Opinion: Cooperation key to saving Lake Tahoe

By Clem Shute

The unanimous passage of SB630 by the California Legislature marks the end of an era of controversy and the beginning of an era of renewed cooperation between California and Nevada. The passage of this bill means a renewed commitment by the two states to cooperate in achieving the environmental thresholds established by the Tahoe Regional Planning Agency.

It also ends the possibility that the 45-year-old agreement between the states to work together on Tahoe issues would cease. And, it gives the states' support to TRPA in going forward with the recently adopted Regional Plan update.

How did we get here? Frustration over the inability of TRPA to update its Regional Plan manifested itself in the form of legislation passed in Nevada to withdraw from the Compact due in large part to the perceived gridlock in getting anything done. This frustration further showed when in August 2011 three United States senators and the two governors gave TRPA a deadline of December 2012 in which to update a plan which had remained largely unchanged since 1987.



Clem Shute

In fairness to TRPA, efforts to update the plan had been ongoing for many years but a lack of consensus prevented

action. In response to the deadline established by our elected leaders, TRPA began an intense effort to update the plan. A committee of the Governing Board held more than 15 hearings on possible provisions of an updated plan. Consensus was reached on some 90 percent of the issues but serious disagreements continued on major environmental policies. The two states stepped in and created a bi-state consultation process which was able to close the gaps and bring consensus for the updated plan.

It is important, particularly to me, that this consultation process resulted in increased environmental protections for Lake Tahoe without increasing the amount of development allowed. The Regional Plan update was adopted by the TRPA Governing Board on Dec. 12, 2012.

Both states have recognized the significance of the updated plan. They worked to remove obstacles to implementation of the new plan and set a course for renewed cooperation. Nevada repealed its law which threatened withdrawal from the Compact and California's SB630 carries forth the agreement between the states to support TRPA's efforts to improve the environment at Lake Tahoe.

However, we cannot break out the Champagne yet. A fly in the ointment in the form of a legal challenge by the Sierra Club must be overcome. That organization has done much to protect the environment over the decades. But, due to apparent misunderstandings on its part of what is in the plan, coupled with an attitude of full opposition unless it gets all of what it wants, the lawsuit is an obstacle to complete implementation of the Tahoe plan. I have urged the Sierra Club and anyone interested to look at the facts.

The strict growth controls that have been in effect since 1987 remain. Science has shown us that small particles released from pavement, old buildings and highways are a large cause for loss of lake clarity. The new plan emphasizes replacement

of that infrastructure thereby improving lake clarity. Some 1,200 parcels are expected to be protected or restored. The number of new homes that can be built is reduced from 300 per year to 130. The plan will reduce reliance on the automobile and reduce greenhouse gas emissions as required by California's SB375. There is an emphasis on removing development from environmentally sensitive areas. The new plan is not perfect but will achieve the environmental thresholds established by TRPA. It deserves the unfettered chance to be implemented without the cloud of litigation.

Now that Nevada and California have made an unqualified commitment to help TRPA, we at TRPA are poised to work together toward the common goal of a Lake Tahoe that remains as Mark Twain observed, "the fairest picture the whole Earth affords."

Clem Shute is an appointee of California Gov. Jerry Brown to the TRPA Governing Board, was chair of the Regional Plan Update Committee, and is current chair of the Regional Plan Implementation Committee.

Editorial: GOP acting spiteful

Publisher's note: *This editorial is from the Sept. 19, 2013, Sacramento Bee.*

House Republican leaders have shown how far they are willing to go to cave to the tea party faction. They signaled on Wednesday that they are willing to shut down the federal government if they don't get their pipe dream to defund Obamacare.

They simply are unwilling to acknowledge that the Patient Protection and Affordable Care Act, which they call Obamacare, is the law of the land.

Those under age 65 who don't get health insurance through their employer, Medicare or Medicaid will be able to enroll in an "exchange" starting Oct. 1 to buy health insurance that starts January 2014.

Many other provisions already have taken effect. Congress passed and President Obama signed Obamacare into law in 2010. The U.S. Supreme Court upheld the constitutionality of the law in June 2012.

Read the whole story

Letter: Heavenly gives back at Bread & Broth

To the community,

Heavenly Mountain Resort's donation of $250 to sponsor an Adopt A Day of Nourishment made sure that many hungry members of the South Lake Tahoe community were able to enjoy Bread & Broth's hot, nutritious meal on Sept. 16.

