

North Tahoe Citizen Action Alliance

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Jerry Wotel, Newsletter Editor

NTCAA News letter – February 2009

NTCAA has entered its third year of operation. The Board of Directors is currently planning our community outreach program for the year. If you have any suggestions for a meeting, please send them to ntcaa@ntcaa.org or call 530-546-8125.

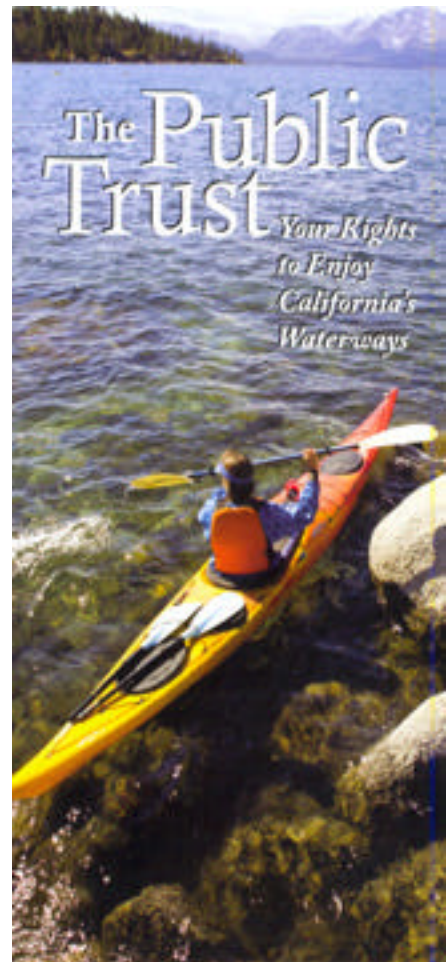
Lake Tahoe

The Public Trust: Your Rights to Enjoy California's Waterways - The public's right to use California's waterways for navigation, fishing, boating, natural habitat protection and other water oriented activities is protected by the Common Law doctrine of the Public Trust. Historically, the Public Trust has referred to the basic right of the public to use its waterways to engage in "commerce, navigation, and fisheries." More recently, the doctrine has been broadened by various landmark court decisions to include the right to swim, boat, and engage in other forms of water recreation, and even to preserve lands in their natural state in order to protect scenic and wildlife habitat values.

The Public Trust provides that tide and submerged lands and the beds of lakes, streams and other navigable waterways are to be held in trust by the State for the benefit of the people of California. The Public Trust, as a common law doctrine, is not static but is continuously evolving to protect the public's use and needs in California's waterways.

Ownership and Use Issues - For centuries, property claims of the public in its waterways have often clashed with the property claims of adjacent upland owners. Boundary disputes can arise if the upland owner claims part of the waterway or if the State or its local trustee asserts that a public waterway has been filled. In such disputes it is California State Lands Commission policy to seek fair settlements that not only permanently identify and preserve public rights in trust lands, but also clear private land titles necessary for upland development. When the Commission is not able to resolve these disputes the courts may become involved. Even though some lands were sold by the State in the 19th century and lands between high and low water on non-tidal lakes and rivers may be in private ownership, these lands remain subject to an easement held by the State for Public Trust purposes.

The Commission has been given the responsibility, as trustee, to manage California's waterways on behalf of the public. That trusteeship obligates the Commission to act as a fiduciary in protecting the public's rights and needs associated with its navigable waters. The Commission determines what uses are to be made of Public Trust lands on a case-by-case basis, based upon the factual and legal circumstances involving a particular location and proposed use.



Waterways and waterfronts are highly prized both as private and public resources. The Public Trust Doctrine will continue to protect the public's right to these valuable lands and resources. The Landmark Court decisions approved the Public Trust rights on lands between high and low water on non-tidal navigable lakes and streams such as Lake Tahoe. To mention only three

Calif. V. Sup. Court (Lyon), 29C.3d 210 (1981)

Calif. V. Sup. Court (Foley), 29 C.3d 240 (1981)

California Constitution Art. X, Sec 4: **Public Right of Access to waterways**

Tahoe Regional Planning Agency

TRPA begins 2009 with many important changes. **John Singlaub**, Executive Director, has submitted his resignation effective February 28, 2009. He has held this position since January 2004.



The Board of Governors will have six new members: **Timothy Cashman**, Nevada At-Large Member; **John Breternitz**, Washoe County Commissioner Appointee; **Jennifer Montgomery**, Placer County Board of Supervisors; **Byron Sher**, California Senate Rules Committee Appointee; City of South Lake Tahoe Council Member (Vacant); Governor of California Appointee (Vacant).

Remaining on the Board are: **Allen Biaggi** – **Chair**, Director of Nevada Dept. of Conservation & Natural Resources; **Norma Santiago** - **Vice Chair**, El Dorado County Supervisor; **Shelly Aldean**, Carson City Board of Supervisors Member; **Mara Bresnick**, California Assembly Speaker Appointee; **Donna Ruthe**, Governor of Nevada Appointee; **Ross Miller** - Nevada Secretary of State; **Steven Merrill** - Governor of California Appointee; **Nancy McDermid**, Douglas County Commissioner; **Stuart Yount**, Presidential Appointee.

