



Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

April 21, 2015

Subject: GB Retreat discussion of upcoming priorities

Dear Chair Beyer and Members of the Governing Board:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments for your consideration during your discussion at tomorrow's annual retreat. As stated in public comments to the Advisory Planning Commission at the end of their prioritizing workshop last month, we were concerned with the focus of the workshop and the lack of discussion of important, bigger picture issues that the Basin is already facing or will be facing in the near future.

Drought & Climate Change

The climate has changed and will continue to do so. We are already seeing the consequences of four years of drought. Not only do the large, dry beaches reveal the impacts of drought and climate change on Lake Tahoe, but we are also seeing what scientists have predicted for years – less snow,¹ more rain. Further, rain events will be more episodic, with larger amounts of rain falling in short periods of time. This means flooding, and a lot more of it. However, the RPU EIS did not analyze strategies the Basin will need to rely upon to adapt to climate change, including how to accommodate increased flooding while protecting Lake Tahoe and public health and safety. Instead, the RPU EIS relied on outdated stormwater regulations,² including designs based on the 20-year (one inch per hour) storm.³ As a result, the RPU's entire structure, which is based on outdated assumptions regarding weather patterns and flooding, is not adequate for dealing with the climate-related impacts we are already seeing in the Basin. If we are to help protect Lake clarity, including the nearshore, and help protect the public from the dangers associated with flooding, development and infrastructure need to be designed based on the new 'normal' for Lake Tahoe – more intense periodic storms, less snow, more rain-on-snow events, and more flooding.⁴ In addition, the RPU places more coverage closer to the lake as a result of increased coverage in Town Centers. However, there needs to be open, undeveloped land to filter the increased runoff, and help contain larger floods, before the water reaches Lake Tahoe. Increasing coverage in these areas and relying on outdated stormwater design systems will only compound the problems the RPU was meant to address (e.g. clarity).

We recommend the GB step back from looking at how to further implement a Plan that fails to address the reality of our climate and instead direct staff to focus available resources on examining the Basin's current and future conditions and what options are available to address them.

¹ **Snow Survey:** The latest manual snow surveys, conducted on April 1, recorded California snowpack at 5 percent of the historic April 1 average. As of April 17, the automated snow sensors captured the statewide average snowpack conditions at just 4 percent of the long term average. Regionally, the Northern Sierra Nevada and the Southern Sierra Nevada are at 3 percent of average while the Central Sierra Nevada is at 5 percent of average. <http://ca.gov/drought/pdf/Weekly-Drought-Update.pdf>

² In our 6/28/2012 comments on the Draft EIS, we clearly identified this need (see Final EIS, Volume 2, p. 3-379; http://www.trpa.org/wp-content/uploads/Volume_2_RPU_FEIS.pdf). However, the Final EIS response simply states: *"The comment makes a strong case, however, that climate change impacts should be taken seriously in the Lake Tahoe Region and that a coordinated effort should be undertaken to understand and reduce these impacts. There are many efforts underway in the Region to better understand and address climate change, and the TRPA is an active partner in many, if not all of them."* (Volume 1, p. 3-299; http://www.trpa.org/wp-content/uploads/Volume_1_RPU_FEIS.pdf).

