



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

March 24, 2009

**RE: Comments on Technical Cleanup Amendments**

Dear Mr. Chair and Members of the Governing Board,

Thank you for the opportunity to comment on the Technical Code Cleanup Amendments. Although the packet provided very limited information on amendment items listed under Group Three, the League to Save Lake Tahoe and Tahoe Area Sierra Club do have some concerns which are not necessarily limited to the following:

The overarching concern is that any changes made to the code do not weaken protections for the Lake, do not conflict with the Compact or achievement and maintenance of the thresholds, and are thoroughly consistent with the anti-degradation standard as afforded by the Federal Clean Water Act's designation of the Lake as an Outstanding National Resource Waters.

First regarding Item 1, Group 3, any changes in the code that would weaken or delay BMP compliance is not acceptable.

Second, regarding item 2, Group 3, any amendment that would allow modifications and relocations to move toward conformance instead of requiring complete compliance is not supported.

Third, we have questions regarding some of the proposed language changes:

- On page 216, the first item is to "Clarify relationship between pier applications and allocation rates". The proposed revision to section 52.3.D includes "...*Upon expiration of the time to complete the five ranked applications for processing...*" The existing language in 52.3.C(4) is already quite clear. However it is unclear what change, if any, the proposed language would make relative to the existing regulation. Is the point where TRPA "selects the top 5" different (earlier or later in the process) than the "expiration of the time to complete the five ranked applications for processing"? If so, TRPA must explain why a change in this process is proposed. We also note that the proposed revision references its own section.
- On the top of page 217, the proposed language states that for a private multi-use pier, there need only be *one* parcel eligible for a pier in Scenic Attainment units. However, a private Multi-Use pier is defined as:

(l) Multiple Use Requirements: Notwithstanding the definition in Chapter 2, private multiple use piers shall be considered a private multiple-use pier if:

- (i) the pier serves at least two littoral parcels that satisfy all of the eligibility requirements of Section 52.2.C(2) and all parcels served shall be located within the same scenic unit or be adjacent to each other; and record a deed restriction permanently restricting additional pier development (including the transfer of an existing pier) on all parcels included within the application for the multiple use pier; or,
- (ii) the pier serves a homeowners association or functionally similar entity...”

We appreciate the opportunity to provide comments and if you are in need of further information please contact Carl Young at 530-541-5388 or Jennifer Quashnick at 530-577-4233.

Thank you

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