The evening's meal was prepared by Bread & Broth's cooking crew and a volunteer crew from Heavenly's Mountain Dining Department worked side-by-side with B&B volunteers to help with the meal's setup, serving and cleanup.

"It is our pleasure to help out the community at Bread & Broth" said Steve Turner, director of Mountain Dining. "Being in the food and beverage business, this is truly my favorite

event to serve.”

Joining Steve were Veronica Arriaga, catering manager; Amy Hurford, administrative assistant and Steve Kremer, assistant director Mountain Dining. The Heavenly volunteer crew arrived at St. Theresa Church’s Grace Hall at 3pm and at 6pm they were still asking Sandy Bobman, B&B’s volunteer coordinator, “What can we do to help?”.

“All Heavenly volunteers are excellent”, said Bobman. “We always look forward to working with them.”

Bread & Broth thanks Heavenly for their monthly sponsorships and their genuine concern for the community. Kudos to Heavenly Mountain Resort for the part they play in B&B’s success in feeding the needy of our community.

To help B&B as a donor or sponsor, please contact me at (530) 542.2876 or carolsgerard@aol.com.

Carol Gerard, Bread & Broth

Letter: CTC’s ‘Asset Lands’ are public disgrace

To the community,

The California Tahoe Conservancy is about to approve the first two of a possible 322 “Asset Lands” sales. These initial sales generated $1.75 million.

The identified “Asset Lands” do not belong to the California Tahoe Conservancy; the lands belong to the citizens of California.



The executive director and this board are entrusted to be the protectors of its lands and Public Access, yet this agency has begun playing a dangerous game of monopoly.

When the public funded the agency with $108 million, there was no inkling it would become a real estate speculator and inventory clearing house: stripping the lands of entitlements, then reselling the parcels to the private sector which blocks public access, all to fund the agency and an untested scheme to become the tourist accommodation unit (hotel, fractional, timeshare) czar for Lake Tahoe.

Engaging in this new TRPA plan which also promotes development on conservation and forest land outside the urban boundary is not the CTC's charge.

Where does the $1.4 million generated from the 15-acre Sherman Way parcel go? Will it buy old motels? Pay for salary increases? Who is keeping track and where is the transparency?

The CTC posts property and notifies neighbors 300 feet away a mere 10 days before the sale is approved. These parcels are not just affecting the property values of the neighbors 300 feet away, it affects the whole community. As is the case with the following three Asset Land parcels:

a. 5.76 acres off Queens Way (Kingswood West) – This acreage is surrounded by residential homes and used extensively by the neighborhood.

b. 14.56 acres above Estates Drive and Donner (North Tahoe Regional Park Tahoe Vista) – Currently this parcel is heavily used by the public for hiking, ski skating, cross country skiing and access to the balance of the North Tahoe Regional Park and Forest Service lands.

c. 9.21 acres off Ward Creek (West Shore) – The public heavily uses this parcel for hiking, ski skating, cross country skiing and access to the balance Forest Service lands.

If the agency won't notify the public of its intentions, concerned residents will be forced to.

Asset Lane sales guidelines are vague and unspecific. Simply stating: "These parcels simply aren't needed for ongoing restoration or recreation projects," said CTC Executive Director Patrick Wright, "but their sale could generate significant revenue to support the Conservancy's top priorities, including restoration of the Upper Truckee River and expansion of Tahoe's bike trail network." Is ambiguous at best. This description could be applied to all their holdings and is an inadequate justification for eliminating the public's access to open space.

How much of CTC's 6,000 acres of open space has an ongoing restoration or recreation projects?

CTC must perform the following actions:

The CTC shouldn't be allowed to sell the 322 designated Asset parcels unless:

1. There are hard and fast specific guidelines for protecting lands

2. The affected Community is adequately notified, including neighbors within 1,000 feet.

3. Once on the Asset Land list, the potential sites are permanently noticed. It's not enough to notice adjacent owners 10 days before board approval.

4. It is clearly explained where the money to purchase each site came from, i.e. 1990 bond.

5. It is clearly explained where the money is going. (CTC

salaries, buying old motels, promoting concentrated development?)

6. Clearly outline restrictions on further development. Explain to the Public that these parcels could be fenced.

Thank you,

Ann Nichols, president North Tahoe Preservation Alliance

Opinion: Privacy laws not adequate in age of Internet

By Jamie Court

Two federal courts in California recently took up the question of whether invasion of privacy laws should apply to unauthorized opening of email, in one case, and interception of unencrypted home WiFi communications in another.

