

1 INTRODUCTION

1.1 HISTORY AND OVERVIEW OF THE SHOREZONE ORDINANCE AMENDMENT PROGRAM

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the *Tahoe Regional Planning Compact* (Compact) (Public Law [P.L.] 96-551, 94 Stat. 3233, Cal. Gov. Code Section 66801 et seq., Nev. Rev. Stat. Section 277.200 et seq. [1980]) and the Tahoe Regional Planning Agency's (TRPA's) *Code of Ordinances* (Code) and *Rules of Procedure*. This FEIS and the previously prepared Draft EIS (DEIS) and Supplemental Draft EIS (SDEIS) evaluate the environmental impacts associated with various alternatives for regulation of Shorezone development in the Lake Tahoe Region. In addition, this FEIS responds to comments on both of the previously prepared documents and comments provided at public meetings on the Shorezone program.

BACKGROUND OF TAHOE REGIONAL PLANNING AGENCY

TRPA is a bi-state regional planning agency with jurisdiction over the Lake Tahoe Basin. The Compact, which created TRPA, was adopted by the state legislatures of California and Nevada and ratified by the U.S. Congress in 1969 (P.L. 91-148). The initial action of TRPA, in 1971, was to prepare and implement a Regional Plan for the Lake Tahoe Region. The major focus of the initial regional planning effort was to balance environmental quality with orderly development in the Tahoe Region.

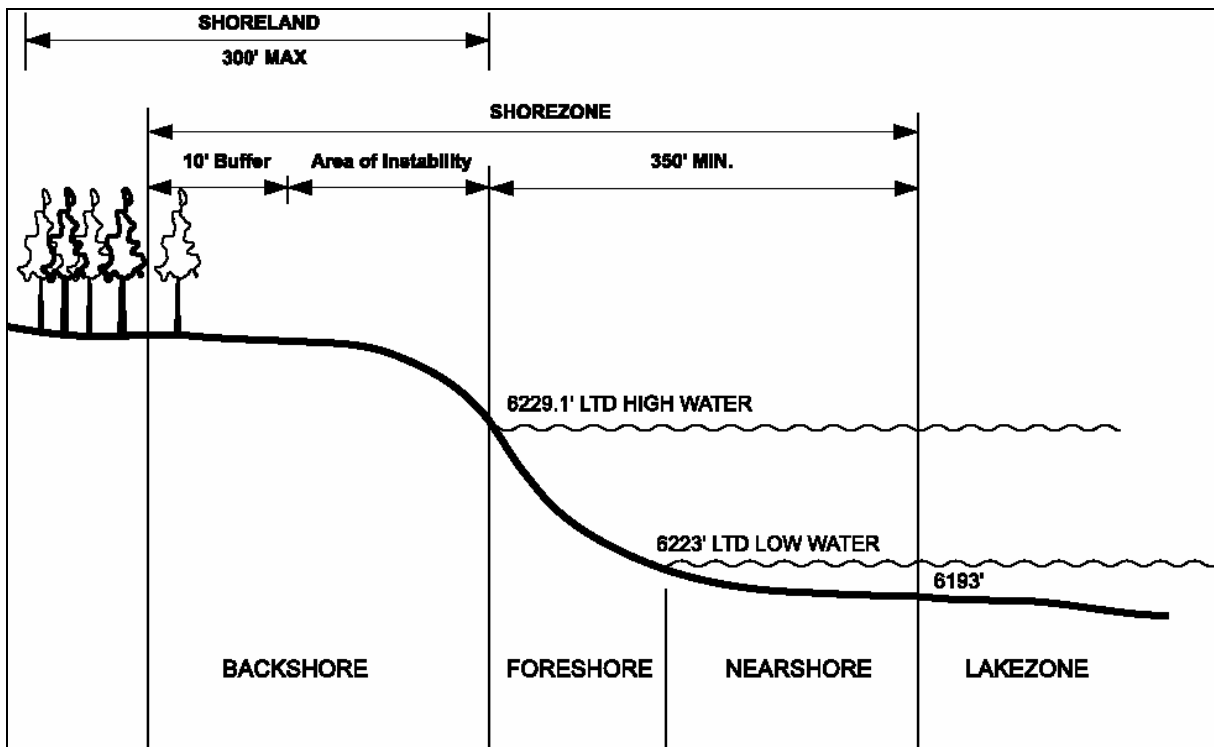
Negotiations to revise the Compact began in the late 1970s. The 1980 Compact (P.L. 96-551) reorganized TRPA and gave the agency new duties and authorities designed to improve the functioning of the agency and to facilitate achievement of its goals.

