

North Tahoe Citizen Action Alliance

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Jerry Wotel, Newsletter Editor

NTCAA Newsletter - October 2008

NTCAA is proposing that the TRPA TAU Policy be revised to a method which is equitable to the community and Lake Tahoe. Many organizations around the basin have endorsed the NTCAA position. We also have recently received the following support from California Lt. Governor John Garamendi in a letter to the TRPA Governing Board. It is shown in part.

"I am writing to you to express my serious concern over the misuse of Tourist Accommodation Units (TAUs) at Lake Tahoe and the threat it poses to the Lake's future. The TRPA definition of a TAU is a 'one bedroom or group of two or more rooms with a bedroom...primarily designed to be rented by the day or week and occupied on a temporary basis.' This definition was originally intended to apply to modest structures such as 300 sq. ft. one bedroom units. In practice, this definition is now being distorted to allow for the construction of large, multi-bedroom timeshare units as large as 3,000 sq. ft."

"The transfer and expansion of TAUs that is currently taking place blatantly ignores both the spirit and intent of the rules and definitions of TAUs. Allowing these new large subdivision structures increases population and traffic and reduces air quality in and around the Lake. Such significant pressure on Lake Tahoe's fragile ecosystem undermines our ability to attain environmental thresholds we have worked so hard for decades to achieve."

"I know TRPA management would prefer to defer the TAU issue until the adoption of the new Tahoe Regional Plan. This option is not viable since these massive projects continue to be approved in the interim while the timeline for adopting the Regional Plan continues to be delayed."

"Lake Tahoe is one of California's and our nation's most precious natural treasures. Restoration and sustainable preservation of the Lake is a goal we all share. In the 11 years since the 1997 Lake Tahoe Environmental Improvement Program was initiated with President Clinton's Summit, we have seen more than \$1.1 billion and the collaborative effort of state, federal and local partners in both California and Nevada achieve notable progress toward this common goal. As someone who has worked to preserve Lake Tahoe's environment for more than 30 years, both at the state and federal, I strongly encourage you to address this issue immediately and keep us moving in the right direction."




JOHN GARAMENDI
Lieutenant Governor

Lake Tahoe Issue

The Truckee River Operating Agreement (TROA) was signed on September 6, 2008 and will have 60 days for public input. This allows storage of water in Truckee River reservoirs (including Lake Tahoe) for new purposes, permanent allocation between California and Nevada, and protects Orr Ditch Decree water rights. This is a cul-

mination of 18 years of negotiations. The TROA, although not fully finalized and ready for implementation, will limit the amount of water available to the California and Nevada sides of Lake Tahoe. This was determined in the actual Settlement Act of 1990 but not implemented until the TROA is approved by the Federal jurisdiction; it was based on a Federal Court Case of Law, per agreement Lake Tahoe- <http://www.focuswest.org/law/p1101-618II.cfm>

Based on Section 204(b) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act, total annual gross diversions for use within the Lake Tahoe basin from all natural sources including groundwater, and under all water rights in the basin shall not exceed 34,000 acre-feet per year. From this total, 23,000 acre-feet per year are allocated to the State of California for use within the Lake Tahoe basin and 11,000 acre-feet per year are allocated to the State of Nevada for use within the Lake Tahoe basin. Water allocated pursuant to this paragraph may, after use, be exported from the Lake Tahoe basin or reused.

California TROA Appropriations: According to data from the California State Water Board's website, existing water appropriations from Lake Tahoe total 37,237 acre-feet per year "taken from a search done on the website for all appropriations from Lake Tahoe as the Water Source in California. Including the 'pending' applications that total increases to 46,920 acre-feet per year." *Tahoe Area Sierra Club, October 1, 2008*. As stated, this clearly raises questions about the availability of water from Lake Tahoe to supply increased demand. The 23,000 acre-feet/year is the TOTAL allocation of water for the California side of the Basin (includes existing appropriations). <http://ciwqs.waterboards.ca.gov/ewrims/ewrims/EWMMenuPublic.jsp>.

Nevada TROA Appropriations: Nevada's 11,000 acre-feet/year allocations is already appropriated. "Any new developments requiring water in Nevada will have to be supplied from existing appropriated rights. Nevada's 11,000 acre-feet have been fully appropriated (however it is not currently being fully pumped or utilized). The only new appropriations being issued in Nevada are for domestic uses (less than 1 acre-foot of water) and then only for those homes that have long been using the water – basically grandfathering in those rights." *Allan Biaggi, NDEP*

As written in the Tahoe Daily Tribune and the Sierra Sun, Water supply is once again a concern as recently as this week because Lake Tahoe is almost at its natural rim, which would affect whether water can be released down the Truckee River. (9/30/08) The Sierra Sun 9/20/08 "*Lake levels dropping fast, two slow winters in a row – feeding 31 percent and 32 percent of normal runoff into Tahoe means the lake could drop below its natural rim. "At this point it looks like we will get very close to Tahoe's natural rim"* states Chad Blanchard, chief hydrologist for the U.S. District Court Water Masters Office.



In summary, we need to determine if the TROA is accurately requesting 23,000 acre-feet of water per year for California. Then the State of California should determine the uses by the Public Utility Districts' within its domain; private water companies are not granted appropriations to take water out of Lake Tahoe. A great many water districts in California have already begun intensive water conservation. The limited supply of water in today's climate change should demand controlled growth. New developments should not be allocated until such time as we know we have enough water to meet our present needs. Lake Tahoe is not an endless reservoir for drinking water, snowmaking and large water intensive urban developments. We need to remember those that are here including all wildlife and marine life in the Tahoe Basin.