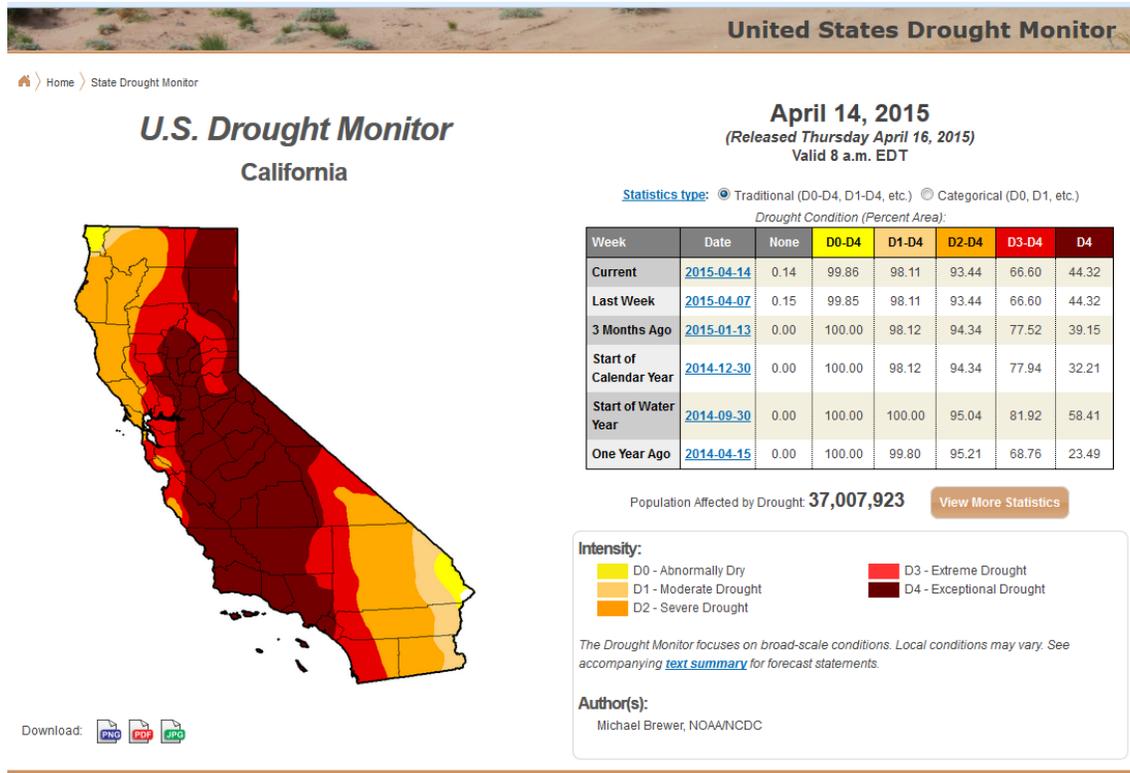
³ See Final EIS, Volume 2, p. 3-379 and 3-478 for our comments on this need, and Volume 1, p. 3-347, as an example of how the Final did not address the issue: *"The comment also states that the EIS should analyze whether the 1-hour storm design standard is appropriate throughout the Region. This comment refers to proposed provisions of the Regional Plan Update and does not pertain to the adequacy, accuracy or completeness of the environmental document. Please refer to Master Response 1, Comments Pertaining to the Draft Plans, Code of Ordinances, or Threshold Evaluation."*

⁴ http://www.waterboards.ca.gov/lahontan/board_info/agenda/2015/jan/item_13.pdf;
<http://www.sfchronicle.com/science/article/New-normal-Scientists-predict-less-rain-from-6209104.php>

Drought & Water Supply

We are in our 4th year of drought. Most of California, including the Lake Tahoe Basin, is classified as “exceptional drought” (see below). This is the worst rating we could have. It is time to rethink how much water can be used for new developments (including large redevelopments). The water available from the Lake Tahoe Basin is already limited by the Truckee River Operating Agreement (TROA).⁵ There is no water entering the Truckee River from Lake Tahoe, and other reservoirs that supply the Truckee River as it flows from the Basin to Pyramid Lake are already drying up.⁶ New developments, especially overnight tourist units and new residential developments, will increase the demand for water in the Basin. New construction also requires water. In addition, most existing homes in the Basin are 2nd homes.⁷ However, as the rest of California becomes warmer and dryer, more people may choose to move to Tahoe’s relatively cooler climate. If more vacant homes become full time homes, the demand for water will increase above present levels. In addition, there will be more vehicles on Tahoe’s roadways, creating more water and air pollution. The capacity of the Lake Tahoe Basin’s environment, and water supply, need to be addressed, *before* we reach crisis mode.

We urge the GB to direct staff to focus resources on gathering this information so that development choices are based on the best available science and information.



<http://droughtmonitor.unl.edu/Home/StateDroughtMonitor.aspx?CA>

⁵ <http://www.troa.net/>

⁶ <http://www.laketahoenews.net/2015/04/boca-reservoir-water-flow-cut-off/>

⁷ In 2010, approximately 44 percent of all housing units in the Region were used seasonally (as vacation homes); approximately 27 percent were owner occupied; approximately 22 percent are renter occupied; and approximately 7 percent were vacant (TMPO 2010). These percentages vary between the North Shore and South Shore, with a greater proportion of housing units used seasonally and fewer rented on the North Shore (U.S. Census 1990, 2000, 2010). Throughout the Region, second-home owners occupy 65 percent of housing in Placer County, 55 percent in Washoe and El Dorado Counties, and 49 percent in Douglas County (Western Nevada Development District 2010). (RPU DEIS, p. 3.12-7).

Boating and the Shorezone

TRPA has yet to adequately and comprehensively analyze the impacts of motorized boats on Lake Tahoe. Boats contribute to air and water pollution, noise pollution, and disturbance in the shorezone, and require infrastructure in the Lake and on the land. Further, the demand for boating also results in the demand for dredging.⁸ With the low lake levels, more dredging can be anticipated. In addition, as other lakes outside of the Basin are drying up (e.g. Folsom Lake), the demand for boating on Lake Tahoe is likely to increase.

Before using the agency's limited resources to figure out how to further incentivize new hotels (e.g. the proposed Pilot Projects), we urge the GB to direct staff to first consider how to mitigate the environmental impacts of the infrastructure and problems that already exist and can easily be predicted to get worse.

