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."

Mancuso trying to find a ski to get her on the podium

By USSA

ARE, Sweden – Julia Mancuso (Squaw Valley) skied a brilliant bottom section to finish 14th in Wednesday's Audi FIS Alpine

World Cup giant slalom held under the lights in Are.

“Julia is still trying some things with her equipment and she was using the same ski she used in Courchevel in the first run and it just didn’t work out,” head coach Alex Hoedlmoser said. “The snow conditions were totally different. She switched skis for the second run and she was two-tenths out of the fastest time. It was good progress and we’re going to keep that going. She’s going to skip tomorrow’s slalom and focus on testing GS skis.”

Mikaela Shiffrin (Vail) had also made the final with the 17th fastest opening run, but hooked a gate with her right shoulder and was bounced off course.

German Olympic GS champion Viktoria Rebensburg halted the four-race discipline win streak of Slovenia’s Tina Maze with her first victory of the season. Maze finished third behind Anna Fenninger of Austria.

Reigning overall champion Lindsey Vonn (Vail) did not start while continuing to regain strength from an intestinal infection.

Demo backcountry gear for free at Alpine

Alpenglow Sports' 7th annual Backcountry Demo Event is Jan. 5 from 9am to 3pm, weather permitting, at Alpine Meadows Ski Resort.

The event will provide a forum to perpetuate the enthusiasm for all aspects of in-area and backcountry skiing. Free to all, the event will showcase the latest and greatest in telemark and alpine touring equipment.

Participating vendors include Black Diamond, Dynafit, G3, Scarpa, Salomon, Garmont, Marker, Volkl, DPS, Moment, Venture Snowboards and SkiLogic.

A new component for the biggest AT and telemark demo on the West Coast is an informal avalanche companion rescue techniques class. Taught by Rich Meyer (NASTC-AMGA Ski Mountaineering Guide and AIARE avalanche instructor), the companion rescue clinics will include beacon searches, strategic shoveling, and probing and last approximately 60 minutes.

USFS looking for someone to operate Round Hill Pines

The U.S. Forest Service Lake Tahoe Basin Management Unit is soliciting proposals to reconstruct, operate and maintain Round Hill Pines Resort.

Round Hill Pines is a family-oriented lakeside resort in

Douglas County.

This business opportunity includes a popular day-use area and beach, as well as the potential for redevelopment of current facilities. Bidders can also propose to expand services, including offering short-term public overnight accommodations and winter recreation activities.

The LTBMU will issue the successful bidder a special use permit under the Granger-Thye Act for up to a 30-year term. Under a Granger-Thye permit, fees to the government may be offset through reinvestment in the property.

All applications must be received by May 20 at 4:30pm at the Lake Tahoe Basin Management Unit, Forest Supervisor's Office, 35 College Drive, South Lake Tahoe, CA 96150.

The prospectus is available online.

LTWC submits expansion plans to TRPA for wild animal rehabilitation facility in Meyers area

By Kathryn Reed

Before Lake Tahoe Wildlife Care backers begin an all-out fund-raising campaign to get the dollars together to buy a 16-acre parcel in Meyers and transform it into a state-of-the-art rehabilitation-education center, they want to make sure TRPA is OK with their plans.

This is why even though LTWC doesn’t own the property, plans were submitted last week and assigned to a planner on Monday who will review the documents.

The Tahoe Regional Planning Agency has 30 days from Dec. 10 – the date the plans were submitted – to determine if all the documents are in order. Then it could be 120 days before a decision is made.



LTWC is still in need of whole fish to keep feeding the raptors and bears it is caring for. Photo/Provided

However, Kristi Boosman, spokeswoman for the bi-state regulatory agency, said a hearing officer is expected to make a ruling in February. LTWC would need a special use permit for a public services facility. The use is allowed under either Regional Plan.

Boosman added that TRPA supports what LTWC wants to do.

“We are looking at a three-phase project. The first would be to move the rehab center from the current site to the new location,” Tom Millham told *Lake Tahoe News*.

Millham and his wife, Cheryl, have been running LTWC for more than 30 years. One of the main problems is they have been doing so in their back yard on three-quarters of an acre.

They are limited in the numbers of animals and types they can take in. LTWC has 10 bear cubs – the most in its history. Capacity meant the state Department of Fish & Game had to find another facility for two cubs that were injured and in need of help.

The three bear cages LTWC uses are all approved by the state.

In all, the center has nine cages. It's anticipated that would increase to 14 at the new location. Plus, they would be larger.

The Millhams have devised a makeshift area for waterfowl. That's something that would change at the larger location – having a dedicated site for those birds.

Plus, the plan is to have three areas for raptors. This would eliminate the need to seasonally take the netting up and down.

Right now LTWC volunteers are nursing a bald eagle and peregrine falcon. Both should be released back into the wild.

If TRPA approves the plans, then Lake Tahoe Wildlife Care supporters will begin in earnest raising the $10 million to $12 million that is needed to acquire the property and transform it into the animal rehab-education center.

What the education center – the second phase – would look like is also in the plans. The downstairs would be a teaching room, amphitheater, café and shop, while upstairs would be offices.

A large vacation rental is on the property now. The footprint would not change – just what the inside looks like and the use.

The property also has an active TRPA permit, so what LTWC is

doing is amending it a bit.

