



California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

February 21, 2014

Subject: Environmental & Community Stakeholder meeting with California Tahoe Conservancy staff on January 28, 2014

Dear Chair Sevison, Members of the California Tahoe Conservancy Board, and Patrick Wright:

Thank you for meeting with the Friends of the West Shore (FOWS), Tahoe Area Sierra Club (TASC), and others on January 28, 2014. We appreciate the time taken by staff to discuss proposed changes to California Tahoe Conservancy (CTC) policies and plans with our groups and other stakeholders.

However, we have several concerns regarding the notes prepared by CTC staff from this meeting, and want to address and clarify possible misunderstandings represented by those notes.

Community Value of Open Space

With regards to CTC's notes: *"There is concern regarding the changed values of previously purchased vacant parcels and the values derived from public ownership by adjacent developed properties,"* the CTC appears to misunderstand the TASC and FOWS comments as to the environmental and community values of open space. The agency statement captures our concern as if it were between the changed **monetary value** of property purchased by the agency in the past and its value today and confuses that with the **monetary** impact on adjacent property owners who purchased land and built houses next to **Conservancy-owned lands, believing that lands owned by the Conservancy would be conserved.**

1. TASC and FOWS request that the CTC revise the notes to accurately portray our comments to state that the TASC and FOWS commented on the **values of open space land, in communities, as well as adjacent to neighbors in neighborhoods.**

The value to the Community of open space land in various forms, including individual lots to acres of open space, is a human value for living with the land, with the native vegetation, with ecosystem values, and a personal connection to nature. The nature of open space may provide larger views, will provide natural infiltration of stormwater runoff, and support iconic trees and native flowers. Undeveloped land takes up nutrients, supports denitrification of atmospheric nitrogen, and provides carbon sequestration.

2. TASC and FOWS do agree that, based on innumerable studies of the value of having vacant unbuildable land next to one's home, there is a strong belief supported by study results throughout the country that a property's monetary value is increased by virtue of being adjacent to lands owned by land protection entities.

Thus, the Tahoe Conservancy is expected to conserve land, and it is unconscionable that it would, in the name of a need for more money to support your agency and an untested

economic vision (eerily similar to the untested vision that resulted in the Hole-in-the-Ground), proclaim that some open space lands are more useful to the agency in the form of a real estate deal. Conservation of those very lands is important to the non-monetary values of the community.

Change in CTC's Mission and need to clarify to public:

Due to the clear misunderstanding by the public as to the Conservancy's new focus, it is imperative that the CTC clarify with the public that it is no longer focused on purchasing vacant lands for protecting Tahoe, but rather, is focused on real-estate deals to buy and sell "marketable commodities" in order to increase development in the TRPA-designated Town Centers such as Meyers, Kings Beach, Stateline, and South Lake Tahoe.

1. It is important that the CTC clearly inform the larger public regarding the agency's intentions to sell off previously-purchased lands - for which the public expected protection from development - as "asset lands," in order to benefit a future economic "Vision" that the taxpayers and Tahoe lovers did not understand was about to be implemented using Conservancy lands. The loss of what previously was taxpayer-funded conservation land to development is a significant loss to Tahoe's natural values but appears to be ignored in the agency's publications.
2. The CTC must clearly inform California taxpayers of the future possibility of more sales of CTC parcels. The public should also know that asset lands' commodities – such as motel units, commercial square feet, single family houses – can be easily renamed whatever CTC wants them to be, based on what will bring the agency the best sales price. In addition, the TRPA allocates "potential" coverage rights to the large parcels of land acquired by the Conservancy so that the Conservancy can transfer very large amounts of coverage throughout the basin.
3. The California Tahoe Conservancy has created the perception among the public for twenty-seven years that lots and parcels are purchased for CONSERVATION – it is shocking to learn that that is no longer true, and those lots and parcels that were purchased for conservation can now be put up for sale, based on the monetary needs of the agency and its visions of a built-out Lake Tahoe. The taxpaying public deserves to know that the CTC appears determined to raise more money through these sales in order to purchase more land and real estate "commodities" for sale, and that today's CTC is no longer working to conserve more undeveloped land.

Density, Traffic, and Transit Issues:

The CTC relies on the latest regional transportation plan to reduce traffic by improving transit systems. Given the CTC's assumption that higher density will provide environmental benefits such as successful transit, it would be helpful to the public if the CTC would provide the documentation and data regarding the 'critical mass' (number of people in an area) necessary for these "Centers"¹ to actually reduce the amount of 'per person' driving. Critical mass is a term that defines the numeric level of population that is needed (increased number of people) in an area in order for enough people to use – and help pay for - expensive new transit systems.

¹ "Centers" as used herein includes the RPU's new Town Center, Regional Center, and High Density Tourist Districts.

Since the CTC real estate transactions are stated to be beneficial by virtue of their presumed result in more transit riders, the ‘critical mass’ data is crucial to the CTC’s assertion. Note that TRPA’s transportation references for this ‘concept’ are all based on large metropolitan areas; the TRPA has not provided data that demonstrates, with factual evidence, that the transfer area targets would provide critical mass.

1. It is important that the CTC, before undermining local community values, produces hard evidence that the CTC knows what constitutes critical mass for farebox return prior to committing taxpayer funded commodities to a venture that may be an unsupportable economic vision. The CTC, as a real estate agency, must do its due diligence to verify that it is not involved in a project that is doomed to failure, prior to selling off the agency’s protected lands. Finding this out *after* the agency’s protected lands have been sold off is unacceptable. The taxpaying public must be clearly notified of CTC’s intentions, CTC’s documentation to support these assertions, and CTC’s research to ensure due diligence regarding demonstrated environmental “benefits” has been performed.

