



December 15, 2009

Governing Board  
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

**Re: Amendment of Chapter 54, Shorezone Project Findings and Development Standards, to Adopt a "Buoy Placement Limit Line" to Replace the Current 350 Foot Buoy Limit Specified in Shorezone Code Subsection 54.5.B**

Dear Mr. Chair, members of the Governing Board, and TRPA staff,

The League to Save Lake Tahoe and the Tahoe Area Sierra Club appreciate the opportunity to provide comments regarding the Buoy Placement Limit Line. The concerns are that the proposal to extend the Buoy Placement Line is not in the best interest of attaining and maintaining thresholds, the EEC contains an insufficient amount of information, and the information that is provided is flawed in its reasoning. The amendment can lead to a range of impacts to scenic, water quality, air quality, and recreation thresholds. A higher level of environmental analysis is needed in order to better evaluate threshold and other complex impacts.

**Buoy Relocation Estimates**

One of the inadequacies in the environmental checklist concerns number of buoys that will need to be relocated under each of the proposed scenarios. TRPA does not take into account the buoy owners who presently have buoys located within the 350 foot regulation and will seek relocating their buoys to deeper mooring depths. Instead, the TRPA relies on the unrealistic and unsupported assumption that none of these individuals will want to move their buoys farther out in the lake. Therefore, the potential for substrate disturbance has been vastly underestimated with the proposed extension of the Buoy Placement Limit Line.

**Increases in Boat Emissions, Boat Miles Travelled, and lack of Mitigation**

TRPA has failed to analyze the potential increase in boat miles travelled and accompanying air pollution emissions associated with this extension of the Buoy Placement Line. For example, a motorized dingy is often used to reach a motorized boat on a buoy. If that buoy is farther out, the dingy must travel further to reach it and return later. Additionally, as is often the case, the boat is then motored to the shoreline to pick up additional passengers and/or supplies and equipment. A boat from 600' out will travel farther to the shore than a boat 350' out. Furthermore, as this is all within the No Wake Zone, this additional travel will occur when the boat is in the most inefficient and highly polluting portion of its operating range. When considering multiple trips a day and the cumulative emissions from hundreds (if not, thousands) of buoys placed farther out into the Lake, cumulative emissions could increase dramatically from boats due to greater boat travel distances. Not only has this impact not been

recognized nor analyzed in a proper environmental analysis, but no mitigation has been suggested. This oversight continues to substantiate why a higher level of environmental analysis is necessary.

### **Public Safety & Recreation**

The staff report repeatedly claims that the buoy line extension is needed for public safety, but the amendment does not adequately take into account the safety of occupants of non-motorized vessels. Some members of the public thought that the proposal would provide a safe haven for paddlers on the near shore by confining buoys to area between 350 and 600 feet, but in actuality, buoys can be placed anywhere between the high water mark and the buoy line, which, in many parts of lake, will be at 6213' elevation or 600 feet. Paddlers and windsurfers will now need to navigate through as much as a 600' wide area of obstacles, instead of confined to just 350'. Furthermore, paddlers will lose their safety buffer zone that is supposed to exist between the legally established 350' buoy line and the 600' No Wake Zone. Paddlers who prefer to paddle outside of the buoy line will be forced into the unsheltered area beyond the No Wake Zone where numerous safety concerns arise, such as potential collisions with high speed boats and wave inundation. This compromises the high quality recreational experience of these people.

Nevertheless, the checklist and the Required Findings make the determination that there will be no significant impacts to non-motorized recreation based on conclusions made by the CTC and the Lake Tahoe Water Trail Committee, yet the details of the comments from these organizations do not support these conclusions. For example, one statement reads, "Allowing more buoys placed up to the limits of the no wake zone may push experienced paddlers further out into the lake in closer proximity to fast moving vehicles." Other comments state:

We didn't come up with anything definitely, but between 300-600 feet seemed to be around the distance most paddlers want to travel (This produces the balance between being close enough to see things and far enough away so that paddlers don't feel like they are traveling through someone's backyard). Also, given a preference, members of the LTWTC would rather paddle just outside of buoyed boats so they get a sense of being in a more natural environment, rather than surrounded by evidence of development. We all agreed that the best paddling experience puts the buoys closer to the piers and shore with paddling room before the high speed motorized boat lanes really begin.

