

Opinion: Setting the facts straight about public beach in Tahoe

By Janet McDougall

I read the recent article “Law of the Sand – Rules governing public access to Tahoe shore murky at best” that recently appeared in the *Tahoe Daily Tribune* and found myself deeply frustrated. I immediately sent a letter to the editor of the *Tribune* attempting to clear up several factual problems with the story and have not received a response, nor have they printed my letter so I am instead writing to the *Lake Tahoe News*, since I know Kae cares about facts and will help to set the story straight.

The beach at the Tahoe Beach and Ski Club is a public beach.

As part of the agreement to allow the developer of Tahoe Beach and Ski Club to build, he was required to convey to the city public beach rights and limited parking for beach users. Over the years the timeshare owners at the property have discouraged the public from using the area. Unfortunately, the primary access easement and parking area were eliminated in a land swap with the Redevelopment Agency that allowed Tahoe Beach and Ski to install required drainage improvements on site. Tahoe Beach and Ski management agreed to allow the public to access the area through another ingress/egress point, but over time, that understanding has apparently been eroded. The public access rights to the beach remain, so anyone accessing the beach from the Ski Run Marina area is not trespassing.

The deeds conveying ownership in the timeshare intervals include language clearly stating that the public has the right to use the beach, but owners and management at Tahoe Beach and

Ski disregard this information, since it runs counter to their desire to ultimately have the beach regarded as private.

A check of the county Recorder's Office records and the city Planning Department street file for the Tahoe Beach and Ski Club property will reveal that the public continues to have the right to use the beach. It is my hope that this issue is ultimately brought to the forefront to ensure the public is no longer ejected from beach areas it rightfully owns.

The city should erect a sign at the entrance point to the area to indicate it is public, that the public should be respectful of the boundaries of the public area, and that if the public is denied access they should immediately contact the police department, with the phone number clearly posted. The beach behind Timber Cove Lodge is also a public beach; locals and visitors should also feel free to utilize that area for their enjoyment.

If the Tahoe Beach and Ski Club continues to prevent the public from using public land, the police department should make contact and educate those who are the real offending parties – not people like Todd Snider and his family who had every right to be on the beach.

Locals, be sure to make it a point to visit the beach and assert your rights of use. And if the Tahoe Beach and Ski Club continues to eject the public from land the public has the right to enjoy, they should be made to pay the city the fair market value of the beach rights – we all know the city could use the money to help defray the costs of badly needed road repair.

Janet McDougall was a legal analyst in the city attorney's office for 13 of the 17 years she worked for South Lake Tahoe.