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Contact:

Wendy Park, Earthjustice, 415-217-2000, wpark@earthjustice.com

Ron Grassi, Sierra Club, 530-386-3862, ronsallygrassi@mac.com

Susan Gearhart, Friends of the West Shore, 510-579-1257, susan@friendswestshore.org

Court Halts Lake Tahoe Ski Resort Expansion

Flawed environmental impact report had rejected a smaller Homewood development

Sacramento, CA—A federal judge has sent a proposed expansion of a Lake Tahoe ski resort back to the drawing board, ruling that Placer County and the Tahoe Regional Planning Agency (TRPA) improperly analyzed the feasibility of building a smaller facility. The project would have transformed the Homewood Mountain Resort in Homewood, California, into an overnight destination resort with hundreds of new condominiums and hotel rooms.

Led by the Tahoe Area Sierra Club and Friends of the West Shore, local community and unified conservation organizations had pushed for a smaller construction project. These advocates hailed the court ruling as a vindication of their efforts to protect the beauty and clarity of the scenic lake.

“This decision is yet another reminder that the agencies entrusted with protecting beautiful Lake Tahoe, which has already suffered so much from runaway development, must not continue to allow private gain at the Lake’s expense,” said Wendy Park, an attorney with Earthjustice, the public interest law firm that represented the environmental groups.

In a lengthy decision issued late Friday, U.S. District Court Judge William Shubb rejected the developer’s claim that it would lose money if it reduced the size of the planned resort. He noted that the combined Environmental Impact Report and Environmental Impact Statement (EIR-EIS) inexplicably failed to consider all streams of income, including condominium and hotel revenues. “The EIR-EIS misleads the public by suggesting that [ski lift] ticket sales revenue is the only relevant factor in assessing the financial viability of Homewood...” the judge wrote. He ruled that no construction could begin until a “legally adequate” EIR-EIS that properly considered a scaled-down project had been prepared and circulated.

Commenting on the decision, Ron Grassi of the Sierra Club said, “Fortunately for the public, the Judge agreed that the developer provided an incomplete financial picture of a smaller-sized and less harmful project, so that it was never given a fair chance. Rather than relying simply on the developer’s paid consultant, the County and TRPA should have done their own independent analysis. A multi-million dollar development doesn’t have to be huge to be successful.”

Homewood Mountain Resort is a small, quaint, family-oriented ski facility located in a primarily residential community on the scenic west shore of Lake Tahoe. When real estate developer JMA Ventures proposed to build hundreds of condominiums and hotel rooms along with a commercial center, local residents and conservation groups challenged the plan before the Tahoe Regional Planning Agency as well as the Placer County Board of Supervisors.

Despite concerns that the project would exacerbate summer time traffic and air pollution in Tahoe's peak tourist season, TRPA approved the project in December 2011. The Agency further weakened the existing Tahoe Regional Plan by passing special amendments for Homewood to waive or loosen restrictions on building height, residential density, and commercial development.

TRPA's fundamental duty under the bi-state Tahoe Regional Planning Compact is to restore the Lake's water clarity and health, which it has so far failed to accomplish. Last December, TRPA approved a controversial new Regional Plan that delegates much of its environmental protection duties back to local jurisdictions for enforcement. The Plan also raises the cap on new residential and commercial units, increases building height limits, allows more and larger paved areas, and expands the urban boundary, significantly expanding the potential for new development within the region.

Susan Gearhart with Friends of West Shore said of the court ruling, "It has always been up to those concerned citizens who care about the quality of their lives and their homes to stand up to the wealthy and powerful interests that put profit ahead of the health of the environment."

Link to the decision:

http://earthjustice.org/sites/default/files/Homewood_MSJ_Order-1.pdf

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