In February, 2008 the TRPA Governing Board adopted Resolution 2008-11 which reserved specific development rights for nine project proposals in the Community Enhancement Program. The reservation of allocations was set to expire after one year, February 25, 2009, unless adequate progress toward project approval was being made by the CEP project proponents.

TRPA staff is recommending the Governing Board approve a 12-month extension to the resolution to give the participating projects more time to complete their applications. The Board is expected to vote on the recommendation at its regular meeting February 25, 2009, at its offices in Stateline NV, time certain 1:30 pm.

TRPA staff recommends that the four projects that have submitted formal applications before the February 25th, 2009 deadline, Boulder Bay LLC, Homewood Mountain Resorts, Kings Beach Housing Now - Domus, and BB LLC (Kings Beach Center) receive an extension. In addition, staff also recommends extending the deadline for the following five projects: Ferrari Resorts (Kings Beach), Kings Beach Resorts, Pastore Ryan (Kings Beach), Former Mikasa, and the South Y Center (Kmart), both in South Lake Tahoe. (The above is from the TRPA website).

Placer County Tahoe Government Center Site Selection Process Update

Placer County is currently exploring sites that accommodate the development of a regional Tahoe Government Center to serve Lake Tahoe area residents. This site is proposed to house an approximately 24,000 square foot facility that would consolidate

- ? County Executive Office
- ? Public Information Office
- ? Office of Emergency Services

- ? Redevelopment Agency
- ? Community Development Resource Agency
- ? Environmental Health Division of Health and Human Services
- ? Assessor's Office
- ? Department of Public Works Engineering
- ? Other agencies whose co-location would enhance the delivery of public services such as the Tahoe Regional Planning Agency

Based on the County's evaluation and the input from the Tahoe community, Placer County staff determined that three properties provide the best opportunity for development of the Government Center including accessibility, location, size, ability to develop, compatibility, fiscal and redevelopment/economic revitalization standpoints. Therefore in July 2007, the Board of Supervisors approved the selection of the

- ? Trading Poster Center, Tahoe City
- ? B.B. LLC property, Kings Beach
- ? Parcel 1 of the Joerger Ranch (future County-owned property), Martis Valley

At the March 2008, Board of Supervisors' meeting, Facility Services' staff reported that it had performed the more extensive investigations into general development costs and constraints and development implications associated with the three properties, and reported that the B.B. LLC property in Kings Beach holds the best opportunity to collaborate in the redevelopment efforts underway in Kings Beach and is the most favored by the community and staff. Nevertheless, due to project uncertainty to the regulatory environment and projected development costs, outright selection of this site was not recommended.



Therefore, the Board directed staff to monitor B.B. LLC's application to the Tahoe Regional Planning Agency Community Enhancement Project and to work with B.B. LLC to better quantify development costs. It also directed staff to pursue other economical opportunities for development of the Government Center in Tahoe.

Three additional potential sites are now being evaluated:

- ? Tahoe Tree Company: 10+ acre site at 401 W. Lake Boulevard in Tahoe City (corner of Highway 89 and Granlibakken Road) near the existing Tahoe Administration Building.
- ? Highlands Village: 11+ acre site at Fabian Way and Highway 28 in the Dollar Hill community.
- ? North Tahoe Public Utility District (NTPUD) properties at 875 National Avenue in Tahoe Vista. The TGC development at this location would be a joint project with the NTPUD.

Placer County Facility Services Property Management Division encourages you to submit comments by sending them to facpropmgmt@placer.ca.gov, or facsimile to (530) 889-6857, or messages can be left at (530) 886-4963.

Upcoming Events/Key Dates

Agendas for TRPA Governing Board and APC, and also Placer County BOS are not available until a few days before the meeting. Therefore, it is difficult to provide a meaningful emphasis to the meetings. Attendance at events shown in bold type is encouraged. Other meetings/events not shown here, or changes, will be announced by email.

Tuesday, February 24	Placer County BOS	8:30 am, Auburn
Wednesday, February 25	TRPA Governing Board <i>CEP Time Extension</i>	9:30 am, TRPA Offices, Stateline
Wednesday, March 4	NLTRA Board Meeting	8:30 am, TCPUD Board Room
Tuesday, March 10	Placer County BOS	8:30 am, Auburn
Tuesday, March 10	NTPUD Board Meeting	10 am, NTEC, Kings Beach
Wednesday, March 11	TRPA APC Meeting	9:30 am, TRPA Stateline Office
Thursday, March 12	NTRAC Meeting	6 pm, NTEC, Kings Beach
Wednesday, March 18	NTFPD Board Meeting	6 pm, TCPUD Board Room
Friday, March 20	TCPUD Board Meeting	8:30 am, TCPUD Board Room
Tuesday, March 24	Placer County BOS	8:30 am, Auburn
Wednesday, March 25	TRPA Governing Board	9:30 am, Chateau, Incline Village

TRPA – Tahoe Regional Planning Agency
 NLTRA – North Lake Tahoe Resort Association
 TCPUD – Tahoe City Public Utility District
 NTEC – North Tahoe Event Center (NTCC)
 BOS – Placer County Board of Supervisors

APC – Advisory Planning Commission
 NTPUD – North Tahoe Public Utility District
 NTFPD – North Tahoe Fire Protection District
 NTRAC- North Tahoe Regional Advisory Council

“When the people fear their government, there is tyranny; when the government fears the people, there is liberty.”.....Thomas Jefferson