Wiretapping law stood the test against "Wi-spying" last week. A panel of Ninth U.S. Circuit Court of Appeals judges held that data transmitted over a WiFi network is protected because it is not as easily accessible as a radio communication and intercepting it takes technical stealth akin to tapping a telephone.

The question of whether reading and collecting the contents of our emails meets the wiretapping standard remains unanswered.

What's notable is that the defendant in these cases was not the National Security Agency or a rogue "war driver," techies who cruise neighborhoods with equipment to suck up unencrypted data, but the largest company on the Internet: Google.

Google’s argument in both cases was essentially the same: Invasion of privacy laws don’t apply online.

The Wi-spy case sprung from revelations that Google’s Street View cars not only were photographing the roads they traveled but were also collecting “payload” data – including emails, documents, photos, passwords and other private information – transmitted over WiFi networks as the cars drove by.

Google’s defense against a class-action lawsuit (which the consumer group I run is co-counsel in) alleging millions of violations of the wiretapping laws was basically “anybody can do it,” so it’s not wiretapping.

The court didn’t buy it, finding that Google engineers’ knowledge and values didn’t reflect the public’s. “Members of the general public do not typically mistakenly intercept, store and decode data transmitted by other devices on the network,” the judges said.

In the email case, Google argues that those who e-mail Gmail users, and have their email contents read and scanned by Google for marketing purposes, “have no legitimate expectation of privacy.”

“Just as a sender of a letter to a business colleague cannot be surprised that the recipient’s assistant opens the letter, people who use Web-based email today cannot be surprised if their emails are processed by the recipient’s (e-mail provider) in the course of delivery,” Google’s lawyers stated in their brief.

The statements caused a big public backlash against Google because we think of Google as the post office, not an executive’s assistant. We don’t expect the postmaster to read our mail, particularly when we don’t use a Gmail account and are simply emailing to Gmailers.

The overarching problem is companies with the power and wealth

of Google and Facebook will continue to push the envelope of our telephonic privacy laws because they have yet to be updated for the Internet Age.

Google argued in the Gmail case that telephone lines are not the same as the Internet, and the invasion of privacy laws simply don't apply.

Dozens of states and several countries have fined or settled with Google for the Wi-spy incident, but the millions of dollars are a slap on the wrist to a $150 billion company. The $25,000 Google was fined by the Federal Communications Commission for obstructing its investigation of the Wi-spy scandal is probably less than the weekly cappuccino bill at the Googleplex.

California's Constitution contains an "inalienable right" to privacy in Article 1, but the legislative session that ended Friday produced little in the way of privacy protections, despite scandals de jour.

What's needed now more than ever is an unequivocal do-not-track-online right.

All the major Internet browsers now allow us to send a do-not-track-me signal, but very, very few websites and Internet systems respect it. Google analytics and its advertising networks, for example, track us as we surf online to market us regardless of the signals we send.

That's why when you search for a Pottery Barn lamp, the advertisement for it seems to be stalking you at the next sites you visit.

A recent Pew study reaffirms that the public overwhelmingly wants the right to be anonymous on the Internet. But the White House clearly has no interest in that, given its vigorous defense of the NSA.

In California, the best Sacramento could muster this year is a right to be told whether your do-not-track signal is being respected – AB370, which is awaiting the governor's signature.

More disclosure about the privacy rights we don't have is simply not enough for a public in an age of driverless cars, wired refrigerators and wearable devices like Google Glass, which can surreptitiously video record us. Our current privacy laws can only stretch so far, and the Internet is quickly colonizing all the space around us.

A ballot measure is now the public's only hope to win the right to privacy online and to not be tracked. If we don't set the boundaries soon, we will quickly lose control over all the personal information in our life, from what we eat, to where we drive, to when we get seen in someone else's Glass. And as we all know, online and off, information is power.

Jamie Court is president of Consumer Watchdog, a nonprofit nonpartisan public interest group in Santa Monica. He is drafting a do-not-track-online measure for the November 2014 ballot.

Opinion: Calif. education battles resume

By Dan Walters, Sacramento Bee

California is simultaneously implementing two major – even historic – changes in its 6-million-student public school system, and all adults involved pledge that they have the best interests of those kids at heart.



Dan Walters

They may be telling the truth about their motives.

Nevertheless, the adoption of Common Core academic standards and Gov. Jerry Brown’s plan to give more money to districts with large numbers of poor and English learner students are venues in which old adversaries can renew their old power struggles.

Once again, parents, reformers, unions, administrators, school board members, etc., are sparring over such issues as academic standards, testing, teacher accountability and charter schools.

