

# North Tahoe Citizen Action Alliance

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*Jerry Wotel, Newsletter Editor*

## NTCAA Newsletter – August 2011

### Kings Beach Biomass Plant: The Closing Chapter

The Tahoe Regional Planning Agency's (TRPA) Executive Director informed Placer County Executives on July 18<sup>th</sup> that the Kings Beach site for a proposed utility-scale Biomass Plant is taken "off the table" as an alternative to the proposed Lake Tahoe Biomass Plant. Placer County was incredulous after spending several hundred thousand dollars of County and Federal funds (our tax dollars) promoting Kings Beach as the preferred site. So in a letter from the TRPA, dated August 4, 2011, Executive Director Joanne Marchetta reiterated her position to not consider Kings Beach as an alternative for the proposed biomass plant. Placer County then acknowledged this had happened, and at the Board of Supervisors meeting on August 9, 2011 voted to terminate two contracts with TRPA (their Reimbursement Agreement, and the Contract with Ascend Environmental for the Environmental Impact Study), and examine the Cabin Creek facility as the primary location for the combustion plant.

NTCAA first reported Placer County's intent (see Biomass Plant in Kings Beach?) in our April 2010 newsletter. We committed at that time to follow Placer County's misguided location in the Tahoe Basin, research the issue, and write about it in every following newsletter. NTCAA sponsored two public meetings to help inform the community about biomass combustion, the current forest waste stream, and raise awareness about the "facts on the ground."

Placer County Supervisors Holmes and Uhler to this day, as evidenced on the video of the August 9<sup>th</sup> Board of Supervisors meeting, do not seem to understand these facts. Supervisor Holmes expressed "disappointment" that their Strategic Plan for the Wildfire Protection and Biomass Utilization Program (2007) was denied, as if the goals of the Plan required hauling biomass from Cabin Creek back in to the Tahoe Basin for combustion. On Page 22 the County Plan reads, "*The presence of inadequate on-site biomass storage, sorting, screening, processing, or drying systems is commonly overlooked because of the perception of an endless supply of material (and thus no need to conduct operations efficiently).*"



Supervisor Holmes condemned as "misleading" the photographs of smoke billowing from a biomass plant. Could he possibly believe that a photograph alone led people to oppose combustion in the Tahoe Basin? Other than the Placer County Supervisors and staff, just who was in

favor of the proposed plant in Kings Beach? The so called “partners” listed in the Notice of Preparation qualified their support as conceptual only, and they denied being partners for the Kings Beach site. Why were these “partners” completely unaware of Cabin Creek operating as a regional biomass storage and processing site?

Virtually everyone who learned of the basic facts of the local biomass waste stream, and who has lived in the Tahoe Basin long enough to understand why air and water quality regulations are stringent, thought it was an absurd idea to haul the feedstock to Cabin Creek, and after processing, to haul it back into the Tahoe Basin for combustion.

Supervisor Holmes’ final statement was that the United States Forestry Service (USFS) couldn’t make fuels reduction “pencil out”, private logging (which depends on harvested timber values to cover only a portion of the costs) is limited in the Basin, but Placer County had figured out a way to create a “commodity” of the biomass material to make it all work. This was based solely on the false assumption that the forest material from increased fuels reduction would all be open burned in the Tahoe Basin, and since controlled combustion is cleaner than open burning, it would yield marketable emission credits and carbon credits.



The fact that annual open burning in the affected area of the Kings Beach site over the last six years accounted for one day of biomass fuel for the proposed plant was never examined. The fact that nearly all the biomass material from the Tahoe Basin goes first to Cabin Creek for fuel preparation, and must be stockpiled (20,000 tons) at Cabin Creek when the local forests are closed during winter, was ignored as well. Cabin Creek should technically

have been the first site examined for a combustion facility to meet the goals of Placer County’s Strategic Plan. Why was this ignored?

Supervisor Uhler’s comments showed disdain for “certain” Kings Beach and Tahoe Vista residents who accuse the County of “destroying” Lake Tahoe. He wondered out loud what will be the next issue. Again, he assumes there is no substance behind the opposition to a biomass combustion plant in the Tahoe Basin. He takes it personally, as an affront to his authority, instead of seeing public issues (using public funds) as properly debated in the public realm to reveal the facts. Sometimes the County staff can devise a scheme that is more political than practical. It has nothing to do with personalities, and everything to do with the facts, logic, and common sense. **Why were there no public meetings on the north shore prior to Placer County signing contracts with TRPA and issuing the Notice of Preparation with Kings Beach already determined the “preferred alternative”?**

We must be eternally vigilant that this modus operandi is not forced upon us in the future, and be ready to take a determined stand for our civil rights.

## **A Special Thanks to the Hundreds of Citizens Who All Helped Social Justice Be Done**

NTCAA is grateful to all individuals who acted in accordance with their conscience, and had the courage to write letters, emails, talk to their friends, and participate in public forums. No single group could have done this alone.