“We submitted the plans with elevations, where cages would be placed on the property, all the water and electrical,” Millham said.

The third phase of the new facility would be to create a park for non-releasable animals. Only native animals to the Sierra would be housed there.

Run like Santa – or faster – to raise money for Christmas Cheer

In cooperation with Himmel Haus, Blue Angel Café, and Rainbow Mountain, Heavenly Ski and Snowboard Foundation on Dec. 20 is hosting the inaugural Lake Tahoe Santa Run to benefit Christmas Cheer and the HSSF Scholarship Fund.

Catch Santa on the slopes at Heavenly that day and then join him for the Santa Run that evening.

Preregistration is available online or at the Himmel Haus, 3819 Saddle Road. Cost is $20, plus an unwrapped new toy to be donated to Christmas Cheer. It includes two raffle tickets. Participation is limited.

Registration will take place the day of the race from 4-5pm at

the loft in the Blue Angel Café and is $30. All participants must be in Santa dress (or some form of holiday garb), at least black pants, red shirt and Santa hat. Prizes will be awarded for the top three finishers and best costume.

All Santas will need to be at the Blue Angel Café and checked-in by 5:15pm to participate. The race horn will blow at 5:30pm. Santas will run 1.3 miles up Ski Run Boulevard and turn left onto Saddle Road, leading them to the finish at the Himmel Haus. A decorated holiday Rainbow Mountain bus playing music and filled with toys will follow the Santas just in case any need a lift.

The festivities will kick-off at the Blue Angel Café with $3 glasses of warm glühwein and will continue at the Himmel Haus that evening at 6 with live music by the David Patrone Quartet jazz, $4 pints of Wartsteiner Pilsner, raffle prizes, Santa costume dance-off and fun activities for all, children are welcome. Everyone is encouraged to bring an unwrapped toy to donate to Christmas Cheer. A “Giving Tree” for the Heavenly Ski & Snowboard Foundation will be displayed at the Himmel Haus throughout the holidays.

Reno’s Guldemond takes second in slopestyle at Dew Tour

By USSA

BRECKENRIDGE, Colo. -– After extreme blowing winds and snow Chas Guldemond (Reno) was able to overcome the treacherous conditions and take second at Dew Tour slopestyle snowboarding

finals on Dec. 16.

His run featured near perfect double backside rodeo that he was able take all the way to the bottom of the jump. In a tough competition Guldemond was one of the few in the field of competitors who was able to put down an impressive run despite the adverse conditions.

Guldemond’s second run secured his second position with a run that featured a double backside rodeo and smooth cab double 1260 that earned him a 90.75.

Teammate’s Sage Kotsenburg (Park City) and Eric Willett (Breckenridge) ended up in ninth and 10th respectively due to tough weather conditions that caused them to come up short on the final jumps.

Canada’s Mark McMorris took first with Norway’s Staale Sandbech in third.

Cold storm with lots of snow headed for Tahoe

A winter weather advisory is in effect for Lake Tahoe from now through 10pm Monday.

Six to 12 inches of snow are expected at the lake, with 10 to 18 inches above 7,000 feet.

Winds will be picking up, so much so that lake waves could be 3 to 6 feet high. Ridge gusts may reach 110 mph.



More snow should cover all Tahoe beaches this week. Photo/LTN

There will be a break in the weather Tuesday and Wednesday, with snow expected to return Thursday.

Bundle up because the overnight low on Tuesday in South Lake Tahoe is expected to hit minus 1.

– Lake Tahoe News staff report

Mancuso's 6th place the best of any U.S. woman in GS

By USSA

COURCHEVEL, France – Julia Mancuso (Squaw Valley) and Mikaela Shiffrin (Vail) combined for top 10 finishes in an Audi FIS Alpine World Cup giant slalom in Courchevel on Dec. 16.

Mancuso was sixth and Shiffrin ninth as Tina Maze of Slovenia continued her dominance, winning her fourth straight GS.

"It's a step in the right direction for my GS. I was happy to come down second and end up sixth," Mancuso said. "It's a pretty tricky course – really turny first run and more

difficult than the second run. They had to inject because it snowed meters the week before in order to make sure we had a race they put in a lot of water and it wasa really rough. After scraping off the snow there was glare ice, but I thought it turned out pretty well. It was a good decision."

The finish matched Shiffrin's career best ninth set last month at the Aspen Winternational.

Mancuso moved to fifth in the Audi FIS World Cup overall, one spot behind Lindsey Vonn (Vail), who went out in the first run.

Maze leads the World Cup 799-468 over Germany's Maria Hoefl-Riesch.

Wescott, Holland take snowboard cross title

By USSA

TELLURIDE, Colo. – Olympic champion Seth Wescott (Sugarloaf, Maine) and X Games champ Nate Holland (Squaw Valley) combined to take the team SBX title at the Paul Mitchell Progression Session in Telluride on Dec. 15.

It was the second straight weekend U.S. Snowboarding has triumphed in a FIS Snowboarding World Cup team event, with Holland combining with Hagen Kearney (Telluride) last weekend in Austria. For Wescott, it was a victory sweep after winning

the USANA Snowboardcross Cup on Friday.

Canada’s Dominique Maltais and Maelle Ricker clinched their first victory in a team race.