Read the whole story

Opinion: Eric Holder’s drug war deception

By Steve Kubby

While some are celebrating the recent remarks by attorney general Eric Holder at the American Bar Association convention in San Francisco, a more sober analysis is deeply disturbing.

It’s been eight months since Holder promised a decision on the federal response to Colorado and Washington legalizing weed.

Instead of an answer, Holder offers us Drug War Lite. No let up in DEA raids, no mass release of nonviolent pot prisoners, no relief for medical marijuana growers or dispensaries, no end to arrests and prosecutions, but lighter sentences for some.

Holder even publicly acknowledged and praised U.S. attorney for Northern California, Melinda Haag, just prior to his remarks about the unintended consequences of the drug war, suggesting that the war against medical marijuana will continue unabated.



Steve Kubby

Haag has been an outspoken opponent of medical marijuana and has personally targeted some of the best run dispensaries in her jurisdiction, such as Harborside, Berkeley Patients' Group and Richard Lee's Blue Sky. Meanwhile, the Obama administration is only in its fifth year and yet it has conducted a record 170 DEA raids, resulting in 61 Federal indictments. Compare that to George W. Bush's eight-year legacy of 40 DEA raids, resulting in one federal indictment.

"How dare the attorney general come to San Francisco and talk about drug policy and completely fail to address medical cannabis," Steve DeAngelo, proprietor of what's been billed as "the world's largest pot shop," told the *Huffington Post*. "Of all the reforms that should be made, certainly the first should be to get medicine into the hands of people who are suffering.

"Given that the entire country has been waiting for the

administration to clarify their position on Colorado and Washington, I think the attorney general's comments this morning were just a side-stepping of the central issue," DeAngelo said.

Holder also observed that "too many people of color have been arrested." Under the Obama administration, a larger percentage of people of color have been arrested than in Apartheid South Africa. How many more? According to the Prison Policy Initiative, incarceration rates of Apartheid South Africa, at its racist worst, are no contest. Under the Obama administration, the current incarceration rate is five times greater for people of color than at anytime in South Africa.

According to legal scholar Michelle Alexander, more African Americans are under correctional control today than were enslaved in 1850. Alexander's book, "The New Jim Crow", offers a devastating account of a legal system doing its job perfectly well. We have simply replaced one caste system (Jim Crow) for another one (imprisonment, parole, detention) that keeps the majority of minorities in a permanent state of disenfranchisement. Nothing in Eric Holder's speech offers any real fix to the our current Jim Crow justice system.

Frankly, it's embarrassing how major reform organizations are celebrating this phony "victory." Until this Jim Crow justice system is scrapped and until cannabis is removed as a controlled substance, any talk about legal reform is just more of the same old lies and government deception.

Steve Kubby is a resident of South Lake Tahoe.

Letter: S. Tahoe should run its own bus service

To the community,

On Labor Day, I tuned in the Giants game. Giants vs. Padres. A Giants commentator said he liked San Diego because it was easy to get around town. You didn't need a car, he said.

The commentator's remark caused me to think about the city of South Lake Tahoe's priorities. The city fathers and mothers spend time and energy talking about transportation and parking. They claim they want tourists and others out of their cars. They want the city to be a bicycle and walker friendly place. So far so good. But it stops there.



Bill Crawford

What has happened is the city has turned over the transportation puzzle to a regional organization that because of its bankruptcy has disbanded. Thus, because of its failure, the Tahoe Transportation District, TTD, has stepped in. For the Tahoe basin it is a regional organization that's an arm of the TRPA.

The TTD has the community fussing over the loop road. The city should quit the TTD and return to a city bus system that works. In the past the city had such a program. Then there was bus service in the Tahoe Keys. My wife, who at that time was the hostess of the headliners in the South Shore Room, caught

the bus on Keys Boulevard to get to work. She still has bus tokens for the bus. As I have said, the city should quit the TTD and return to a city bus system.

Public transportation in the city is a city responsibility. It should be a high city priority. The city is almost 50 years old. It is time to grow up and stop stumbling in the dark on critical subjects such as public transportation.

Bill Crawford, South Lake Tahoe

Opinion: Don't trust Lahontan, CTC

Publisher's note: ***This letter was sent Sept. 9 to the California Senate president pro tem and speaker of the California Assembly.***

Dear Senator Steinberg and Speaker Perez,

On Sept. 3, 2013, amendments were made to SB630 which establish a new general fund account, the Lake Tahoe Science and Lake Improvement Account. Earlier amendments were focused on the need for a scientifically objective, neutral regime to monitor critical water and air quality indicators for the legislature.

