

# Letter: Tahoe Keys comes clean on dredging

**Publisher's note: *The following letter was sent Sept. 10, 2014, to Tahoe Keys Property Owners Association members. It was sent to Lake Tahoe News by a resident of the South Lake Tahoe community.***

**To TKPOA homeowners,**

I personally apologize for the misleading statements that I have made and that have been made by association management over the past three months regarding the timing of the West Channel dredging. Initially we did significant additional investigative work and modified our project based on discussions with the regulatory agencies; they gave us assurances that these efforts, which delayed the permit application, would expedite permit approval. The assurances were honored by some of the agencies but other agencies treated the permit application with a "business as usual" approach which has resulted in the delays.

At this time we are waiting on permit approval for dredging (see details below). We recommend that boaters keep an eye on channel depth based on their individual needs to determine when it will be necessary to pull their boats out this Fall.

## **West Channel**

Water depth in portions of the West Channel is approximately 3.5 feet.

We started work on obtaining a dredging permit in April 2014. The permitting process has been long and frustrating as Lake Tahoe has many layers of federal, state, and local regulatory agencies. Obtaining a permit to dredge the West Channel is dependent these agencies giving their blessing before the Army

Corps of Engineers (ACE) will issue us a permit. Here is the current status:

Lahontan Regional Water Quality Control Board – This agency approved our project by letter dated September 8 following a 10-day public comment period on our project that ended on Sept. 6. They received no adverse. The Lahontan approval also includes the TRPA approval for the project.

California State Lands Commission – This agency notified us on Sept. 8 that they have decided that their approval of our project requires Commission concurrence. The next Commission meeting is Oct. 14 and, if approved, they will notify ACE after that. This was unanticipated and is a major setback for completing the dredging this year.

California Department of Fish and Wildlife – This agency is considering whether additional studies are needed for the project. We are actively pursuing an answer from them. The timing of their action and its impact on our project timing is unknown.

Army Corps of Engineers (ACE) – We have been working with this agency to overcome their contention that our project cannot be approved under the Nationwide Permit covering this type of work. We know of at least three other approvals given in the Lake Tahoe Basin that directly contradict their position. If it is covered, they can issue a permit when all of the other agencies have given their approval (e.g. sometime after mid-October). If it is not covered, then it will take an additional 90 days or longer to obtain approval.

The bottom line is that we will not be able to start dredging before the middle of October at the earliest and it is possible that we will not be able to start before Spring 2015. It is important to note that any and all of this is subject to change at the whim of the myriad of federal, state, and local agencies that regulate the Lake Tahoe Basin.

## **East Channel**

Water depth in portions of the East Channel is approximately 2 feet.

Tahoe Keys Marina (TKM) told us [Sept. 10] that they intend to submit their application to dredge the East Channel by Sept. 19. The East Channel dredging is a much larger project that is estimated to cost \$1.5 to \$2 million. While our application for the West Channel has paved the way for the review of their application, they will likely run into the same hurdles and the same timeframes for approval. At this time, it appears unlikely that they will do the large scale dredging in 2014 and they may be able to do a limited dredging project in the channel area between the sheet pile bulkheads. TKM told us they intend to complete the dredging in Spring 2015 if it cannot be completed this year.

TKM, under our 1991 Settlement Agreement, is responsible for taking the lead role in dredging the East Channel. The options available to TKPOA range from seeking court action to enforce the 1991 Settlement Agreement which requires TKM to take the lead on any dredging project to working with Tahoe Keys Beach and Harbor Association to get the channel dredged in Spring 2015. The later option includes the risk that recovering TKM's portion of the cost (approximately \$1 million) may entail legal action.

## **Contingency plans**

In the event that neither channel dredging is completed this fall, there are two options for boat owners to consider. For boats that use the West Channel (moored in the Main Lagoon to the west of Ala Wai Boulevard), the owners can take them out at either Cave Rock or Obexer's Marina both approximately 10 miles from the Tahoe Keys by water. If there are problems with these locations or water levels fall further, TKPOA may open one of the lagoon maintenance ramps for its members use. For

boats moored in the Marina Lagoon (east side of Ala Wai Boulevard), the owners can take them out at TKM.

**John Larson, TKPOA president**