Beginning last summer written comments were submitted by NTCAA, the League to Save Lake Tahoe, and the Tahoe Area Sierra Club to the Notice of Preparation. This was the first official document as notice to the world that an EIR was being prepared with Kings Beach as the preferred site. About 40 individuals showed up at the first public meeting on the NOP asking questions and making their voices heard. The EIR/EIS was scheduled to be released in January 2011. Then groups started meeting all over the North shore. The Friends of Lake Tahoe (FOLT) led by Roger Patching, a retired Political Science professor, organized in November 2010 to bring a voice to all Basin residents and second home owners. Their website is chocked full of the technical information, references to many of the studies and false claims made by Placer County, and avenues to help all citizens worldwide concerned about preserving the unique qualities of Lake Tahoe.

FOLT collaborated with NTCAA challenging Placer County's documents, false claims in the NOP, and flawed analyses by their hired consultants. FOLT initiated and followed through with numerous political contacts. They also retained legal counsel, Daniel Harshman, who commented on procedural improprieties and contracts between TRPA and Placer County. All this effort was designed to avoid expensive litigation. FOLT is continuing to pursue a ban on biomass combustion power plants within the Lake Tahoe Basin.

The Anti-Biomass Coalition was spearheaded by Dawn and Mike Baffone, long time Kings Beach residents, and became a lightning rod for locals. Their website and Facebook pages were so well done the word spread quickly and inspired others to creatively get the word out. Justine Majeczky produced a very professional video pro bono. The Coalition sponsored a public meeting in July that was attended by 160 people in opposition to the biomass plant, and was a clear indication of the increasing popular opposition to the Kings Beach location. The signs posted along Highway 267 helped make visitors and Incline Village residents aware of what was being planned by Placer County.

The Board of Realtors legal committee sponsored a meeting with Placer County officials and project lead Brett Storey. Their penetrating questions and concerns continued to spread among the real estate community. Several Homeowners Associations were very active in learning about the issue, communicating with their owners and with other Associations. Hundreds of letters and emails were generated to local officials, agency Board members, and State and Federal representatives.



Technical and industry experts were willing to share their knowledge and experience, including operations people from the Carson City and the Loyalton Biomass Plants. The Tahoe Fire and Fuels team decided not to approve a “Strategies Report” that named the Kings Beach site as the primary location for a biomass facility, keeping the Fire Districts out of the planning business. The North Lake Tahoe Fire Protection District (Incline Village) was a leading example of how to conduct fuels reduction activity to make a safer community.

There were so many more individuals who acted in their own way to contribute, and it all made the difference. NTCAA thanks you all.

### **California Redevelopment Agency Developments**

From the Division of Audits, Office of State Controller, under AB1X 26 and AB 1X 27, RDAs that wish to continue are required to adopt a resolution to do so, and commit to make a contribution of revenues to the state based on their share of \$1.7B in the current fiscal year. The actual amount required by the Placer County RDA for the current year is \$3,776,336. The precise amount for subsequent years is as yet unknown. The bills also allow RDAs to go out of business and transfer their assets to a successor agency to phase out obligations that are on the books.

However, we feel that few RDAs will select that latter option. The Department of Finance provides more information on these two bills on its web page at <http://dof.ca.gov>.



Those that continue to operate as an RDA are still required to operate under the same laws currently on the books for RDAs.

A lawsuit challenges the state’s authority to implement this law. While some provisions are suspended pending a final decision (ex. - the requirement to send the share of the \$1.7B), others are still in force (ex - the prohibition on making new commitments). Assuming the state prevails, then the impact to RDAs by AB1X 26 and AB 1X 27 is as described. However, there are a number of other bills that are being considered, that if passed would tighten up the rules for RDAs going forward.

## 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. Other meetings/events not shown here, or changes, will be announced by email.

|                         |                      |                                |
|-------------------------|----------------------|--------------------------------|
| September 7, Wednesday  | NLTRA Board Meeting  | 8:30 am, TCPUD Board Room      |
| September 8, Thursday   | NTRAC Meeting        | 6 pm, NTEC, Kings Beach        |
| September 13, Tuesday   | NTPUD Board Meeting  | 9 am, NTEC, Kings Beach        |
| September 14, Wednesday | TRPA APC Meeting     | 9:30 am, TRPA Stateline Office |
| September 16, Friday    | TCPUD Board Meeting  | 8:30 am, TCPUD Board Room      |
| September 21, Wednesday | NTPFD Board Meeting  | 6 pm, TCPUD Board Room         |
| September 28, Wednesday | TRPA Governing Board | 9:30 am, Location TBA          |

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

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

***“Every government degenerates when trusted to the rulers of the people alone. The people themselves are its only safe depositories.” . . . . .Thomas Jefferson***

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The North Tahoe Citizen Action Alliance (NTCAA) seeks to provide an ongoing voice for ordinary citizens. Planning the future of our communities and providing for communication and education on key issues affecting our communities is of prime importance. We serve the North Lake Tahoe area from Kings Beach to Tahoma. NTCAA is a tax-exempt California Public Benefit Nonprofit Corporation formed in May 2007, staffed by community volunteers. Membership is limited to those who subscribe to the NTCAA Goals and Objectives and are willing to participate in the organization's activities.