

From: [Will Irwin](#)  
To: [Public Comment](#)  
Cc: [Sue Blankenship](#); [Joanne McDonough](#); [Joseph Irvin](#)  
Subject: Planning Commission — Public Comment Item 4  
Date: Saturday, May 7, 2022 8:03:31 PM  
Attachments: [708516@montreal.org](#)  
[Two South Lake Tahoe parcels facing zoning change for hotel and condominium project.pdf](#)  
[3794 Montreal Road.pdf](#)  
[029-441.pdf](#)

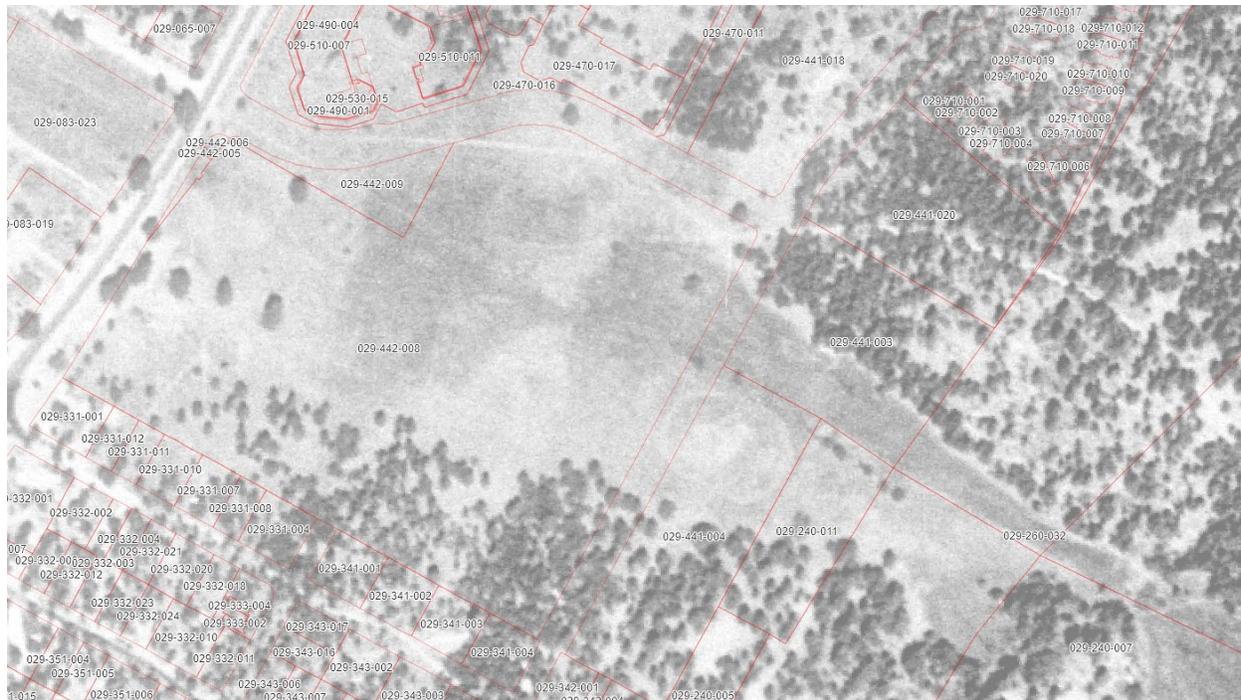
Planning Commission,

Do not develop our meadows! This land was deliberately saved in conjunction with [Rabe Meadow along Burke Creek](#) because it has already been publicly decided continued meadow development would cause irreversible harm to Lake Tahoe. [Meadows](#) provide critical habitat and ecosystem function which even affects the clarity of Lake Tahoe. Nearly all of the historic meadows in the Tahoe basin have already been developed.

[The Regional Plan requires that developments on historic meadows be reversed and the land restored. Remaining open space needs to be preserved as well.](#) You need to further [restore, maintain, and improve](#), this meadow parcel, rather than develop it. In fact, **this land was already restored**, so that other construction projects could occur elsewhere. What is occurring with the Regional Plan is really an obscene bait and switch, and sets precedent that we can arbitrarily and capriciously ignore the Regional Plan and instead continue to destroy Lake Tahoe! The kelpocrats running the Planning Commission, City Council, and TRPA will not stop until every last meadow has been bulldozed-over to myopically flip a hideous development.

