

Opinion: Vehicle license fee saves California park funding

By Mike Sweeney

Some of my favorite moments are spent with my family at our local state parks. A day of hiking at San Bruno Mountain State Park is at the top of my list. The park is close and accessible, and we practically take it for granted. Unfortunately, with each visit, the problems confronting our parks become more visible.

On San Bruno Mountain, budget cuts have made park rangers a rare sight – no longer available to answer questions or explain the features of the park. Once-pristine natural habitats are overrun by invasive species. Our favorite trails are overgrown and sometimes closed. Restrooms might or might not be open and clean. But the worst part is that the problems at this urban oasis are far from isolated.

California's 278 state parks are falling apart because of chronic underfunding. Roofs and sewage systems leak, restrooms are not cleaned regularly, bridges have collapsed, trails are closed, campgrounds and visitor centers are shuttered, and buildings and other structures throughout the system are badly deteriorated.

Altogether, state parks have amassed a \$1.3 billion backlog in needed maintenance and repairs, turning the nation's best state park system into one of the country's most endangered sites, according to the National Trust for Historic Preservation.

Read the whole story

Mike Sweeney is a Bay Area resident and executive director of the California chapter of the Nature Conservancy, a leading

conservation organization. To learn more, go to www.YesForStateParks.com.

Fallen Leaf wants public's input

Dear Fallen Leaf community member and interested members of the public,

The Fallen Leaf Lake Community Services District (CSD) and the Community Area Advisory Committee (CAAC) want and need your input.

The CSD is responsible for the operation of the Fallen Leaf community area. The CAAC's role is to provide direction to the CSD regarding community opinion. The CAAC is constituted of volunteers from the community and public, representing all areas and all points of view on the lake.

The CSD Board asked for input from the community on issues relating to the operation of the Store, Marina, Grounds and Parking. As a direct result, the CAAC developed a survey to collect data on these topic areas. Your feedback is important to the success of the community area services including the store and the marina operations.

Please go online to take the survey. The deadline for a reply is Sept. 20.

Thank you for your input. If you have any questions or comments, please contact me or contact any of the CAAC members.

Sincerely,

Benjamin Andersen, chairman of the CAAC, bandersen@fllcsd.com

and Carol Ann Barber, Franz MacMaster, Ruth D'Anneo Rich, James Kelly, Dick Lund, Lennie Roberts, Bruce E. Crocker, Patti Working, Jane Mitchell, Jonathan Howells, Irie Kinne, Dave Bunnett

Federal shield law protects public's right to know

Publisher's note: *This editorial is from the Aug. 24, 2010, Reno Gazette-Journal.*

On the surface, a law limiting the circumstances under which a reporter could be subpoenaed by federal authorities to disclose their sources might appear to be special-interest legislation.

It's not.

When a federal prosecutor subpoenas a reporter – as the New York Times' Judith Miller was subpoenaed several years ago in connection with the leak of CIA employee Judith Plame's name to a columnist – the reporter isn't really the target.

Instead, the real target is the reporter's sources – men and women who have the audacity to try to shine a little light on what those in power prefer to keep in the dark.

The real target is your right to know.

Read the whole story

Opinion: Curing social ills will help fix physical pain

By Laura Gottlieb

I had known and adored Jeremy's family for several years. So when the sandy-haired, good-natured 8-year-old came to see me in my clinic with abdominal pain, I bent over backward to find out why his tummy hurt. I poked and prodded; did tests of his urine, stool and blood; and took X-rays, over the course of several months. When those tests came back normal, I did more. I had trained at a top medical school and gone on to one of the best residencies in my specialty; in Jeremy, I thought I had identified a real clinical mystery. But in the end, the mystery was not a best-seller: It turned out that Jeremy's family couldn't afford to buy food.

It had never even occurred to me to ask his mother about how much food there was in the house.

In Jeremy's case, I had diagnosed "abdominal pain" when the real problem was hunger; I confused social issues with medical problems in other patients, too. I mislabeled the hopelessness of long-term unemployment as depression and the poverty that causes patients to miss pills or appointments as noncompliance. In one older patient, I mistook the inability to read for dementia. My medical training had not prepared me for this ambush of social circumstance.

Read the whole story

Laura M. Gottlieb, a physician at UCSF, is a Robert Wood Johnson Health and Society scholar.