In 1982, TRPA adopted Environmental Threshold Carrying Capacities (Thresholds) that are necessary to maintain certain values specified in the Compact. The Compact then required TRPA to adopt a Regional Plan to achieve and maintain the newly adopted Thresholds and to meet the planning requirements of Article V of the 1980 Compact. The Regional Plan was revised and adopted in 1984. Soon after its adoption, the Regional Plan became the subject of litigation. On July 1, 1987, a new Regional Plan was finally adopted.

SHOREZONE REGULATION BY TRPA

Planning for, and regulation of, the Shorezone in the Lake Tahoe Region is required by Articles V and VI of the Compact and is necessary to achieve or maintain many of the Thresholds. TRPA's Regional Plan documents that provide for Shorezone planning include the Goals and Policies, the Code, and the Plan Area Statements. The Conservation Element of the Goals and Policies contains a Shorezone Subelement. Planning for the Shorezone of Lake Tahoe and the Tahoe Region's other lakes is also captured in the Recreation Element. Code Chapters 50-56 are devoted to the Shorezone and outline specific standards and guidelines for appropriate growth and development. Certain Plan Area Statements also regulate uses in the Shorezone. (The Shorezone includes the backshore, foreshore, and nearshore as defined by the TRPA Code and illustrated in Figure 1-1.)

No project may be developed in the Tahoe Region without review and approval of TRPA. With respect to project review, Article V(g) of the Compact states that TRPA shall adopt ordinances prescribing specific written findings that the agency must make before approving any project. These findings relate to environmental protection and ensure that the project under review will not adversely affect implementation of the Regional Plan and will not cause the adopted Thresholds to be exceeded.



Source: EDAW 2006

Lake Tahoe Shorezone Areas

Figure 1-1

Article VII of the Compact requires TRPA, when acting upon matters that have a significant effect on the environment, to prepare an EIS. The content and procedure for preparing an EIS are set forth in Article VII of the Compact; Code Chapter 5, “Environmental Documentation”; and Article VI of TRPA’s *Rules of Procedure*.

BACKGROUND OF THE SHOREZONE PROGRAM

TRPA’s regulation of the Shorezone began in March 1972 with the adoption of the original TRPA Shoreline Ordinance, which was modeled after the 1966 Placer County Shoreline Ordinance. Previously, there had been no ordinances that considered the entire Shorezone of Lake Tahoe. Because of the controversy surrounding the development provisions of the ordinance, a moratorium was placed on new Shorezone development in prime fish habitat until a plan and new ordinance could be adopted. Table 1-1 summarizes the actions pertaining to the management of the Shorezone that have taken place over the years.

Reconsideration of the 1972 Shoreline Ordinance evolved into a series of studies investigating the characteristics and sensitivity of various resources in the Shorezone of Lake Tahoe. These studies led to the publication of the *Shorezone Plan for Lake Tahoe* (Orme, 1973). The Shorezone Plan analyzed and evaluated the physical, biological, and visual characteristics of the Shorezone, in terms of its tolerance or responsiveness to disturbance or change. The Plan established Shorezone units that reflect the distribution of Shorezone resources and features of varying sensitivity and importance. The “tolerance” zones based on this delineation were mapped for the physical, biological, and visual components of the Shorezone Plan.

