



May 19, 2008

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Re: Proposed Scenarios and Test Cases for Shorezone Workshop on May 22, 2008

Dear Ms. Nikkel,

Thank you for the opportunity to submit scenarios to be reviewed during the May 22 Shorezone Workshop and test cases against the proposed new code of Shorezone ordinances to determine whether the new code is usable and achieves the results intended in the TRPA Preferred Alternative.

The League looks forward to these scenarios being tested on the basis that the “workshop will review a representative sampling of those received.” As the Tahoe Regional Planning Agency goal is to “preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region now and in the future,” the League anticipates a reasonably balanced discussion between environmental and human-based development goals.

Scenarios and Test Cases:

Buoys and Moorings

Assuming the Blue Boating Program is fully implemented and proven successful by April of 2010, can the maximum number of allowable moorings (6316) on the Lake be theoretically placed all within that year?

Assuming all of the allowable moorings (6316) have been placed on the Lake and the pollution associated with the increased number of boats is having permanent and detrimental impacts on threshold attainment and/or conflict with the anti-degradation standard of the Outstanding National Resource Waters designation for Lake Tahoe, what

remedy is to be pursued? Would the TRPA consider requiring some of these moorings to be removed?

If a homeowner is non-compliant with a removal order for an illegal buoy, how much time will transpire before enforcement action is exercised? Should this buoy be removed by enforcement action, would this homeowner be able to apply for a new buoy permit the next day without any consequences?

Assuming that the number of applications for buoy permits during a given year exceeds the remaining moorings allowed on the Lake, what criteria will be used to determine who receives preference for the remaining buoys?

As "...the agency remains responsible for maintaining the anti-degradation standard for water quality (compared to 2002 levels) established as part of Lake Tahoe's designation as an ONRW," how does the TRPA expect that emissions from watercraft will remain constant at 2002 levels while adding thousands of more moorings, and considering that the trends indicate that boat use is increasing on average every year? The ONRW designation prevents any new or increased discharges.

A lakefront property owner is entitled to a mooring and wants to build a giant floating platform on the lake. What is the maximum size of this platform? What if the property owner is entitled to two moorings? Can the size of the platform be increased to substitute for two (or three) separate moorings?

A homeowner claims that they have always had three buoys on the lakeshore. This homeowner submits photographic evidence of the presence of three buoys prior to 1972. Nonetheless, either the photo is suspected of being doctored in Photoshop or is found later to be a forgery, what will the penalty be? Will the homeowner be required to remove any of the buoys?

According to the new "Shorezone Preservation Areas," all structures are prohibited; will buoys and floating platforms be allowed to be placed in these areas?

Blue Boating Program

A boater is found to not possess a boat sticker, what are the penalties? What happens if there are multiple offenses?

How will noise complaints be handled, especially for boats with several complaints? How will boats be tested to see if they are indeed violating noise standards? Who will pay for testing (TRPA or the boater)? If the boat is found to violate noise standards and cannot be modified to meet the standards, then what happens next?

The Blue Boating Program's noise reduction component states that boaters will be required to meet TRPA-approved decibel levels. Will these decibel levels be based on the overall engine noise or restrict decibel levels to near-shore areas? Will some boats be

allowed to exceed noise levels, so as long as they operate at those higher levels in the middle of the Lake? How will noise be monitored throughout the lake?

A boat with an outboard engine of 150 horsepower has been properly inspected and receives a boat sticker, but during that season replaces it with an improperly-tuned 200 hp engine, what will be done to insure a new inspection? Will the boat stickers be coded with a description of the boat and engine type (inboard or outboard, horsepower, manufacturer, proper tuning status, etc...)?

Is a boater required to tune his/her engine before it is launched? Could a boater theoretically trailer this boat from the Bay Area and launch it every time without ever tuning it (and furthermore, season after season)? If it is a homeowner who owns their own mooring and only launches their boat into the Lake once per season, what would prevent them from ever properly tuning the boat during that season or subsequent ones?

Assuming a boat meets the four-stroke engine requirements (and whatever other regulation may be in force), but it is defective and highly polluting, will this boat be allowed on the Lake?

If a boater's bilge is found to contain pollutants or invasive species, must the boater clean the bilge before launching into the Lake?

Since boat engines produce both water and air emissions, will monitoring sites contain instruments that measure both? If the air quality monitoring sites show that threshold performance standards are being exceeded in Emerald Bay, what will the course of action be? How long will transpire, after the first violation occurs, until that action is taken?

