

Buoy battle at Tahoe escalates despite TRPA court victory

By Kathryn Reed

The Tahoe Regional Planning Agency must use better science and environmental analysis to prove increasing the number of buoys and piers in Lake Tahoe will not harm the alpine waters.

Although it was the TRPA that essentially was on the winning side of a decision that came out of the Ninth Circuit Court of Appeals on Feb. 29, it is not a clear-cut victory.



Some believe more buoys on Lake Tahoe will bring more boats and more pollution.

Photo/LTN file

In some ways, the League to Save Lake Tahoe won, too.

It was the League that filed the original lawsuit. The conservation group took issue with TRPA's plan that would have allowed an additional 128 private piers and 1,822 buoys to the already existing 768 piers and nearly 4,500 buoys.

It is estimated this would create an additional 62,000 boat trips each year on Lake Tahoe.

“The amount of pollution you get out of a boat is dramatically more than you get out of a car,” Carl Young, program manager for the League, told *Lake Tahoe News*. “The reality of it is when you put a buoy on the lake, it’s not just a buoy. It’s the boat connected to it. When boats are used on the lake, they have certain impacts.”

TRPA is tasked with improving lake clarity. The irony is this court decision came out the same day the lake clarity report was released. While a dinner plate of sorts can be seen to a greater depth than in 2010, the clarity has stayed essentially the same in the last decade despite more than \$1.5 billion being spent on clarity efforts.

While Tahoe led the charge a decade ago in banning the old polluting two-stroke engines, TRPA staff and board members don’t routinely talk about how boats pollute Lake Tahoe. But the League contends boats pollute the lake more dramatically than cars do through air pollution. Car emissions, what comes out of woodstoves – those are topics TRPA is vocal about.

The shorezone issue has been contentious for nearly 24 years and became even more so after the Governing Board of the TRPA adopted a shorezone plan in October 2008. That month the League and Sierra Club filed suit in U.S. District Court in Sacramento.

The bi-state regulatory agency appealed the September 2010 decision by U.S. District Judge Lawrence Karlton that struck down the TRPA’s shorezone ordinance.

The San Francisco-based appellate court on Wednesday did not overturn the entire District Court decision, but instead ruled on a segment of it.

TRPA must provide better, thorough environmental documentation

as to why illegal buoys should be allowed in the baseline analysis.

“What we have with this ruling is a process for moving a shorezone policy forward with a more thorough analysis and we will be reviewing our options,” Kristi Boosman, spokeswoman for TRPA, told *Lake Tahoe News*.

But with the focus of the agency being on the Regional Plan update, in particular the draft environmental impact statement coming out at the end of the month, it’s not likely the TRPA will address the shorezone in the immediate future.

The League will wait to see what the TRPA comes up with before it makes a move. According to Young, his group from the get-go wanted better analysis and is happy the court is mandating TRPA provide it.

“What the Ninth Circuit did was overturn that portion of Judge Karlton’s ruling saying the agency basically could use potentially illegal buoys, but it needs to justify why it would be included and analyze the impacts,” Young said.