

## Letter from the Conservation Community Regarding the Regional Plan Update

October 13, 2010

Dear Chairman Biaggi and Members of the Governing Board,

The Conservation Community is pleased to have an opportunity to suggest some new and/or modified goals, policies, and implementation strategies that we hope the Tahoe Regional Planning Agency analyzes in the EIS for the Regional Plan Update.

We recognize that some of these strategies are ambitious and challenging, such as the development of a regional private and public revenue source to fund the regional share of the EIP. Others are relatively simple and straightforward, such as the development of a procedure to permit the agency to issue valid coverage verifications. The majority of these measures are supported by all the organizational members of the Conservation Community; others are simply ideas suggested by one or more members that wished them to be placed before you for your consideration. This represents the best thinking of the Conservation Community, given only about six weeks to develop a breadth of ideas and concepts.

We hope these ideas provide food for thought as you examine how the agency may adapt its efforts to both build on past successes and to learn from past mistakes, and we look forward to seeing these suggestions fully evaluated in the Regional Plan Update EIS in an effort to meet and achieve our thresholds.

We would also like to take this opportunity to comment on the underlying structure of TRPA's work as an agency, as set forth in the Tahoe Regional Planning Compact. As you are all aware, this matter was addressed with great care in a recent decision in federal district court in Sacramento. The opinion concluded, among other things that "TRPA misunderstands the nature of the obligation to achieve and maintain the thresholds." We believe that this an opportune time for the agency to consider a needed course correction to put the Lake Tahoe Basin back on the path of progress towards environmental and economic improvement.

Most critically, we believe that the agency needs to put threshold achievement front and center in its decision-making. From a technical perspective, this means building a record of substantial scientific evidence that the Regional Plan, as implemented, achieves and maintains the environmental threshold carrying capacities.

Presently, the agency's major priorities appear to be roughly as follows:

- Protect Lake Tahoe from additional invasions by Aquatic Invasive Species;
- Support local government efforts to attract investment in new and "re-" development, and promote the inclusion of pedestrian and transit oriented features and privately-funded EIP contributions in development plans;
- Support land manager and local government efforts to reduce wildfire risks;

- Support state regulators in their efforts to develop a TMDL system for deep-water lake clarity;
- Maximize opportunities for additional motorized boating recreation;

From our perspective, the agency seems to operate on the basis that thresholds are “sideboards”, or potential limitations on the techniques the agency can use to achieve these and other goals that arise on and fall off of the agency’s ‘radar’ as public attention jumps from one topic to another.

A “threshold-centric” approach would instead prioritize the agency’s goals along threshold lines, recognizing that the thresholds are intended to protect the lake’s enduring values for the sake of future generations. Success would be measured in terms of threshold achievement and allow for development at a “go-slow” rate contingent upon meeting those milestones. A partial list addressing the above issues might look something like this:

- Water Quality Thresholds: While maintaining the current AIS emergency measures, the agency would adopt a threshold for AIS and develop long-range plan for preventing and addressing invasive species. It would adopt a threshold to restore and protect nearshore clarity, as recommended in the 2006 threshold review, and assure its Regional Plan achieves it as well as achieving TMDL and other water quality goals.
- Built Environment Threshold: “It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing protection of vegetation, and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region.” This threshold should be implemented through enforceable community plans, in a quantitative manner, so as to enhance economic efficiency as well as aesthetic improvement, by reducing uncertainty on the part of landowners, and avoid having to address contentious but localized issues at the Governing Board level.
- Wildfire Risk Threshold: The effectiveness of local efforts to implement defensible space and of public land managers’ efforts to implement defensible space protection zones should be quantified and then monitored. The agency needs to consider the adoption of thresholds for these values and their integration into other threshold-achievement efforts (e.g. the development of a unified BMP program for water quality, soils conservation, vegetation protection, and wildfire risk reduction).
- Recreation: The agency should examine strategies for recreational growth that maximize the capacity of the lake to sustain high quality recreational opportunities and which enhance the unique opportunities offered no where else (e.g. the spectacular views of Lake Tahoe and the surrounding Sierra Nevadas from hiking trails like the Tahoe Rim Trail, Pacific Crest Trail, public beaches and recreation areas) and quantifying such access to the extent possible. The agency should examine the impacts of high-

impact fossil-fueled recreation on low-impact recreation including both passive and muscle-powered recreation, and on other thresholds (including but not limited to the risk of introduction of aquatic invasive species, which as noted above should be the subject of an adopted threshold). Given the state of the Lake and environmental and economic sustainability issues, low-impact recreation needs to be the future emphasis.

Such a threshold-based approach would put the agency on a sound footing for the future, clarify the areas in which it is and is not accountable for progress, and permit the quantification of progress – which is extremely important because, as it is so often said, “what gets measured is what gets done.”

Thank you for your consideration of these comments and the attached proposed conservation plan for consideration in the Regional Plan Update EIS, which needs to be subject the same rigorous scientific scrutiny as any potential alternative to ensure that the plan as implemented through its ordinances achieves and maintains the environmental threshold carrying capacities.

Sincerely,

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