Camp Rich beach is for all ages – despite what some say

By Kathryn Reed

CAMP RICHARDSON – Sipping Rum Runners, listening to live music, ogling all the flesh and maybe dipping into Lake Tahoe. It's what I did on a regular basis when I first moved to Lake Tahoe right out of college in the late 1980s.

It's what I did when I would come back to visit.



All ages enjoy
Lake Tahoe
near South
Shore's Beacon
restaurant.
Photos/Kathryn
Reed

It's what I like to do on occasion now that I live here again in my mid-40s.

Who cares, you ask? Well, a 36-year-old married woman with two children trashed this scene in a July article for The Mommy Files on sfgate.com. She ripped Lake Tahoe, primarily the South Shore, to pieces.

I decided last Sunday to visit the Beacon – home of the slushy rum concoction – sit on the beach and take in the scene. I even dunked into the chilly water. It was just as it was 20-plus years ago. That's a good thing. The only thing that seemed different is it wasn't just 20-something-year-olds and hard bodies. The rest of us fit in, too.

The San Francisco writer bemoaned the scantily clad beachgoers. I'm not sure what she expected. It's a beach. Worldwide beaches are going to show-off more flesh than clothing – some places it's all skin.

Plenty of children were running around the beach. Some were in the water. Some were at the restaurant with their parents listening to the Steve Walker band belt out what might be favorites of their grandparents.

Yes, the Beacon is a party scene in the summer. It's lively, it's fun, it's happening.

I didn't see trash on the beach like this woman talked about. I was annoyed by cigarette smoke – but I am anywhere I smell it, especially when I'm outside. It wasn't constant, though.

All ages were enjoying the roped off area of the water where they could safely kayak or enjoy other rental toys in an area where motorboats can't get to.

Just a little farther out are an array of boats hooked to buoys bobbing up and down in the gentle breeze. The marina is doing a fair amount of business. People saunter along the dock that jets into the lake.

From the beach, no snow is visible on the mountaintops. Still, they loom all around in a spectacular display of natural beauty.

The sfgate.com article goes on to gripe about parking at Emerald Bay.

I could easily gripe how when I go to her city for a Giants game the parking garages change their prices depending on the hour of day (cheaper if you arrive early), who the opponent is and how many tickets have been sold. At least in Tahoe where there is a parking fee, it's the same price the whole season.

Yes, touristy spots are crowded. They are everywhere in the world. The sfgate.com writer might want to drive into The City for a Giants game and see what those of us coming from Tahoe have to deal with in her hometown.

The sfgate writer talks about Alpine County being quieter, easier to manage. It is. So are Marin and Sonoma counties in her neck of the woods.

Instead of storming off in a huff from the Beacon, she should have strolled down farther on the beach where it is quieter. Maybe she should have taken her children to the neighboring Tallac Site and shown them a bit of Tahoe history – something about how those rich San Franciscans developed the pristine property along Lake Tahoe's shore so many years ago.

Maybe if she were a more responsible mom, she would have done better research.

The Beacon, that beach and Camp Rich are just fine the way they have been for the 20-plus years I've been going there. Don't change a thing – accept for maybe lowering the price of the Rum Runners and allowing them on the beach.

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Opinion: Expanding vision will save Lake Tahoe

Publisher's note: *The TRPA sent this guest column to media in the Bay Area. This ran Aug. 25, 2010, in the San Jose Mercury News.*

By Joanne Marchetta

Because it is one of the world's most beloved natural settings, people come from all over the planet just to catch a glimpse of Lake Tahoe. Residents of the Bay Area, however, are fortunate to have it right in their backyard. To these more frequent visitors, Lake Tahoe's beauty may seem a constant: Crest Echo Summit, and there it is, in all of its cobalt blue glory, the perfect getaway.

From a distance, the lake may appear as spectacular as ever. But Lake Tahoe is locked in an epic battle for its future. Decisions we make over the next 18 months as we develop an updated plan for Tahoe's future will determine whether its communities, economy and environment thrive. If current initiatives are not successful, the pristine Lake Tahoe we envision for future generations could be lost.



Joanne Marchetta at the Aug. 17 environmental Summit.

Photo/Kathryn
Reed

At the 14th annual Lake Summit last week, the core discussion among elected officials, policymakers and other stakeholders was that the economy and the environment at Lake Tahoe are inextricably linked. By expanding our vision, we see that careful economic development can boost environmental conditions.