The City should not even have abandoned the Public Utility Easement on [3794 Montreal Road \(APN 029-441-004 & 029-240-011\)](#)! The precise purpose for the abandonment of the Public Utility Easement is to allow a large construction project; this agenda item is really just a piecemeal step in the whole development process. The proposed construction project is on the last remaining portion of a large [historic meadow and stream environmental zone](#), which is also [habitat for the Sierra Nevada Yellow-Legged Frog, a federally endangered species](#) (16 USC §§ [1532\(19\)](#) & [1538](#); 50 CFR § [17.11](#); 79 FR [24255](#)). Under the Endangered Species Act, prohibited "harm" includes "significant habitat modification or degradation." Thus, this habitat as well as the endangered animal is protected from private action ([Babbitt v. Sweet Home](#), 515 U.S. 687 (1995)). California law also generally prohibits the impairment or destruction of habitat to which these species are limited ([EGC, §§ 2050 et seq.](#)). A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (PRC §§ [21083](#) ;14 CCR §§ [15300.2\(c\)](#), [15380](#), & [15382](#)).

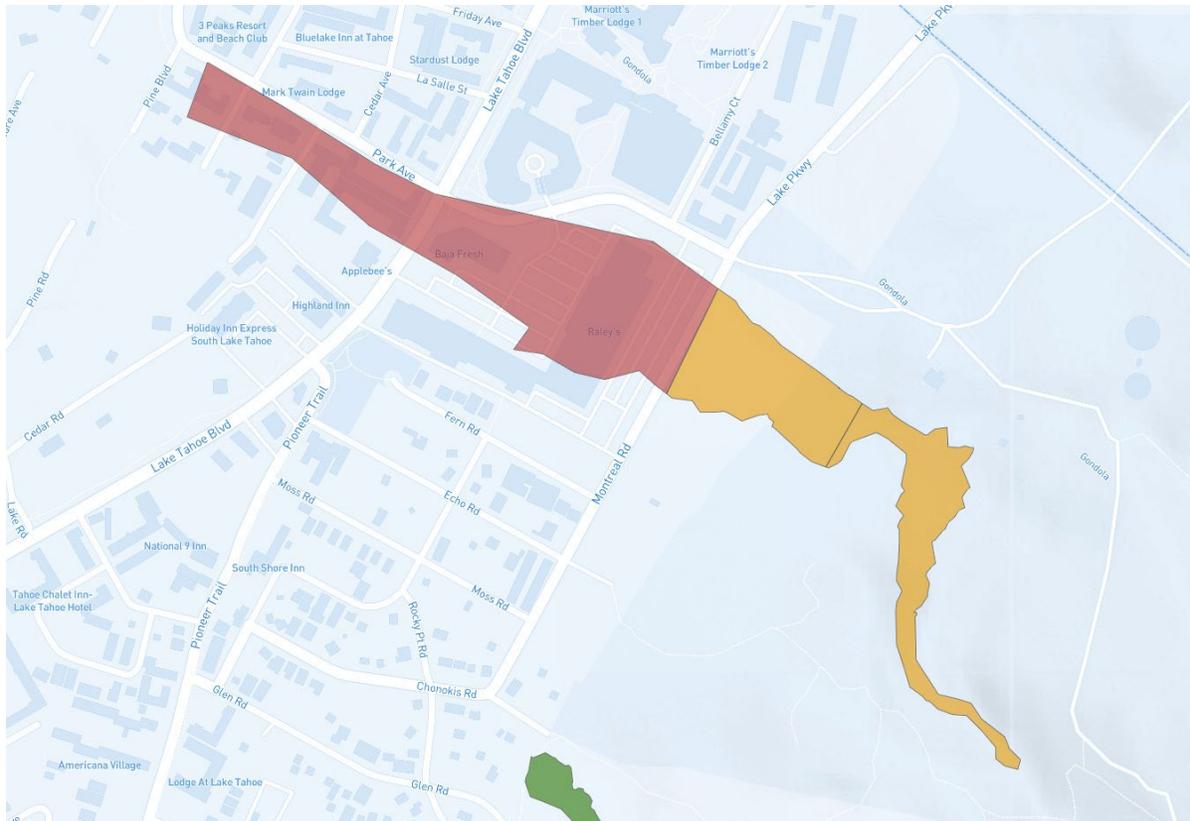
This was a very large fragile alpine meadow in 1940's:



...and these parcels ([APN 029-441-004 & 029-240-011](#)) remained meadow through the 1960's:



Before the [bi-state compact](#) was created in 1980 to protect and restore the former [Stateline meadow land](#).



Don't allow this meadow to be developed by [Lew Feldman](#) on behalf of [HVR ACQUISITIONS LLC](#). Restore it to open space. Allow our [endangered species](#) to recover.

Will Irwin  
P.S. *see also*,