In the event that the Blue Boating Program has not demonstrated the propose of "promoting" the use of cleaner boat engines on Lake Tahoe, what new steps will the TRPA take to mitigate for motor-boat related pollution?

The Blue Boating Program states that the TRPA will only *inventory* boats for engine tuning. Will boat engines are actually be required to be tuned prior to entering Lake Tahoe? How will the TRPA regulate this aspect of the Blue Boating Program? By authorized professional certification, self-certification, or TRPA staff?

The boat-sticker program of the Blue Boating Program is expected to be based on the relative contribution of pollutants by source. Will the program include incentives (i.e. lower sticker costs) for engines with catalytic converter exhaust systems?

The ONRW Blue Boating Program is being characterized as a program to mitigate boat pollution impacts. How much is the Program going to actually mitigate these impacts even if all engines are tuned properly? What is the quantification of the reduction in terms of CO, PM (2.5, 10), NOx, PAH, ozone, etc... Quantifiable, required reductions in pollutant loads are necessary to actually reduced pollution from boats as a result of a boat

sticker program. Without a requirement to actually tune boat engines, how is the issuance of the boat sticker going to actually fully mitigate the boat pollution impacts?

TRPA has stated that they “would begin inventorying all boats going into the Lake, looking at boat numbers, engine star rating and horsepower, bilge containment, sewage controls, engine noise engine tune for high altitude, and boat washing needed to prevent the import of export of exotic aquatic plant and invertebrate species.” How will inventorying all these boats actually reduce boat pollution?

If a boater has an electric powered boat, will this boater receive any incentives? Would marinas that have boats such as these available in their fleet for rental receive special incentives? What would the incentives be for boats powered by solar, bio-diesel, hybrid gas-electric, etc...?

Since the ONRW designation is independent of the TMDL results, why will TRPA wait until TMDL have been determined “... to develop a program that most fairly and equitably meets those load reduction requirements?” The ONRW anti-degradation standard is stricter with regards to some pollutants in comparison to the TMDL.

Assuming a boat has a 250 HP engine and is only used for only a couple hours every month. The marina down the street rents out their 50 HP engine boat every day all day from May through September. This implies that although the boat owner with the 250 HP engine pays more for his/her boat sticker, the fee the marina owner pays is inequitable considering the 50 HP engine produces more pollutants during the season.

How much will a temporary boat sticker cost and will it have to be purchased for each use?

The TRPA states that they will “provide boaters with bilge sponges, devices which absorb contaminants like fuel and coolant in the bilge prior to ‘pumping out’.” Will these bilge sponges be available at public access ramps?

Who will pay for the cost of the “free sewage disposal at local marinas?” (TRPA or the marinas)

Concerning invasive aquatic species protection, the TRPA states, “should conditions warrant, funds from the Blue Boating Program could be earmarked for boat washing facilities around the Tahoe Region.” What conditions would warrant this action? Will these funds, therefore, be diverted from reducing boat pollution impacts?

Who will conduct the water quality monitoring program? (TRPA, LRWQCB, UC-Davis) How will this monitoring program differ from current monitoring programs? How will the TRPA establish a linkage between the blue boating program and impacts to water quality, as well as air quality?

Based on current data, the TRPA estimates the average annual revenue of sticker program will be \$570,000? The estimate annual costs of staff equipment and continuous outreach is \$170,000 with an extra \$100,000 for startup outreach. This translates to only an estimated \$400,000 for mitigation per year? What if the cost of mitigation is greater than \$400,000? Who will cover the rest of the costs? Will the TRPA pull money out of other funds? Will the TRPA increase boat fees? Will there be less mitigation?

Fish Spawning Habitat

Concerning the 1.5:1 fish spawning mitigation ratio, who will and how often will these mitigation sites be monitored?

Several mitigated fish spawning sites are found to be non-functional. Who is responsible for rectifying this problem? If it is a site issue, what will be criteria for selecting a replacement site? Who will pay?

Can a homeowner to move some of the rocks around on the lakeshore area and let sand naturally fill in that area?

Public Piers

A public pier is being proposed, but it is 1200 feet in length so it can satisfy the 6219 feet requirement. Can this pier possibly be built if no other public pier is proposed that year and the maximum limit of 10 public piers has not been attained yet?

If a homeowner rents their home full-time to the public, would they be eligible to build a pier according to the public pier guidelines?

Every year the only applications for public piers are in Shorezone Preservation Areas and scenically sensitive areas. Theoretically, can all 10 public piers be built in those regions of the lake? If these areas have special scenic significance why are piers built in these areas to begin with?