Tahoe Vista

Sandy Beach. – Twenty-seven seasonal campsites currently exist on this 6.9 acre property along with the Spindleshanks restaurant and ancillary outbuildings. The proposed development is for 39 luxury fractional share units ranging in size from 1230 sq ft to 3277 sq ft to be marketed by Wyndham Resorts. The project also proposes add-

ing 1000 sq ft to Spindleshanks, a swimming pool, four spas, and a 6000 sq ft clubhouse/administration building and seven garage buildings.

The Placer County Planning Commission approved the project on July 10 in Auburn. With near 400 signatures the Tahoe Vista community has appealed, and the decision for project go ahead will be heard by the Placer County Board of Supervisors on October 20th at the Granlibakken Resort.

Tahoe Sands – The Tahoe Sands Redevelopment project has been put on a hold. The TRPA Scoping Meeting was cancelled. No date has been given for a resurrection of this project.

Homewood

Homewood Mountain Resort (HMR) on May 14, 2008 submitted a request for Land Capability Challenge (LCC) to the TRPA. “LCC of approximately 40 acres of land area including North and South base areas and in between with an additional 6-8 acres at mid-mountain location of proposed mid-mountain lodge” represent the challenge. “The U.S.D.A. Forest Service and TRPA developed the Bailey land capability system in the early 1970’s based primarily on the official USDA soils maps for the Tahoe Region. Each soil type was assigned to a land capability class ranging from 1-7, with capability 1 being the most environmentally fragile and sensitive to development. Wherever land was found to be influenced by a stream or high groundwater it was assigned to capability 1b, also known as “Stream Environmental Zones” or SEZ.” For parcels with Bailey scores 1 through 3 parcels, (1% to 5% coverage), TRPA has built into its Code of Ordinances a program for the transfer of development rights to other, less sensitive parcels

Applying for Land Capability Verification is often the best way to find out how much coverage is allowed on residences built before 1987, on all commercial and multi-family parcels. What HMR is presently doing is challenging the Bailey’s system on Plan Area Statement (PAS) 157 Recreational and some PAS 159 Commercial along Hwy 89. There was no specific list of properties on this 40 acre challenge; however we know the mid-mountain facility is requesting commercial zoning and is located in 1a class along with the maintenance base and water tanks.

We have read the Kleinfelder Groundwater Investigation Report for HMR and this has been submitted illustrating the Fawn St. gravel parking lot south of the north parking lot contained seasonal groundwater at depths ranging from 0.89 inches to 3.5 feet below ground surface in a lake depositional environment. This may be the position of the three level parking lots and 12 workforce housing units

“The North Base parking lots, contained seasonal groundwater at depths ranging from 4.3 to 8.0 feet below ground surface in an interlayered colluvial and lake sediment depositional environment. Groundwater flow across the North Base area is to the north and east towards Lake Tahoe” (*Kleinfelder*). This may make the underground parking of 2 levels difficult or even the foundation for the Hotel.

“Shallow groundwater ranging between 2 and 4 feet below ground surface was measured at the north end of Tahoe Ski Bowl Way and above the north portion of the South Base area”, (*Kleinfelder*). This would be approximately where the 11 parcels for single homes to be developed with the asphaltting of a private Tahoe Ski Bowl Way.

“The southern portion of the slopes above the South Base area contained groundwater at depths of approximately 9 feet below ground surface. Groundwater flow across the South Base area is to the east towards Lake Tahoe. Based on the below average precipitation in 2006/2007, TRPA is requiring another year of groundwater monitoring. Mottled soils possibly indicative of seasonal groundwater were noted at depths of 4 to 5 feet below ground surface. In the parking lot area of the South Base but did not contain and measureable groundwater during spring 2007”, (*Kleinfelder*). Shallow groundwater will impact the multiple parking lots underground in the South Base.

The final Kleinfelder report was finished in July of 2008 and given to the TRPA Soil's Scientist in August. TRPA Hearings Officer will listen to the challenge for approval or denial of land capability challenge. We will update you with the time and schedule of this TRPA Hearing Officer's meeting

Upcoming Events/Key Date

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.

Monday, October 20, 21	Placer County BOS Meeting Sandy Beach Appeal Hearing	9 am, Granlibakken Resort
Wednesday, October 22	TRPA Governing Board	9:30 am, TRPA Office, Stateline
Tuesday, October 28	TRPA Regional Plan Workshop	6 pm. Chateau, Incline Village
Wednesday, October 29	TRPA Regional Plan Workshop	6 pm, TRPA Office, Stateline
Thursday, October 30	Bruce Kranz Coffee	9 am, Gar Woods Restaurant
Tuesday, November 4	Placer County BOS Meeting	9 am, BOS Chambers, Auburn
Wednesday, November 5	NLTRA Board Meeting	8:30 am, TCPUD Board Room
Tuesday, November 11	NTPUD Board Meeting	3 pm, NTCC, Kings Beach
Wednesday, November 12	TRPA APC	9:30 am, TRPA Office, Stateline
Wednesday, November 12	NTFPD Board Meeting	6 pm, TCPUD Board Room
Thursday, November 13	NTRAC Board Meeting	6 pm, NTCC, Kings Beach
Wednesday, November 19	TRPA Governing Board TAU Issue	9:30 am, Chateau, Incline Village
Friday, November 21	TCPUD Board Meeting	8:30 am, TCPUD Board Room
Tuesday, November 25	Placer County BOS Meeting	9 am, BOS Chambers, Auburn
Thursday, November 27	HAPPY THANKSGIVING	

TRPA – Tahoe Regional Planning Agency
 NLTRA – North Lake Tahoe Resort Association
 TCPUD – Tahoe City Public Utility District
 NTCC – North Tahoe Conference Center
 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 Committee