The secretary of Resources is authorized to administer the account, the use of funds has expanded to include aquatic invasive species projects, projects improving public access, reconstruction projects, land acquisitions, and finally monitoring the near-shore.

The California Tahoe Conservancy (CTC) and the state Water

Quality Control Board – Lahontan Region (Lahontan) are the two agencies designated to use this new funding if the agencies produce matching funds. The problem is that these two agencies, for different reasons, have direct conflicts of interest for any near-shore monitoring.

The CTC and Lahontan both have a direct interest in not objectively monitoring the near shore, as this area is showing the most serious and sustained degradation. Instead of wanting to prove the value of their programs by monitoring, both agencies appear to want to conceal unbiased measure consistent with established scientific protocols.

Some have suggested a monitoring regime for critical water quality pollutants much like the San Francisco Estuary Institute. Their operational creed is:

> *We provide impartial scientific interpretations and neither take sides on environmental issues nor have any political or financial interest in the outcomes of research and monitoring data.*

The only legitimate urban stormwater regulation is based on volume reduction through infiltration.

Lahontan's strategy is to clean stormwater through various actions, e.g. street sweeping, shoulder treatment, and filters, which lack scientific protocols to assess whether their methods are sound. These actions are expensive, capital intensive, and obligate high long-term maintenance costs. The results do not meet with the same level of certainty as infiltration or urban stormwater where the science is sound and not disputed.

It is not in the interest of Lahontan to objectively monitor near-shore water quality, as it would reveal degradation so severe and sources so obvious that the scientific validity of the TMDL would be at risk, raising additional questions about expenditure of prior funding. Models do not necessarily

correspond to reality, and the TMDL rewards modeled results, not objective measurements.

The CTC has strayed, since about 2006, from its original intent to buy property in the Tahoe Basin to retire development rights and potential coverage. The CTC was successful doing this for many years, and California taxpayers have spent $108 million through the CTC to purchase 4400+ parcels to “reduce development.”

The CTC has monetized development rights for all parcels purchased with public funds, and as bond funding declines the CTC sees self-preservation value in converting rights into money. About 400 parcels have been classified as “Asset Lands” to potentially sell back to the private sector. The CTC leadership justifies certain public/private partnerships, “to recoup a portion of the public’s capital investment in these acquisitions for future high-priority projects through the sale of the banked development rights.”

The CTC is “reinventing itself,” as an advocate for devoting public resources to an unsustainable redevelopment vision, rather than staying on track as a Conservancy. The public should be informed, and be subject to public debate.

This video link shows what is being ignored by these two agencies.

We believe this amendment should be withdrawn, and the issue of monitoring Lake Tahoe’s vital signs be referred to interim study.

Sincerely,

David McClure, president North Tahoe Citizen Action Alliance

Roger Patching, president Friends of Lake Tahoe

Ann Nichols, president North Tahoe Preservation Alliance

Letter: Barton employees help Bread & Broth

To the community,

Over 100 diners lined up for the salmon dinner that was served by Bread & Broth at St. Theresa Church Grace Hall on Sept. 9. Families, seniors on limited incomes, working poor and those living outdoors were thrilled with the generous portions of cheesy baked potatoes, stirred fried vegetables, green salad and fruit salad that were served with the salmon.

To show their appreciation, the dinner guests applauded enthusiastically when Tahoe Orthopedics & Sports Medicine Group was introduced as the evening's Adopt A Day sponsor.

"Volunteering is very rewarding for anyone who participates in an Adopt A Day event," said Dr. Steve Bannar.

Bannar, Heather Crnich, Rhonda Fischer and Barb Nicholas represented the Tahoe Orthopedics & Sports Medicine Group as they worked alongside Bread & Broth volunteers. They packed "give away" bags, worked the serving line and dessert tables and cleaned tables, stacked chairs and vacuumed the eating area at the end of the evening. The four volunteers from TOSM took their role as B&B helpers seriously and did a great job of helping throughout the evening.

"This is a great organization worthy of the community's support," added Bannar.

What makes Bread & Broth so successful in feeding the hungry of South Lake Tahoe are our donors, sponsors and volunteers. B&B would like to acknowledge and thank the Tahoe Orthopedics

& Sports Medicine Group and their staff for their monetary donation and volunteer support.

To help B&B as a donor or sponsor, please contact me at (530) 542.2876 or carolsgerard@aol.com.

Carol Gerard, Bread & Broth