Environmental “impact” of existing development:

TASC and FOWS are also concerned with the issue of what constitutes a building that is damaging the environment. Clearly older buildings are not as attractive as newer buildings, but that “eye-of-the-beholder” judgment does not constitute an analysis of the impacts that hypothetically damage the environment.

1. There do not appear to be any supportable studies or analyses of the existing impacts of the existing buildings that are targeted to be bought because they are “damaging the environment.” If they are damaging the environment, then it is important that an examination of the existing impacts of the existing development that is to be purchased versus demolishing that development and restoring the land to its natural state be immediately undertaken and provided to the public. Assumptions are simply not hard evidence.
2. Further there is no data that compares the impacts of the proposed increases facilitated by the new development, in terms of such issues as coverage, increased use by people and traffic, increased needs for parking, and other impacts in Town Centers, to the values of restored land. While there are allegations that there will be benefits, there is no factual scientific demonstration that there are environmental benefits of the real-estate transfers of commodities to facilitate the expansion of the town centers though the multiplication of units, square feet, coverage, and crowdedness.

Specifically, as pointed out by TRPA and local governments repeatedly, the RPU relies heavily on the success of the transfer program outlined in the RPU to obtain environmental benefits, including progress towards TRPA’s water quality and soil conservation thresholds. However, there has been no environmental analysis which examines:

The impacts of the existing structure as it now stands
 +
 the impacts caused by demolishing the structure
 -
 less the benefits of complete and effective restoration,
 +
 the impacts of construction of the new (increased) development transferred to centers
 (WQ, AQ, Soils impacts)

compared to:

the overall long term impacts of the new/increased development.
 (WQ, AQ, Soils impacts)

In other words, the RPU assumes there is a net environmental benefit from the removal and transfer of “existing units” in sensitive areas, and/or outlying areas² (that may not be sensitive), but, **there is no technical assessment of whether this is actually true.** There may be many existing structures that create far less impacts where they now stand than if ‘transferred.’ As the RPU is also concerned with upgrades to the built environment, if the environmental impacts of leaving the old structure in place are less than transferring it, then the visual impacts to the built environment can be corrected through remodels. In fact, a number of remodels have been cited by the TRPA in their annual awards, proving remodels have been successfully done under the 1987 Plan throughout the Basin.

FOWS and TASC recognize that transfers from SEZ and full restoration to effectively functioning SEZ may produce clear “net benefits.” but it is important that scientific methods are used to make that determination.

CTC purchase and/or trade with U.S. Forest Service:

Another area of concern to TASC and FOWS is that of the land that was obtained from the United States Forest Service (USFS) for protection of the Tahoe basin by the CTC and the likelihood of any one of those parcels becoming “asset lands” and sold off for development purposes.

1. TASC has concerns about USFS lands that that have been sold/traded/exchanged/etc. with the CTC. It is important that the CTC disclose to the public when and with what mechanism the CTC could then deem some of these lands as “asset lands” and sell them off for development.
2. The CTC must disclose to the public how many and which Santini-Burton (SB) parcels are permanently deed-restricted and how many and which are not. While it was known that the USFS was occasionally sloppy with their real estate paper management and may have failed to register them as protected lands as required by the Santini-Burton Act, that error would not then give the CTC license to re-categorize the lands and remove the SB protections from those former USFS lands that are now managed by the CTC. In order to put this issue to rest, the CTC must review all SB lands and verify that they are all permanently protected.

² TRPA has defined ‘outlying’ as ¼ mile away from a Center boundary, which is a measure rarely thought to be a mere quarter mile distant and appears to include a significant amount of non-sensitive, developed and undeveloped lands.

3. FOWS and TASC would be glad to meet with the CTC to discuss the Santini-Burton program and its intent.

CTC’s choices when selling asset lands/future commodity lands:

TASC and FOWS are also concerned with CTC’s indication in our meeting that the TRPA Plan “required” the CTC to utilize the maximum commodity levels of that Plan as delineated in the Area Plans and other areas. Although extra (additional) commodities of Residential/TAU/CFA/coverage/etc. received through transfer of commodities are anointed by the TRPA Regional Plan, the CTC does have other options than to merely accept those increases. For example, the CTC can choose NOT to buy developed lands, and/or they can choose to permanently retire commodities that were awarded with the purchase of developed lands. The CTC is not the hand-maiden to the TRPA’s interest in implementing programs to their greatest maximum level of development. The TRPA Plan is a ceiling, not a floor. Discretion on behalf of community values as to scale, crowdedness, and loss of views, is an option for the CTC. The CTC can choose to reduce the maximum TRPA-given incentives. As an example:

1. The TRPA-dictated Meyers Town Center Plan Overlay imposes TRPA’s expansive new zoning on a small community that had already worked out most of the kinks for their future. Other potential considerations regarding the Town Center boundaries appear to revolve around the CTC asset lands in comparison to the 1993 Meyers Community Plan.

A further example of the value of open space lands managed by the CTC are the large parcels in downtown Meyers that provide wonderful site breaks along a highway that could have been a continuous strip mall. Those lands, if left as open space, will mark Meyers as a community that is light years ahead of other places in terms of open space amenities.

We appreciate your willingness to meet with the environmental community. However, we were discouraged that our diverse group, including realtors and locally-elected officials, was not able to explain our concerns as clearly as we felt we had. We assume that this letter corrects the statements of our concerns. We request that this letter be attached to any documents that you provide to your Board regarding the issues hereby addressed.

Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net or Laurel Ames at laurel@watershednetwork.org if you have any questions.

Sincerely,



Laurel Ames,
Conservation Chair,
Tahoe Area Sierra Club



Susan Gearhart,
President,
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Jennifer Quashnick
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