Based on these statements, it remains unclear how moving the 350' buoy line farther out into the Lake and often adjacent to the No Wake Zone will not be a significant impact to recreation. Additionally, the TRPA has yet to examine accident reports to determine the likelihood of accidents between motorized and non-motorized watercraft near the No Wake Zone.

### **Top-Line Fishing Impacts**

Recreational impacts also extend to top line fishing. Certain fish are best caught in close proximity to the shoreline, but if a maze of boats and buoys are blocking the top line fishing routes, another recreational experience is degraded as a result. The TRPA staff's review of top-line fishing is misleading, as the information contained in the August staff report is drastically different than what is presented in this version of the Governing Board packet. The irreconcilable differences call into question the reliability and credibility of the TRPA staff report. A thorough environmental assessment is needed to determine the impacts to fisheries and recreational fishing.

## **Scenic Impacts**

Scenic impacts affect more than just paddlers and anglers. The scenic study performed for this amendment is too limited to truly assess potential scenic impacts of the proposed change. For example, the scenic report only evaluated one type of boat, rather than a representation of boats commonly seen on the lake. Additionally, the report failed to analyze the scenic impacts from the perspective of an individual on the Lake looking towards the shoreline or alternatively from the top of a hill or mountain looking toward the lake.

## **Future Buoy Capacity**

Although the staff summary states that the extension of the Buoy Placement Line does not increase the total number of buoys allowed on the Lake during span of the current Shorezone Ordinance, it may affect the distribution and density of buoys along the Lake's shoreline and will substantially increase the capacity for more buoys in future Shorezone ordinances.

Buoy location standards directly affect the full "build-out" capacity, as analyzed in the 2006 Lake Tahoe Shorezone Ordinance Amendments Final EIS, which highlighted the potential for over 10,400 buoys under Alternative 3. What criteria were used to determine this full build-out potential and how were those location standards different than what was eventually approved in the current Shorezone Ordinance (October, 2008)? Not including current restrictions on the maximum number of buoys that eligible littoral parcels are allowed (which is between 1-3), yet conforming with the current location standards (buoys must be located a minimum of 25 feet from adjacent property boundaries, 50 feet away from any other buoy, and within extended property lines) and taking into account the proposed State Lands adjustments to how parcel lines will extend into the Lake, what is the *ultimate* (future Shorezone Ordinance) potential for buoys on the Lake if the Buoy Limit Line is to be extended from 350 feet to the 6213 foot elevation line and as much as 600 feet from the high water mark? Although, the TRPA has failed to perform any analysis of this sort (even with more simplistic assumptions), reasonable indications (based upon the Alternative 3 scenario) suggest that ultimate future potential might easily exceed 10,000 buoys on the Lake, which would contribute a host of threshold-related impacts.

## **Water Intakes**

The staff report claims that the buoy line extension will not pose any hazards to public safety, yet it can place boats in closer proximity to drinking water intakes (which are generally located in depths of approximately 30 feet of depth), potentially jeopardizing drinking water quality in the case of a spill or if a boat sinks. This must be analyzed more thoroughly.

## **Exceptions**

Allowing buoy placement to 1000' in Tahoe City has been proposed as an exception to the Buoy Placement Line, which is well beyond the No Wake Zone. Previously, the TRPA staff has admitted that placement of buoys beyond the No Wake Zone would require additional environmental analysis. What other exceptions will follow, before exceptions become the rule?

## Conclusion

Finally, the Shorezone Ordinance passed in October of last year have been challenged in federal court, in part because TRPA is presently out of attainment with a majority of the thresholds and the Shorezone Ordinance is not directed towards attainment of many of them. Thus, the threshold findings are not properly supported. A similar reasoning applies to the legality of the Buoy Line Amendments, which are not directed towards achieving the water and air quality thresholds, nearly all of which are out of attainment. In addition to the lack of an adequate environmental analysis, required mitigations are clearly missing. Thus, there can be no finding that they achieve and maintain those thresholds. TRPA should at least await the outcome of the shorezone lawsuit before placing itself in a position for a similar legal challenge.

Thank you for the opportunity to provide questions and comments regarding the Buoy Placement Limit Line amendment.

Sincerely,



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League to Save Lake Tahoe



Ron Grassi  
Conservation Co-Chair,  
Tahoe Area Sierra Club