

LTRA allows rejiggering of public lands

By Kathryn Reed

Some of what are now publicly owned lots throughout the basin could one day be privately owned and developed.

While that is not the intent of officials with the Lake Tahoe Basin Management Unit, it is allowed under the Lake Tahoe Restoration Act that was approved by Congress last fall and signed by President Barack Obama in December.

The legislation says, "Except in the case of land described in paragraphs (2) and (3), the secretary of agriculture may convey any urban lot within the Lake Tahoe Basin under the administrative jurisdiction of the Forest Service."

Convey in this sense means to transfer title of property.

"May does not mean we will or that locally we are leaning in that direction," Heather Noel, spokeswoman for the local U.S. Forest Service office, said in regards to selling the federal land. "They could direct us to look in that direction, but we have not. There would be a lot of discussion before that would happen."

However, a new administration is in charge; one that has indicated a willingness to get rid of federal land.

If the Forest Service were to sell urban lots, it is more likely to occur in Nevada because the California Tahoe Conservancy is expected to have first dibs at the California ones.

"If it goes from federal domain to a private entity, that is where TRPA codes would prevail," LTBMU Forest Supervisor Jeff Marsolais told *Lake Tahoe News*.

This means all the rules the bi-state regulatory agency has in place would become relevant.

“The lion’s share of urban lots was Santini-Burton,” Marsolais said. This means they could not be developed.

For ones that don’t fall under Santini-Burton, they must have development rights and a building allocation. Just because someone owns a vacant lot in the basin does not mean they get to build on it.

A large section of the LTRA deals with land transfers, largely between California and the U.S. Forest Service. Some of the land is protected by the 1980 Santini-Burton Act. That act allowed the acquisition of sensitive lands in the basin by the Forest Service and ensured they would not be developed.

The Tahoe Regional Planning Agency and League to Save Lake Tahoe were integral in wordsmithing the LTRA.

“The broad intent of the language was to preserve these open space lots for the benefit of conservation and environmental protections,” Julie Regan, legislative affairs guru for TRPA, told *Lake Tahoe News*.

The logic behind the land transfers is for each entity to own contiguous property and therefore be managed more efficiently. The thinking is that the California Tahoe Conservancy is better equipped to manage urban lots. The Forest Service wants to get out of owning these parcels that are in neighborhoods. Because there is no similar agency in Nevada, the Forest Service intends to keep its urban lots in the Silver State. In California there are 2,174 or about 3,133 acres’ worth of urban lots, and Nevada there are 1,113 or 1,638 acres.

LTRA identifies 1,936 acres of CTC land and 183 acres of State Parks to be transferred to the USFS. There would be 1,995 acres of USFS land given to those state agencies.

“The public process is important to me in how I approach being a steward of public lands here,” Marsolais said. “I would not move forward without a robust public engagement strategy.”

Still, he said it is not for the Forest Service to say if any aspect of LTRA is good or bad, but instead the agency is to remain neutral and carry out orders from Washington.

While acreage for transfer has been identified, all the LTRA did was give the OK to move forward. The LTBMU, CTC and State Parks need to go through their respective processes before it's a done deal.

The LTRA says this exchange will “not result in any significant changes in the uses of the land; and (will) be subject to the condition that the applicable deed include such terms, restrictions, covenants, conditions, and reservations as the secretary determines necessary.”

In other words, if the land couldn't be developed before, it can't be in the future either. However, if there are development rights associated with that property, they go with the property.

“We will be meeting with the USFS soon to discuss options for moving forward. At this point, however, there is no funding or staff dedicated to process thousands of changes of ownership, or for the Conservancy to manage additional lands. LTRA authorizes \$2 million to help facilitate the transfer, but those funds have not been appropriated,” Patrick Wright, CTC executive director, told *Lake Tahoe News*. “As to the urban lots we would receive, virtually all are deed restricted for environmental purposes, and LTRA clearly states that the transfers are subject to those restrictions, that no changes in uses can be allowed – so they could not be developed, and that their development rights, if any, cannot be used to facilitate development elsewhere.”

People, particularly in South Lake Tahoe, are skeptical of

land transfers after the CTC acquired what was the old drive-in from the city. It is now a mega-home whose only purpose is to be a vacation home rental. Some fear when the CTC owns the current USFS land it will become part of the state agency's asset lands management program – which allows the state to sell the public land and to use that money to keep the agency solvent.

That is why language in the LTRA says, “If a parcel of land transferred under paragraph (2) or (3) is used in a manner that is inconsistent with the use described for the parcel of land in paragraph (2) or (3), respectively, the parcel of land, shall, at the discretion of the secretary, revert to the United States.”

Even so, there remains the real possibility some current public land could one day be privately owned.