



September 24, 2008

**RE: Comments on Volume IV- DRAFT Addendum to the EIS for the Lake Tahoe Shorezone Ordinance Amendments**

Dear TRPA, Members of the Governing Board, and Members of the Advisory Planning Commission

The League to Save Lake Tahoe recognizes the involvement and substantive comment provided by a multitude of agencies, organizations, Governing Board members, Lieutenant Governors of both California and Nevada, and the public to draft a Shorezone plan. Nonetheless, the new revised Draft Addendum to the EIS and new appendices continue to present additional concerns that need to be addressed and corrected.

**Blue Boating Program**

As suggested in a recent APC meeting (September 10, 2008), the full details of the Blue Boating Program will not be introduced or voted on until March of 2009. Therefore, by adopting the Shorezone ordinances before adopting the mitigation program, the mitigation is considered deferred and therefore not CEQA compliant. The current Blue Boating Program remains undefined and therefore unable to demonstrate that any boat pollution reduction efforts will actually fully mitigate the impacts of additional boat pollution and furthermore result in TRPA Compact mandated environmental threshold achievement and maintenance. Since the findings of no significant effect are based upon the success of the Blue Boating Program, it needs to be part of this Shorezone plan and not voted on separately next March. Additionally, the Blue Boating Program is not currently planned to be reviewed by the APC and instead will go directly to the Governing Board. Since the details of this mitigation program will be of a technical nature it is imperative that the program is reviewed and given a positive recommendation by the APC before the program is voted on by the Governing Board.

**Plan Area Statements and CEQA Requirements**

Any amendments affecting Plan Area Statements (PAS) in Eldorado or Placer Counties will need CEQA level analysis. The 2006 FEIS stated that the document was intended to meet both CEQA and NEPA so that other agencies could utilize this analysis and not have to create secondary

documents. However, in Volume IV (Section 4-1, 7.1) it is stated that “no agency provided funding to TRPA to prepare a document that would meet the statutory requirements of CEQA or NEPA.” It is becoming apparent that other agencies may have to conduct their own analysis and mitigation measures in order to meet full CEQA compliance; thus the Shorezone plan needs to be CEQA compliant. As is promised in the FEIS (November 2006), “the EIS has been prepared in accordance with state and federal environmental requirements.”

### **Climate Change**

Appendix M (Climate Change and Greenhouse Gases) was not distributed until the morning of the APC meeting (September 10, 2008) and did not provide APC members adequate time to review and determine the technical adequacy of its content before an intended vote on the package. The analysis of greenhouse gas emissions needs more in-depth analysis. The study spends an inordinate amount of time explaining why previous measured or surveyed trends might change, instead of focusing on giving the public and policy the best estimates based upon previous *accepted* and *analyzed* trends. The boat traffic estimates in this new document are inconsistent with the basis of increasing boat use (1.5% increase per year) as established in the FEIS (November 2006) as well as the Supplemental document (January 2007). These revised boat use estimates have been reduced based upon presumptions of factors that might theoretically reduce boat use, instead of any proof that boat use has actually declined or that any single annual decline is permanent, rather than temporary. The technical adequacy of Appendix M is therefore in question as a result that the greenhouse gas emissions have been *understated*. A greater level of environmental review is necessary. In the meantime, the greenhouse gas emission estimates (as well as any other pollutants, for that matter) need to be computed using the same trend analysis as detailed in the DEIS, FEIS, and Supplemental document.

In addition, emission comparisons need to be made with possible full build-out of all structures with no current “go slow” approach, such as buoys, ramps, floating docks, and slips in at least 5, 10, 15 year increments, not just on a 20-year horizon when more strict air quality standards and technological improvements are *expected* to be mandated and implemented. As the Shorezone Plan is currently written, it is technically possible that as soon as the yet-to-be-developed Blue Boating Program is implemented (and not even required to be proven successful), that all structures (except for piers) could be placed within a short period of time, therefore the impacts need to be computed on shorter time scales. Once again, Appendix M is lacking in a proper and reflective analysis and comparison of the greenhouse gas emissions in the years leading up to 2024 (2012, 2015, 2020, etc...) and is therefore *understating* the contribution during any given year and the cumulative impacts of these gases during the span of the entire 20 years.

Furthermore, the study claims that the greenhouse gas measures are insignificant based on standards that have yet to be approved by the California Air Pollution Control Officers Association (CAPCOA) and it fails to look at the contribution of boat-related greenhouse gas as part of the cumulative effects of all projects and policies in the Basin.

## **Regional Plan and Shorezone Ordinances**

As it currently stands, the Shorezone ordinances are being adopted as an amendment to a new Regional Plan that has not even been created or approved yet. The new Regional Plan should be used to inform the Shorezone ordinances, instead of the other way around. Additionally, both the TRPA's Regional Plan and Lahontan Regional Water Board's Total Maximum Daily Load have not yet been adopted, which are critical documents pertinent to environmental threshold carrying capacity achievement measures and water quality/Lake clarity goals, respectively. The current TMDL planning process does not take into account the effects of increased particulate matter from increased boating due to these new Shorezone ordinances. Consequently, both the Regional Plan and the TMDL standards need to be adopted before new Shorezone plan is approved.

## **Fish Spawning Habitat in Nevada**

The most current map ([http://www.trpa.org/documents/currentapps/Fishhab\\_map.pdf](http://www.trpa.org/documents/currentapps/Fishhab_map.pdf)) being referenced for this program actually identifies fish spawning habitat in the Nevada portion of the Lake. However, during an oral slide presentation at the recent APC meeting (September 10, 2008), the TRPA is instead contending that there is no fish spawning habitat on the Nevada side of the Lake. This inconsistency calls into question the validity of the map being used for demonstration purposes. Has the "new" map been approved and under what circumstance(s) did the classification of any fish spawning habitats change? The EIS and all presentations need to include current and *approved* maps of both fish spawning and feed and cover habitat.

If you have any questions, please contact the undersigned.

Thank you,

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