



October 21, 2008

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

**RE: Comments regarding the proposed amendments to the shorezone ordinances**

Dear Madam Chair and Members of the Governing Board,

Once again, thank you for the opportunity to make comments regarding the amendments to the Shorezone Code of Ordinances.

**REGIONAL PLAN AND THRESHOLDS**

The proposed Shorezone ordinances do not comply with either Article V of the Tahoe Regional Planning Compact or Chapter 6 of the Code of Ordinances as the ordinances do not achieve or maintain the environmental thresholds including applicable standards for air and water quality. The Shorezone ordinance is considered an amendment to the Regional Plan and as detailed below any ordinance, rule, or regulation must achieve and maintain the thresholds.

Article V (c) of the Compact regarding the Regional Plan states that "the plan and all its elements, as implemented through agency ordinances, rules and regulations, **achieves and maintains the adopted environmental threshold carrying capacities.**" This is further supported by Chapter 6.5 of the Code of Ordinances which states "To approve any amendment or adoption of the Code, Rules, or other TRPA plans and programs which implement the Regional Plan, TRPA must find, in addition to the findings required pursuant to Section 6.3, and in accordance with Sections 6.1 and 6.2, that the Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, **achieves and maintains the thresholds.**"

Furthermore, Article V (d) of the Compact states that "each element of the regional plan, where applicable shall by ordinance, identify the means and time schedule by which **air and water quality standards will be attained.**" This is reiterated in Chapter 6.3.A(3) of the Code of ordinances which states, "Wherever federal, state, or local air and water quality standards applicable for the region, whichever are the strictest, **must**

***be maintained*** pursuant to Article V(d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.”

According to the 2006 Threshold Evaluation Report approximately 75% of the TRPA thresholds are currently in non-attainment. This includes six out of the seven water quality indicators and six of the eight air quality standards. We hereby incorporate by reference all applicable comments from the letter entitled *Conservation Community Comments on the Environmental Analysis for the TRPA Threshold Update* dated May 18, 2007. Not only has the current Regional Plan proven to be inadequate at achieving and maintaining the threshold, but the addition of these proposed Shorezone ordinances will not assist this Plan or the new Regional Plan at making any additional progress towards threshold achievement, and very likely will hinder the attainment of water, air, scenic, noise, recreation, and fisheries thresholds.

Until it can be demonstrated that the addition of these proposed Shorezone ordinances to the upcoming Regional Plan will work towards achieving and maintaining threshold, its inclusion should be withdrawn.

## **CLIMATE CHANGE**

On September 30, 2008 the Governor of California approved Assembly Bill 375 (AB 375) as a compliment to Assembly Bill 32 (AB 32), which requires the State of California to reduce green house gas (GHG) emissions to 1990 levels no later than 2020. SB 375 encompasses the transportation planning requirements of metropolitan organizations by including, sustainable growth plans, and the reduction of GHG emissions in affected areas. The Tahoe Metropolitan Planning Organization is such an entity that is now subject to the new transportation planning requirements set forth in AB 375. Under Sec. 4 of the bill, “*each transportation planning agency shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation plan, including, but not limited to, mass transportation, highway, railroad, maritime...services.*” The transportation plan will also have to include a sustainable community strategy plan that will set forth a forecasted development pattern for the transportation measures and policies to achieve the Green House Gas (GHG) emissions target approved by the State Air Resources Board (CARB). This bill gives CARB more authority over the metropolitan planning organizations by requiring that all sustainable community strategies (components of the regional transportation plan) are reviewed and approved by CARB. CARB also receives more authority by providing each affected area with GHG emission targets that must be approved no later than September 30, 2010. This means that the TRPA, for at least the California portion of the Basin, will be subject to the GHG emission targets set by CARB.

Under SB 32 and SB 375 all boat use, including waterborne transit and recreational boat use, needs to be analyzed in the Tahoe Regional Transportation Plan and be included as an element in the sustainable community strategy of the transportation plan. This would include such data as number and length of types of boat trips, emission rates,

scientifically established estimates for boater population growth rates, and the growth of boat use on Lake Tahoe. The regional transportation plan would also have to include strategies to meet GHG emission targets set by CARB, including boat use on Lake Tahoe. In addition, the Shorezone Plan also needs to comply with both SB 32 and SB 375 by ensuring that the Blue Boating Program will produce a net reduction of GHG emissions that will help the Basin efficiently achieve its GHG target by 2020. These new State planning requirements further demonstrate the importance of the Shorezone Plan in actually making substantial steps to reach attainment of air quality thresholds in the Basin.

We appreciate the opportunity to provide comments and if you are in need of further information please contact us at 530-541-5388.

Thank you,

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