**Table 1-1
A Chronology in Planning for the Shorezone of Lake Tahoe and Other Lakes in the Region**

Date	Action Taken
December 1960	U.S. Army Corps of Engineers' buoy grandfathering date
1966	Placer County Shoreline Ordinance
1969	<i>Tahoe Regional Planning Compact</i> (Compact) adopted
May 1971	<i>The Shorezone System for Lake Tahoe</i> published
March 1972	First Shoreline Ordinance adopted by Tahoe Regional Planning Agency (TRPA)
1973	<i>Towards a Shorezone Plan for Lake Tahoe</i> , Antony Orme's development of Shorezone tolerance districts, published
May 1976	Shorezone Ordinances adopted by TRPA
1978	<i>Cumulative Impacts of Shorezone Development</i> published
May 1979	Shorezone Ordinances amended to identify referenced Pierhead Line Map
December 1980	TRPA Compact amended
May 1982	Environmental impact statement (EIS) for the establishment of Environmental Threshold Carrying Capacities certified
February 1983	EIS certified for the adoption of the Regional Plan
April 1984	Ordinance adopting amended Regional Plan
1985	TRPA initiates Consensus-Building Workshop process to reconstruct the Regional Plan
May 1987	<i>Code of Ordinances</i> adopted, including Shorezone Ordinances; Subsection 54.3, "Fish Habitat and Spawning Study," requires TRPA to prepare a study assessing the impacts resulting from the construction and use of structures, including mooring buoys, on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries; final report required to be completed by Oct. 31, 1989, and reconsideration of location standards that prohibit new Shorezone structures in prime fish habitat required no later than January 24, 1990
November 1989	<i>Final Report: Littoral Structure and Its Effects on the Fish Community of Lake Tahoe</i> [University of California at Davis (UCD) and Utah State University (Utah State)] completed
September 1990	<i>Lake Tahoe Fish Community Structure Investigations: Report on Phase II Activities</i> (UCD and Utah State) completed
June 1991	<i>Lake Tahoe Fish Community Structure Investigations Phase III Report</i> completed
May 1993	Funds released from Shorezone mitigation fund to facilitate Shorezone structure inventory and preparation of an EIS and <i>Cumulative Analysis of the Shorezone Ordinance Amendments</i>
Summer 1993/1994	Shorezone Structure Inventory completed
December 1994	Governing Board Shorezone Policy Committee created
September 1995	Shorezone Draft EIS (DEIS) distributed for public comment
March 1996	60-day DEIS comment period extended and Shorezone Partnership Committee formed (made up of 25 stakeholders)

**Table 1-1
A Chronology in Planning for the Shorezone of Lake Tahoe and Other Lakes in the Region**

Date	Action Taken
August 1996	Governing Board member requests that the Shorezone Policy Committee develop restrictions on jet skis
October 1996	DEIS comment period extended to November 27, 1996; later extended to January 31, 1997, to work through issues related to motorized watercraft and scenic quality
February 1997	Governing Board public hearing; TRPA staff are directed to prepare an Environmental Assessment to analyze new regulations on two-stroke carbureted watercraft engines; Governing Board creates the Motorized Watercraft Technical Advisory Group (MWTAG) to address issues and study impacts of motorized watercraft
April 1997	3-day Shorezone Partnership Committee workshop takes place
June 1997	<p>Governing Board adopts the following amendments to the <i>Code of Ordinances</i>:</p> <ul style="list-style-type: none"> ▶ Phased two-stroke carbureted watercraft engine prohibition for all lakes in the region ▶ 600-foot no-wake zone ▶ Prohibition of all motorized watercraft in all tributaries of Lake Tahoe
1997-1998	Measurements of MTBE/BTEX conducted in Lake Tahoe by UCD, Tahoe Research Group (TRG), University of Nevada at Reno (UNR), and U.S. Geological Survey (USGS); some sites exceeded maximum drinking water levels and the U.S. Environmental Protection Agency (EPA) advisory level of MTBE/BTEX
1998	California Air Resources Board and UNR studies show that carbureted 2-stroke engines discharge a disproportionate amount of fuel into Lake Tahoe
March 1999	<p>Governing Board adopts revised prohibitions on two-stroke carbureted watercraft engines with 2-year extensions for the following:</p> <ul style="list-style-type: none"> ▶ Engines for auxiliary power ▶ Engines with 10 horsepower or less ▶ Electronic fuel-injected engines (pre-1999)
April 1999	Second Shorezone DEIS distributed for public comment; 60-day review period ends June 1999
June 1999	Watercraft prohibitions begin
March 2002	Request for proposal released to solicit consultant proposals to update and conclude Shorezone EIS process
July 2002	Two scoping meetings held to solicit input regarding issues to be considered in an updated Shorezone EIS
July 2004	Third Shorezone DEIS distributed for public comment; 90-day review period ends September 2004
July 2005	Shorezone Supplemental DEIS (SDEIS) distributed for public comment; 60-day review period ends September 2005
May 2006	TRPA staff requests direction from Governing Board about refinement of Alternative 6 to Alternative 6A
November 2006	Final EIS and revised ordinances released for 60 days prior to Governing Board action