Nearshore water quality

Although limited new monitoring is occurring in the nearshore (by the Tahoe Environmental Research Center [TERC] and other researchers), the TMDL and RPU both fail to specifically address conditions in the nearshore. The RPU EIS relied on the TMDL to conclude 'improvements,' however the TMDL is only focused on mid-lake clarity.⁹ Although the nearshore processes are not fully understood, we do know that algal growth has increased substantially in recent years. Anyone who has visited the Lake, past and present, is aware of this. We also know that nitrogen and phosphorous contribute to algal growth. However, the RPU's methods to reduce phosphorous rely heavily on the TMDL – which relies on the 20-year storm design. The RPU also does not focus on reducing nitrogen, which is not captured by the same systems which may catch sediment particles and phosphorous. The key way to remove nitrogen from the environment is through vegetative uptake. This means more basins which facilitate plant growth are needed to capture and treat runoff.

We urge the GB to direct staff to focus more substantial resources on addressing and improving the conditions in the Lake's nearshore.

Ridgeline Protections

As pressure to build on Tahoe's famous ridgelines has increased, FOWS and other groups have requested TRPA amend the RPU to clearly and carefully protect ridgelines from development (November 2014 requests are attached).

We request the GB direct staff to develop Code protections through a careful public process and amend the RPU to protect our natural ridgelines from development.

Tourist Units and Vacation Rentals

Although we believe the above topics should be prioritized as of greater import than the topics involving commodities, we would like to note that any discussion of tourist units must include an assessment of vacation rentals. There are currently over 3,000 vacation rentals available for rental "by owner"¹⁰ – this does not include rentals available through management companies and other parties. Consideration of the demand for tourist lodging, location, and other aspects must not exclude vacation rentals

We request the GB direct staff to include vacation rentals in any future discussions related to TAUs and other commodities.

⁸ <http://www.tahoedailytribune.com/news/15906532-113/tahoes-sand-harbor-boat-ramp-wont-launch-for-2015>;
<http://www.laketahoenews.net/2015/03/dredging-helps-bind-tahoe-marinas-together/>

⁹ In the Lahontan Regional Water Quality Controls Board's 11/02/2010 response to TMDL comments by the League to Save Lake Tahoe (LTSLT-56), Lahontan stated: "The draft Lake Tahoe TMDL was developed to meet federal requirements under section 303(d) of the federal Clean Water Act, by addressing Lake Tahoe's deep water transparency. Because the Lake is not meeting the deep water transparency standard, it was listed as impaired on the federal 303(d) list. The TMDL was developed to specifically address that impairment. Because Lake Tahoe's nearshore environment is not yet listed as impaired on the State Water Board's 303(d) list, the draft Lake Tahoe TMDL does not specifically address issues in the nearshore." [Emphasis added]

¹⁰ <http://www.vrbo.com/vacation-rentals/usa/lake-tahoe>

Transportation Projects and Strategies:

The RPU focused on reducing vehicle use in the Basin to help achieve and maintain thresholds. However, current and proposed projects aim to increase roadway capacity, including the Fanny Bridge/S.R. 89 Realignment Project and the “Loop Road” Project. These strategies run counter to TRPA’s aim to disincentivize the use of private automobiles. Both projects were first conceived of decades ago, before there was an understanding that increasing capacity of roadways increases vehicle trips and VMT.¹¹ In addition, the Basin will be faced with increased traffic from projects outside of the Basin, including development in Squaw Valley and Northstar/Martis Valley. As the information regarding the extent of these projects, and the proposed Martis Valley West Specific Plan and the temporarily suspended application for a Martis Valley West Area Plan, was limited when the RPU EIS analysis was performed, there has been no assessment of the potential increases in traffic in the Basin from these regional projects.

We request the GB to direct staff to examine the existing traffic conditions, best available transportation information, regional/out-of-Basin projects and the potential increases in traffic they will draw to the Basin, in order to assess the potential traffic impacts of projects already in play. TRPA should focus its limited resources on plans and projects that disincentivize use of personal vehicles, and increase public transit, rather than on projects and plans which encourage the use of personal vehicles (i.e. increasing roadway capacity).

Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net if you have any questions.



Susan Gearhart,
President



Jennifer Quashnick,
Conservation Consultant

¹¹ http://friendswestshore.org/wordpress/wp-content/uploads/2015/02/FOWS-comments-on-FannyB-SR-Realign-DEIR.EIS_EA-2.17.2015.pdf; <http://friendswestshore.org/wordpress/wp-content/uploads/2015/03/Additional-FOWS-comments-on-FannyB-SR-Realign-DEIRS-3.9.2015.pdf>



Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

November 18, 2014

Subject: Requesting Amendments to the Code of Ordinances to protect scenic ridgelines

Dear Members of the TRPA Governing Board and TRPA staff:

The attached letter was submitted to the TRPA APC on November 12, 2014 and is being resubmitted to you and the TRPA as of this date.

