

January 17, 2024

TRPA Hearings Officer
Tahoe Regional Planning Agency
128 Market Street
P.O. Box 5310
Stateline, NV 89449-5310

Re: Elk Point Rehabilitation, 406 Bitlers Road, Douglas County, Nevada, Assessor's Parcel Number (APN) 1318-16-801-001, TRPA File Number ERSP2023-0365

Dear Tahoe Regional Planning Agency Hearings Officer,

The purpose of this letter is to agree with TRPA's special conditions, but also request that Elk's Point dredging only move forward with an approved Aquatic Invasive Species (AIS) Management Plan as a TRPA requirement to protect water quality. If a plan cannot be completed prior to dredging, please ensure that dredging requirements are consistent with Lahontan requirements. The League is dedicated to protecting and restoring the environmental health, sustainability, and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we advocate for projects that control and manage AIS in the Lake Tahoe watershed to a point of ecological insignificance, thus protecting Lake Tahoe's fragile ecosystem.

As required by the 2018 Shoreline Plan¹, an AIS Management Plan must be completed that will address known AIS issues at Elk Point Marina. The League requests, consistent with AIS Management Plans and TRPA's suggested additions, that control work for AIS in Elk's Point Marina be initiated prior to dredging as Elk's Point has a known AIS infestation in their Marina. TRPA Code Subsection 84.6.2.B.1 states: "All marinas *shall* prepare and implement an Aquatic Invasive Species Management Plan within three years of *December 24, 2018*."

The League agrees with the special conditions that TRPA has put forth for this permit and will continue to work with TRPA to ensure that these conditions are implemented when dredging occurs. However, any decision by the Hearings Officer today must ensure that when dredging occurs at Elk's Point there is:

1. An AIS Management Plan initiated that ensures AIS will be controlled prior to dredging, and monitored post-dredging so that AIS will not spread from the Marina into Lake Tahoe. In the absence of an AIS Management Plan, TRPA should follow Lahontan dredging requirements, including post-dredging monitoring; and
2. A Bubble Curtain that will operate efficiently and effectively prior to and immediately after dredging as the bubble curtain was not operational in 2023. The League helped fund this bubble curtain and is invested in ensuring this is running efficiently and effectively for AIS spread prevention.

The League also requests consistency with Lahontan's requirements for dredging and consultation with their dredging specialists to protect water quality. Though Elk Point is not within Lahontan's jurisdiction, Lake Tahoe is a bi-state waterbody and Outstanding Natural Resource Water that should require a high bar for projects that

¹ TRPA Code Subsection 84.6.2.B.1 states: Aquatic Invasive Species Management Plans. All marinas shall prepare and implement an Aquatic Invasive Species Management Plan within three years of December 24, 2018. The Management Plan shall, at a minimum: a) Identify strategies to prevent the establishment of invasive macrophytes and Asian clams in the marina or where aquatic invasive species are already present, identify measures to control or eradicate the species, or reduce the potential for their spread; b) Include an aquatic invasive species monitoring and early detection program within the marina and, where feasible, partner with appropriate resource management agencies or organizations; and c) Include a public education component.

stir up sediment that may impact the spread of AIS and New Zealand Mudsnails. Requirements post-dredging should include monitoring for AIS consistent with Lahontan requirements.

While the League has been working with TRPA for years on Shoreline Plan implementation, the Plan is not on schedule in some areas for implementation, with AIS Management Plans as an example. Early detection, prevention, and control are the best defenses against AIS and offer the best hope for successful management of aquatic invasive plant infestations in Lake Tahoe. With New Zealand Mudsnails discovered in Lake Tahoe in late 2023, the urgency to control AIS remains front and center.

AIS can be difficult and costly to control once widespread establishment has occurred so ensuring AIS is controlled at Elk Point is vital to protecting water quality. The League and our partners at TRPA and the RCD have worked vigilantly on an AIS strategy for Lake Tahoe, which has demonstrated efficacy in controlling smaller infestations over the past five to seven years, so we need to control the infestation at Elk's Point before it becomes a larger issue. AIS have recently been detected in Marinas throughout Lake Tahoe, with new infestations recently identified and treated in Marinas such as Obexers in 2023. Controlling these infestations is vital to the success of the AIS program and one of the main goals of requiring marinas to have AIS Management Plans.

Please have the project applicant complete an AIS Management Plan with TRPA prior to dredging if possible. If an AIS management plan cannot be in place prior to approval, TRPA requirements for dredging should be consistent with Lahontan requirements. We are dedicated to continuing our work with TRPA on protecting Lake Tahoe's renowned water quality and clarity.

Please feel free to contact me with any further questions.

Sincerely,



Laura Patten
Natural Resource Director
League to Save Lake Tahoe