



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

March 24, 2009

## RE: Comments regarding the Buoy Enforcement Program

Dear Mr. Chair and Members of the Governing Board,

Thank you for the opportunity to make comments regarding the above program. We have reviewed information provided on the draft buoy enforcement and illegal buoy removal program and have several concerns, questions and proposals.

As the TRPA is currently planning on implementing a program for the removal of illegal buoys as early as this summer, "new" buoys should be not permitted on the Lake until all illegal/unauthorized buoys have been successfully removed, a proper mitigation program is fully operational, funded, and scientifically validated to be successful, and thresholds have been achieved and maintained consistent with the Compact. The Shorezone Plan should not be operating under a program of replacing each illegal buoy that is removed with a "new" buoy somewhere else on the Lake. Furthermore, the only buoys that should be currently allowed on the Lake are those that have been authorized and permitted by the TRPA, Army Corps of Engineers, appropriate state agencies, or buoys that have been proven to have been on the Lake prior to February 10<sup>th</sup> 1972 by the appropriate authorities. In other words, if a buoy owner did not have an authorized permit for their buoy prior to the adoption of the "new" Shorezone Ordinances, they must remove the buoy and then apply for a new buoy permit under the new application process after all illegal buoys have been removed.

In addition to the above requirements a detailed protocol for the enforcement and illegal buoy removal program must be presented to both the APC and Governing Board for public participation and approval. Data collected on enforcement activities and the cataloging of illegal buoys on Lake Tahoe needs to be readily available for regulatory agency staff and the public, as well as be presented to the APC and Governing Board on a bi-annual basis to evaluate the effectiveness of the program. At a minimum, information needs to be presented on:

- The number of enforcement actions;
- Number of illegal buoys identified;
- Number of illegal buoys removed; and
- Current and projected program costs broken down into specific program components (such as time spent identifying illegal buoys, costs to remove buoys not identified with a responsible owner, and costs associated with outreach to potential illegal buoy owners).

Our many concerns and questions for staff related to the implementation of the buoy enforcement program include some of the following:

- How long will it take the TRPA and cooperating agencies to remove the illegal buoys on Lake Tahoe?
- How will legally permitted buoys be identified from the water? Will they be marked, and will permitted buoys be easily identifiable from shore?
- What procedures and components will be included in the enforcement program that will deter individuals from continuing to drop illegal buoys in the Lake?
- What will the monetary penalty for illegal buoys that are currently in the Lake be, including illegal buoys that were dropped into the Lake after the approval of the "new" Shorezone Ordinances?
- What are the estimated removal costs per buoy?
- In the event that the owner of a permitted buoy does not pay the required annual fees in a timely-manner, what consequences will that owner be subject to for non-compliance with the Shorezone Ordinances? Will they eventually be disqualified from having a permitted buoy and be required to remove their buoy as well as incur the costs of that removal?
- Has the TRPA accounted for the potential upfront costs that the agency will have to absorb for the removal of illegal buoys where ownership can not be determined? In addition, the cost of buoy removal will be significantly more expensive than the sale price of a confiscated buoy and related equipment (for example, a 32 inch buoy can be purchased online for \$275.00 plus shipping and handling, whereas the removal of a buoy in 30 feet of water on the West Shore of Lake Tahoe can cost upwards of \$2,000 or more).
- What is the expected initial cost of the buoy removal program, including the associated costs of hiring law enforcement officials for both the Nevada and California sides of the Basin?
- How will the buoy removal and enforcement program be monitored for effectiveness?

Overall, the League and Sierra Club feel that the removal of illegal buoys on Lake Tahoe is an extremely important component of regulating the Shorezone that cannot be taken lightly. For the past 20 years Lake Tahoe has suffered from the installation of thousands of illegal buoys and the associated increase in motorized boat use on the lake and clutter along Tahoe's famed shorelines. It has now become clearer that the preservation of Lake Tahoe requires the removal of these illegal buoys and their associated impacts.

We appreciate the opportunity to provide comments and if you are in need of further information please contact the undersigned.

Thank you,

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The League to Save Lake Tahoe

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