project by the county. Trout pointed to the provision in the motion made by District 4 Supervisor Michael Ranalli at the June 28 board meeting which included the stipulation that, "Future encroachments onto right-of-way from APN 319-220-18 shall require board approval."

Right now, Trout added, there is the approval of one

encroachment for the fueling station. If the tribe later adds relatively small commercial development, such as a restaurant, then the existing encroachment permit will be adequate.

"If they build something bigger, they will need more encroachments and they will have to approach us. That's what the board action on June 28 said," Trout said.

The county also has the option of revoking the existing encroachment permit should the tribe do something that abuses the agreements under that permit.

In addition to the county's encroachment permit, the project also requires an environmental review under CEQA by EID and their approval to provide water and sewer service to the property.

EID requested the tribe include the potential water and sewer demands of all phases of the project right at the beginning. A March 16, 2015, letter from EID supervising civil engineer Michael Brink to Tamara Murray-Guerrero, chairperson of the tribe's business development corporation noted, "Service is only requested for Phase I of an apparent multi-phased development. Based on the conceptual site plan provided, it appears future phases (hotel) will have a much higher demand than the proposed Phase I retail/fuel station."

Some concern was expressed in that letter whether EID's then-existing sewer system could accommodate the demands of Phase II.

Brink told *Lake Tahoe News* that is not an issue now. "The pipes (on the project site) are sized to meet all anticipated demands of all phases of the project as we know them. We do have the capacity to serve their needs. There is no expansion needed at the Deer Creek Wastewater Treatment Plant in Cameron Park."

Judge Stracener questioned Adams on this same point. Adams

responded it was, "in the public interest" to put in the larger pipes now as it would avoid tearing up country roadways a second time and be less expensive for everyone should there be a Phase II. He added, "We are speculating about the future. CEQA says that since the county can't shape the project, environmental review is meaningless."

Stracener called this "Wizard of Oz logic." "Pay no attention to the man behind the curtain. Pay no attention to the large water and sewer lines put in just in case we build something bigger, because it's more cost efficient. Ignore the fact it can feed all of Phase II because we haven't decided on this." Phase II, he added, "Is more than a gleam in someone's eye."

EID has not yet given its final approval to the tribe's request for water and sewer service. Brink explained that EID has submitted its final comments and is still awaiting a resubmittal of site plans from the tribe's engineering firm, Baker Williams Engineering of Sacramento. Plans and revisions have been going back and forth since March 2015. As of Aug. 31, 2016, EID did its final review and is ready to sign off once they receive the project's final site plans.

EID will also issue a notice of determination regarding their CEQA environmental documentation. Brink noted that they are using the county's mitigated negative declaration from the encroachment permit as the basis of their review.

It is the effect of the Shingle Springs Village project on the "public interest" of El Dorado County residents that is at the heart of the controversy surrounding it. El Dorado County Deputy Counsel Breann Mobius told the court on Oct. 6 that it "cannot issue a stay against the public interest." She added, "There is already constant litigation in this county. If the stay is allowed, no one can rely on their permits."

Stracener responded, "Isn't the public interest involved in the impact of that project on all of that outlying area?"

El Dorado Council co-founder and spokesperson Carol Louis agrees.

"The judge made a good ruling (granting the stay) for the families and businesses surrounding the Casino Tribe's Village project," she told *Lake Tahoe News*. "The tribe's chairman, Nick Fonseca, his tribal council, and the Board of Supervisors have taken an adversarial position toward the families in this community. All citizens of El Dorado County both Indian and non-Indian are suffering from bad leadership which forces the residents to act on their own behalf to protect their constitutional rights."

Stracener's Oct. 7 minute order reads, "After careful review of the moving and opposing papers and further consideration of the arguments of the parties following oral argument, the court adopts its tentative ruling as the final ruling on the submitted matter." That tentative ruled concluded, "The court finds that it is in the public's interest to stay the encroachment project approval/encroachment permits pending a judgment in this action."

Fonseca, chairman of the Shingle Springs Band of Miwok Indians provided this statement to *Lake Tahoe News*: "The judge's decision issuing a stay on the utility and road construction portion of the Tribe's gas station project is disappointing. However, the Shingle Springs Band of Miwok Indians is continuing construction on its trust land and will work through the court process to resolve the judge's outstanding concerns. The tribe continues to be excited to provide the gas station services to the community."