The story of how we landed here has 40 years of history. In the late 1960s, uncontrolled growth threatened the Lake Tahoe Basin. Tahoe's legendary water clarity fell into decline as streams, meadows and wetlands were paved over. There was talk of building a metropolis the size of San Francisco and of erecting a bridge across the mouth of Emerald Bay.

Read the whole story

Joanne Marchetta is executive director of the Tahoe Regional Planning Agency.

McClintock rips apart U.S. Forest Service practices

Publisher's note: Rep. Tom McClintock made the following statement to the Regional U.S. Forest Service Management Roundtable hosted by Rep. Wally Herger in Sacramento on Aug. 25. McClintock represents the California side of Lake Tahoe in the House.

I want to thank my friend and colleague, Congressman Herger, for organizing this meeting and for his invitation to

participate in it.

There are four general subjects that my constituents have brought to my attention that I feel are important to raise in this forum.

First, some of the most disturbing stories I have heard locally involve the abuse of cost recovery fees by the Forest Service. This has been a source of great frustration and evinces an attitude within the Service that I believe requires immediate correction.



Tom McClintock

For example, the California Endurance Riders Association had been using the Eldorado National Forest for many years. This time, when they sought a simple five-year 10-event permit to continue doing exactly what they have been doing without incident for decades, the Forest Service demanded \$11,000 in fees.

They paid these fees, but the Eldorado National Forest management nevertheless pulled the approved permit and halted the process on utterly specious grounds. It then demanded an additional \$17,000 fee, causing the Endurance Riders Association to cancel what had been a long-term civic tradition that had been a boon to the local economy. In 2010, this outrage was repeated after the group spent \$5,800 for the "Fool's Gold Endurance Run" that had been an ongoing event for more than 40 years.

The Polka Dots Motorcycle Club tells a similar story of

excessive Forest Service fees that forced them to cancel a ride they have sponsored for four decades. Likewise, the Gold Country Endurance Riders, an equestrian group, had to cancel an event they had been holding since 1993 because of a prohibitive increase in the permit fees.

I seriously question the authority of the Forest Service to exact these fees at all, since federal guidelines do not require them if the surveys or research are done in the "public good." Moreover, it is clear the Forest Service was not dealing in good faith with these groups and that it should refund these fees in full and restore to them the full access to our public lands that they have been accorded for many years.

Second, the Forest Service is charging exorbitant Cabin User Fees to families that have had long-term possession of mountain cabins, based on peak market prices from 2007 and 2008. These inflated prices are many times the actual market price in this distressed economy, forcing many of these families to abandon cabins that they have had for decades and even generations.

Third, my office has been approached by several families that have had long-established grazing permits dating as far back as 1931, who are now seeing conditions placed on their use that are simply ludicrous.

For example, the Leavell Family has grazed cattle in the Tahoe National Forest since 1931 and by all accounts has been an excellent and responsible steward of the land. The incidents of harassment that they have encountered from the Forest Service have been unconscionable.

With absolutely no warning, the Forest Service presented them with a letter declaring that they were in non-compliance because of cattle that occasionally stray off the land. Yet in the past, federal regulations have prohibited them from

building fences to prevent that very problem. The Forest Service recently charged that the cattle were damaging Aspen stands – allegations that further inspection proved to be groundless. Having failed to make its case on these grounds, the Forest Service then ordered the Leavells to remove cabins they have maintained and paid property taxes on for 79 years.

Also without warning, the Forest Service told the Coughlin family that it was canceling their long-standing grazing permit because of a lack of sufficient feed as determined by a Forest Service biologist. A subsequent field trip utterly disproved the biologist's opinion – so the Forest Service next informed them that their permit is still in jeopardy because of the same wandering cows that it used as pretense in the Leavell's case.

Finally – and most important, since this affects the safety of entire communities in my district – I remain concerned over the demonstrated disinterest that the Forest Service has recently demonstrated in supporting sustainable timber harvests. The expensive and labor-intensive process of twig removal cannot achieve fuel reductions that reduce the risk and intensity of forest fires. We must restore responsible and sustainable thinning of over populated forests called for in the Herger-Feinstein Quincy Library Group Forest Restoration Act of 1998, and which the U.S. Forest Service is now thwarting in our region.

For generations, the U.S. Forest Service maintained a balanced approach to the management of our forests that assured both healthy forests and a healthy economy. Now, it seems to be following a very different policy of exclusion, expulsion and benign neglect of our forests.