The Tahoe Area Sierra Club (TASC) and Friends of the West Shore (FOWS) request that the TRPA address the newest issue of the threat of 4-5 large developments on ridgetops which constitute the uppermost parts of the scenic backdrop of the basin. While most such projects are still in the rumor stage, the private property on and adjacent to the basin's ridgetops is clearly available for the significant new re-zoning(s) permitted in the Regional Plan Update and thereby it has a potential to establish a precedent on a majority of those privately owned ridgeline areas of the basin that, to date, are untrammelled by developments.

Two years ago, the protection of those ridgelines was clearly evident in the 1987 Regional Plan, as that plan's zoning permitted one house plus auxiliary per parcel. The number of parcels was few.

Your attention to this urgent matter is requested. TASC and FOWS recommend that you develop and adopt a ridgetop protection ordinance.

Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net or Laurel Ames at laurel@watershednetwork.org if you have any questions.

Sincerely,

Laurel Ames,
Conservation Chair,
Tahoe Area Sierra Club

Susan Gearhart,
President,
Friends of the West Shore

Jennifer Quashnick
Conservation Consultant
Friends of the West Shore

Attachment: FOWS & TASC Request to APC, November 12, 2014



Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

November 12, 2014

Subject: Requesting Amendments to the Code of Ordinances to protect scenic ridgelines

Dear Chair Teshara and Members of the TRPA Advisory Planning Commission:

The Friends of the West Shore (FOWS) and Tahoe Area Sierra Club (TASC) request the swift inclusion of revisions to the Code to protect Tahoe's scenic ridgelines. The TRPA Compact¹ (Article I) specifies that the TRPA's role includes:

“(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural public health values provided by the Lake Tahoe Basin...“(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment.” [Emphasis added].

The TRPA Goals & Policies² also call for the protection of Lake Tahoe's scenic values. Examples include, but are not limited to, the following:

“LU-1.1 THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES.

The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is the intent of this Regional Plan, among other things, to encourage development that enhances these values.

...

GOAL SR-1

MAINTAIN AND RESTORE THE SCENIC QUALITIES OF THE NATURAL APPEARING LANDSCAPE.

SR-1.1 ALL PROPOSED DEVELOPMENT SHALL EXAMINE IMPACTS TO THE IDENTIFIED LANDSCAPE VIEWS FROM ROADWAYS, BIKE PATHS, PUBLIC RECREATION AREAS, AND LAKE TAHOE.” [Emphasis added]

In TRPA's 1982 EIS for the development of the environmental threshold carrying capacities, it was recognized that:³

“...Scenic quality is perhaps the most often identified natural resource of the Lake Tahoe Basin. Visitors to the area enjoy views of a magnificent lake sitting within a forested mountainous environment under clear blue skies. The Tahoe Basin is unique in that it combines visual elements normally found in several different landscape settings into one clearly defined region exhibiting exceptionally high aesthetic values...”

“...The distinctive mountain landforms surround the flat plane of the Lake, creating an enclosed landscape type. The edges between sky and ridgetops, between water and shore, and between vegetation and rock all add interest to the scenic landscape.”

“...views of natural landscape features uninterrupted by manmade development rank higher than views competing with or blocked by buildings. Also, large scale panoramic views rate higher than focused or intermittent, obscured views...” [Emphasis added]

¹ <http://www.trpa.org/bi-state-compact/>

² http://www.trpa.org/wp-content/uploads/Regional_Plan_Goals_Policies_Final-2012-12-12.pdf

³ *Environmental Impact Statement for the Establishment of Environmental Threshold Carrying Capacities*, Tahoe Regional Planning Agency. May 1982. (p. 44-45).

However, the Code fails to specifically protect the scenic values of natural ridgelines. Chapter 13 includes a statement that Area Plans “consider” ridgeline and viewshed protection.⁴ We request the Code be revised to specifically state “ridgelines and viewsheds shall be protected”. In addition, such language is needed in Code Section 66 to protect these natural values in *all circumstances*, not just when new Area Plans are adopted. Example language can easily be found in other areas, including many in Colorado resort communities. We are happy to provide those examples for you.

Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net or Laurel Ames at laurel@watershednetwork.org if you have any questions.

Sincerely,



Laurel Ames,
Conservation Chair,
Tahoe Area Sierra Club



Susan Gearhart,
President,
Friends of the West Shore



Jennifer Quashnick
Conservation Consultant
Friends of the West Shore

⁴ http://www.trpa.org/wp-content/uploads/TRPA-Final-Code-Adopted-by-Governing-Board-7_23_2014-amended_notracking.pdf (p. 13-11)