El Dorado County Counsel Michael Ciccozzi had not yet reviewed the minute order, but noted via email, "We have not yet seen the judge's ruling, but will review it when received and advise our board accordingly."

Only actions by the county or EID with regard to the

encroachment permit are halted by the minute order until it is either appealed or the lawsuit filed by EDCI is settled. An appeal would be filed with the Third District Court of Appeals. Continued construction of the gas station complex onsite is not affected.

Nev. receives no bids to supply lethal-injection drugs

By Sandra Chereb, Las Vegas Review-Journal

CARSON CITY – Nevada prison officials said Friday the state will have to explore its options to carry out executions after it received no bids from pharmaceutical companies to supply drugs for lethal injections.

The state issued 247 requests for proposals on Sept. 2 after its stockpile of at least one drug used in executions had expired. Not one response was received.

“We are confident the Purchasing Division solicited thoroughly for vendors,” James Dzurenda, director of the Nevada Department of Corrections, said in a statement. “Now we will work closely with the attorney general, the governor and the Legislature to examine our options and decide the best course of action moving forward.”

Read the whole story

Small-business employment in Nev. sets record

By Alexander S. Corey, Las Vegas Review-Journal

In the first quarter of 2016, small-business employment in Nevada reached an all-time high, according to the Nevada Department of Employment, Training, and Rehabilitation.

In Nevada, companies with fewer than 100 employees added 13,600 jobs year-over-year in the first quarter of 2016, according to the employment department.

In the fourth quarter of 2015, employment in small businesses fell by 6,300 due to the usual slowdown following the holiday season, the employment department reported.

[Read the whole story](#)

Nev. agencies submit \$8.2B in budget requests

By Sandra Chereb, Las Vegas Review-Journal

CARSON CITY — Nevada state agencies submitted budget requests totaling \$8.2 billion for the upcoming two-year cycle, \$800 million more than the current spending level, administration officials said Friday.

The release of agency requests is one step in a complicated budget-building process and likely will not be reflected in the final executive budget that Gov. Brian Sandoval recommends

to lawmakers early next year before the Legislature convenes in February.

The requests include 5 percent budget cuts that Sandoval asked agencies to prepare for in March. Without those, the total is \$8.5 billion.

[Read the whole story](#)

Emerald Fire acreage reduced; now 90% contained



Crews on Oct. 14 make an assault on the Emerald Fire.
Photo/Taylor Flynn/Tahoe Mountain News

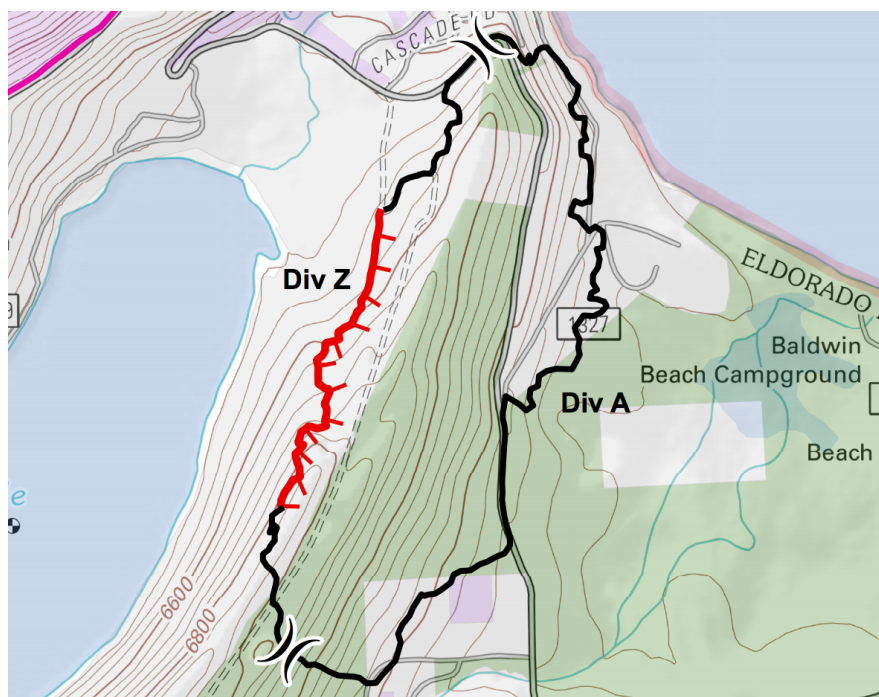
Updated 8:52pm:

The Emerald Fire burning near Cascade Lake has increased to 90 percent containment, with the acreage burned reduced to 176 acres.

“Debris continues to impact the roadway due to the high winds and torrential rains. Fire suppression repair continues on the fire where safe. Liberty Utilities is working to restore power to the area,” CalFire said.

The National Weather Service in Reno has issued a flash flood warning Saturday night for burn scar. Rock slides and debris flows are possible.

A high wind warning today from 11am-11pm and a high wind advisory from 11pm Oct. 15 to 8pm Oct. 16 could hamper firefighting efforts, as well as create spot fires. The National Weather Service in Reno is calling for winds this afternoon and evening to be 25-35 mph, with gusts of 70 mph.



The black line represents the completed fire line, while the red is the controlled fire line. Source/USFS

The fire started in the early morning of Oct. 14.

Two hundred structures remain threatened. Evacuations are still mandatory for Spring Creek, Cathedral, west shore of Fallen Leaf Lake, Cascade Properties and Cascade Lake.

Highway 89 remains closed from Fallen Leaf Lake Road to Bayview Trailhead. Until the hazardous trees are removed, it will remain closed. This could be through the weekend. Caltrans plans to re-evaluate the situation at noon Sunday.

The cause of the fire is under investigation.

– *Lake Tahoe News staff report*

South Shore garbage rates expected to climb

Plan to pay more for garbage on the South Shore starting Jan. 1.

South Tahoe Refuse is asking South Lake Tahoe and Douglas County to approve a 1.96 percent increase. The percentage is expected to be a little less in El Dorado County.

The garbage company did not raise rates this year. In 2015, South Lake Tahoe and Douglas County's rates increase by 2.88 percent and El Dorado County rates went up 2.66 percent.

Jeff Tillman, president of STR, told *Lake Tahoe News* the

increase is needed to expand programs so the company can meet the California mandate of having 75 percent of waste diverted from landfills by 2020.

STR is looking to expand food and green waste programs to accomplish this goal. About 65 percent of STR's waste does not go to a landfill today.

Tillman said it is going to be difficult, though, to reach the new state regulation.

– Lake Tahoe News staff report

Old, new Nevada clash over economic future

By Jason Hidalgo, Reno Gazette-Journal

On a clear September day in 2014, Nevada's brain trust for economic development gathered in Carson City to celebrate the turning of a new chapter in Silver State history.

Tesla's \$5 billion Gigafactory was coming to the Reno area, a coup for a state considered an underdog against formidable competition such as Texas. It was the perfect symbol for a new Nevada, one that embraced emerging industries – nothing like the outdated images of divorce and prostitution lampooned by shows such as “Reno 911.”

As Gov. Brian Sandoval and Tesla Motors CEO Elon Musk celebrated the partnership in front of a throng of local and national media, two people who played key roles in wooing the electric car and battery company to Northern Nevada smiled in the audience. One was Economic Development Authority of

Western Nevada President and CEO Mike Kazmierski, whose organization was tasked with showing potential sites to Tesla. The other was Lance Gilman, principal of the Tahoe Reno Industrial Center, which Tesla picked as the location for its Gigafactory.

The partnership seemed unlikely at first glance. On one hand, you had Kazmierski, a buttoned-down West Point graduate and former garrison commander who prefers not to call attention to himself. On the other hand was Gilman, a colorful personality who shows up at events in a Stetson hat and knows how to work a crowd. Despite differences in personality, both established a symbiotic relationship.

Behind the scenes, however, some cracks were starting to show in the otherwise rock-solid partnership between EDAWN and Tahoe Reno Industrial Center.

Read the whole story