My office has brought these concerns and complaints of arbitrary and capricious conduct to the Forest Service's attention without a satisfactory resolution.

Practiced in the marketplace, we would renounce these tactics as predatory and abusive. In the public service sector, they are intolerable.

Combined, these actions evince an ideologically driven hostility to the public's use of the public's land – and a clear intention to deny the public the responsible and sustainable use of that land.

If the Forest Service fails to reverse these policies – and the attitude that has produced them – I intend to use my position on the National Parks, Forests and Public Lands subcommittee of the House Natural Resources Committee to press for extensive hearings during the next session of Congress into the economic damage these actions have caused.

Opinion: Upcoming Fallen Leaf election in doubt

By Mike Kraft

The small community of Fallen Leaf Lake near South Lake Tahoe is in crisis. After over a year of tension within the community regarding the replacement of the 14-year concessionaire that ran the store/cafe and marina, a recall was filed on April 10, 2010. The recall was aimed at Directors Mike Kraft and Eric Thaden from a group of citizens upset that Fallen Leaf Landing had been replaced with a new concessionaire. The new concessionaire was contracted with a higher base payment to the Community Services District and an open book policy to allow the Fallen Leaf Lake CSD to review the complete financial records of the store/cafe and marina. Fallen Leaf Landing was not willing to enter into a contract

with the CSD that required an open book policy with respect to the operation of the store/cafe and marina.

At the time the recall was filed there were approximately 135 registered voters within the district. Shortly after the recall was filed a large push to register additional voters came from a group of community members who supported the recall. When community members who did not support the recall found out about this, they too started recruiting additional voters. The voter registration quickly grew to nearly 470 people within the small summer cabin community. There are actually 22 people registered to vote at one summer cabin.

After discussions with the secretary of State and El Dorado County offices regarding the requirements to legally participate in the voting process, I sent a letter to the community to inform everyone of the requirements to legally participate in the voting process within the community. Per the legal requirements stated in the California Elections Code 349, 2000-2035 it became apparent that only a few members of the community are legally able to participate in the voting process. One of these members is Director Eric Thaden who lives at Fallen Leaf Lake.

Over the past year or so six people related to the Fallen Leaf Lake CSD have resigned stating harassment among other things from those supporting the recall. On Aug. 6, 2010, a citizen of the community sent a letter to the El Dorado County Elections Department/William Schultz, El Dorado County Counsel Louis Green, El Dorado County District Attorney Vern Pierson, Secretary of State-Elections Department/Debra Bowen, and copied El Dorado County Supervisor Norma Santiago challenging the eligibility of the candidates currently running to fill the one empty board seat left by the resignation of then board President Dana Clark in January 2010 and the two seats to challenge myself and Thaden in the recall election. A response was received from the El Dorado County District Attorney's Office referring the matter to the county Elections

Department. No other responses have been received.

On Aug. 20, 2010, I resigned. I am unable to legally participate in the voting process in the community; therefore I could not meet the requirements of the CSD bylaws to be registered to vote within the district in order to be on the board. On that same day the treasurer/secretary submitted her resignation to the board effective Sept. 30, 2010.

The El Dorado County Elections Department was asked to postpone the election until the eligibility of who can and cannot be a candidate as well as who can and cannot vote is resolved. To date they have taken no action. How can the community of Fallen Leaf Lake get a fair election in the middle of this chaos? Only two directors remain, Eric Thaden and Jennifer Hall Thorton. The ability of Thorton to legally vote within the district is in question as her stated legal address is Los Gatos. If prosecuted, this case would be similar to the recent case involving Ed Jew, San Francisco supervisor. Jew was found guilty of several felonies that included perjury and filing of false documents. Another similar case is the case of Cameron Bros. Construction Co. Quo Warranto Opinion No. 05-1012 identified in which Clayton Isemann was found to be unlawfully holding the position of director on the Borrego Springs Park Community Services District because he does not reside in the district.

What will El Dorado County do, will they prosecute or let it slide? To date no action has been taken by El Dorado County. The election is scheduled for Aug. 31, 2010.

Fallen Leaf Lake Community Services District website.

Mike Kraft was president of Fallen Lake Community Services District

Don't get caught without ADA plans

By David Kelly

2010 marks the 20th anniversary of the passing of the Americans with Disabilities Act (ADA). During these 20 years, Tahoe Area Coordinating Council for the Disabled (TACCD) has been working to encourage and assist businesses in complying with the ADA. Every year, TACCD requests the Ccty of South Lake Tahoe to name October as Disability Awareness Month to remind all our residents and visitors of the hardships and difficulties endured by seniors and persons with disabilities.

Every day, TACCD works hand-in-hand with government and other agencies to better the quality of life for seniors and disabled persons in a multitude of ways from housing to transportation to accessibility issues and more.



David Kelly

Recently, businesses in our town have been under attack by a person or persons allegedly attempting to punish non-ADA-compliant locations while making a considerable amount of easy money in the process. This behavior is not supported by TACCD. We would much prefer to accomplish the same goals by cooperative instruction and encouragement for the businesses on the South Shore.

As little as a missing sign, a missing accessible parking space, a round door knob in a leasing office, or even furniture placement in a first-floor commercial building might get the owner sued under the ADA. Fortunately, there is a new state law that provides those in business with a tool to reduce the risk of a lawsuit.

Any business that is open to the public, including landlords with leasing offices, apartment complexes, retail businesses, hotels, and motels, along with cities, counties and every kind of business that is available to the public is vulnerable to lawsuits under the federal ADA and state laws such as the Unruh Civil Rights Act. Many business owners don't even realize they are at risk because they're not aware of the issues that might cause their facilities to be inaccessible, putting them in a position to be sued. Senate Bill 1608, however, gives these owners power to protect their interests.

With SB1608, an inspector licensed and approved by California and known as a CASp or Certified Accessibility Specialty Inspector inspects a business or area accessible to the public for any kind of failure to comply with ADA law. After the inspection, the owner is able to obtain a state certificate that states this business has had a CASp inspection and is either in the process of completion or has finalized compliance with their accessibility issues. This allows the owner to come up with a timetable and plan of compliance, which is important in these tough economic times. The next step is to correct the findings.

Also with the certificate, the owner has the ability to lessen the possibility of a lawsuit. If the owner should be sued anyway, the lawsuit can be put on hold and have an early conference with a judge and the accuser. The CASp inspection can be a financial lifesaver for businesses as lawsuits can cost a non-compliant owner hundreds of thousands of dollars.

There may be tax credits available to offset the costs of

inspection and correction. Federal Tax Code Section 44 could give a business owner a tax credit for making eligible access expenditures. It is important to check with your tax advisor first, but it may be possible under certain circumstances to obtain a tax credit of up to 50 percent of such expenditures. The maximum credit is \$5,000 per year.

The problem the community has is business owners who settle a lawsuit before they have gone to court. The accuser then has the incentive to continue filing lawsuits, and the business is still at risk of being sued again in the future.

In the vast majority of cases, those who use a CASp Inspector find that pre-lawsuit compliance costs are minor compared to the cost of hiring an attorney and going to court. SB1608 is the way to help protect a business from consequences that can be avoided with a CASp inspection.

Compliance with the law is imperative, and the sooner the better. Business owners should know this problem is not going away, and could possibly increase over the next few years. TACCD will continue to remind business owners of their responsibility until all our public areas are accessible.”

Check the TACCD.org website for a licensed CASp inspector available for this area.

David Kelly is executive directory of Tahoe Area Coordinating Council for the Disabled.

Winery wins \$900 in LTN

advertising at Sample the Sierra

Lake Tahoe News congratulates Chevalier Winery of Shingle Springs for winning the advertising give-away at Saturday's Sample the Sierra.



Chevalier
Winery is
in Single
Springs.

The inaugural event brought out more than 500 people to Ski Run Boulevard in South Lake Tahoe to taste wine, sample food, and enjoy art and other booths that all have a connection to the Sierra.

Chevalier Winery CFO Jeanette Chevalier entered her card in *Lake Tahoe News'* drawing. The winery won \$900 worth of advertising on *Lake Tahoe News*. Lake Tahoe South Shore Chamber of Commerce CEO B Gorman picked the winning business card at the end of the event Aug. 21.

For those who signed up for a subscription, you should receive a confirmation email soon. That will then start your free subscription that brings you a daily email listing what has been posted in the last 24 hours. If you don't receive the confirmation email, it's in your spam folder or we couldn't read your email address. Just go to the home page of LTN, near the bottom right enter your email address to subscribe.

Thank you everyone for your support of *Lake Tahoe News*,

Tahoe's daily news source.

It was a pleasure to meet all of you.

Look for *Lake Tahoe News* at future community events.

Kathryn Reed, LTN publisher