On May 27, 1976, TRPA adopted a new Shorezone Ordinance, incorporating the Shorezone Plan by reference. The ordinance established regional Shorezone Tolerance Districts based on the previous tolerance zones and established limitations on development within those districts. Minimum standards and regulations for the construction, alteration, removal, and maintenance of piers, mooring buoys, floating platforms, boat ramps, jetties, breakwaters, and shoreline protective structures; filling and dredging; and other Shorezone development were incorporated into the ordinance. The ordinance included a pierhead line limit, a 1999 deadline for removal of nonconforming structures, a 1-year permit requirement on all existing buoys, and regulations for the backshore. Because of controversy and a lack of support, the biological and visual zones proposed in the Shorezone Plan were not directly incorporated in the Shorezone Ordinance.

In 1978, TRPA, the U.S. Army Corps of Engineers, and the California State Lands Commission released a report, *Cumulative Impacts of Shorezone Development*, that focused on the impact of development permitted by the 1976 Shorezone Ordinance. The report indicated that further study was needed on increased density and its impacts on shoreline stability and fisheries. Scenic impacts and density were addressed with regard to recreation and aesthetics.

In 1985, a California State Lands Commission study concluded that the densities permitted by the 1976 Shorezone Ordinance, for buoys and structures that are up to 90% open, would not significantly affect shoreline stability or littoral drift (Osborn, 1985). The issue of pier density was raised again during the adoption of the Thresholds for fisheries. Based on the information available at that time, TRPA concluded that piers, buoys, and other Shorezone structures, and the activities related to them, degraded the fisheries.

The Threshold mapping for fish habitat reflected this conclusion. With adoption of the 1987 Regional Plan, the 1976 Shorezone Ordinance and Shorezone Plan were replaced by the Shorezone Subelement in the Goals and Policies, Chapters 50–56 of the Code, and the Plan Area Statements. These regulations are the product of the consensus-building process from 1985 to 1987 that resolved the litigation resulting from adoption of the 1984 Regional Plan adoption. Because of the continuing controversy on the impacts of piers and other Shorezone structures, and a general agreement that further study was needed with respect to the Shorezone, Subsection 54.3.B of the Code established certain prohibitions and called for an additional study.

The current Code prohibits the placement of new piers, boat ramps, mooring buoys, and floating docks and platforms in areas identified as prime fish habitat, which includes feeding and/or escape cover habitat and spawning habitat (Figure 1-2, previously Figure 2-2 of the 2004 DEIS). The Code also prohibits the placement of these structures within 200 feet of certain creek and river inlets. Chapter 54, “Development Standards Lakeward of High Water,” states that TRPA shall reconsider the location standards for piers, boat ramps, mooring buoys, and floating docks and platforms once a study has been completed that assesses the impacts resulting from the construction and use of structures on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries. The first of four phases of the mandated fish studies, *Littoral Structure and its Effects on the Fish Community of Lake Tahoe*, was released in 1989 (Byron et al., 1989). Phase II (Beauchamp et al., 1990) and Phase III (Beauchamp et al., 1991 and 1994) followed. Chapter 4, “Fisheries,” of the 2004 DEIS provides the specific findings of the studies.

As a result of the fish studies, TRPA began reconsideration of location standards based on fish habitat mapping. Because of the interrelationships of the Thresholds related to the Shorezone, as well as the complexity of the scientific and political conditions, TRPA identified the need to establish a Shorezone baseline condition and evaluate the cumulative effects of different conceptual future development scenarios. TRPA staff took the lead in developing this information, guided by a mentor group of experts in applicable fields. In September 1995, TRPA published the resulting *Lake Tahoe Shorezone Development Cumulative Impact Analysis, Draft Environmental Impact Statement* (1995 DEIS).

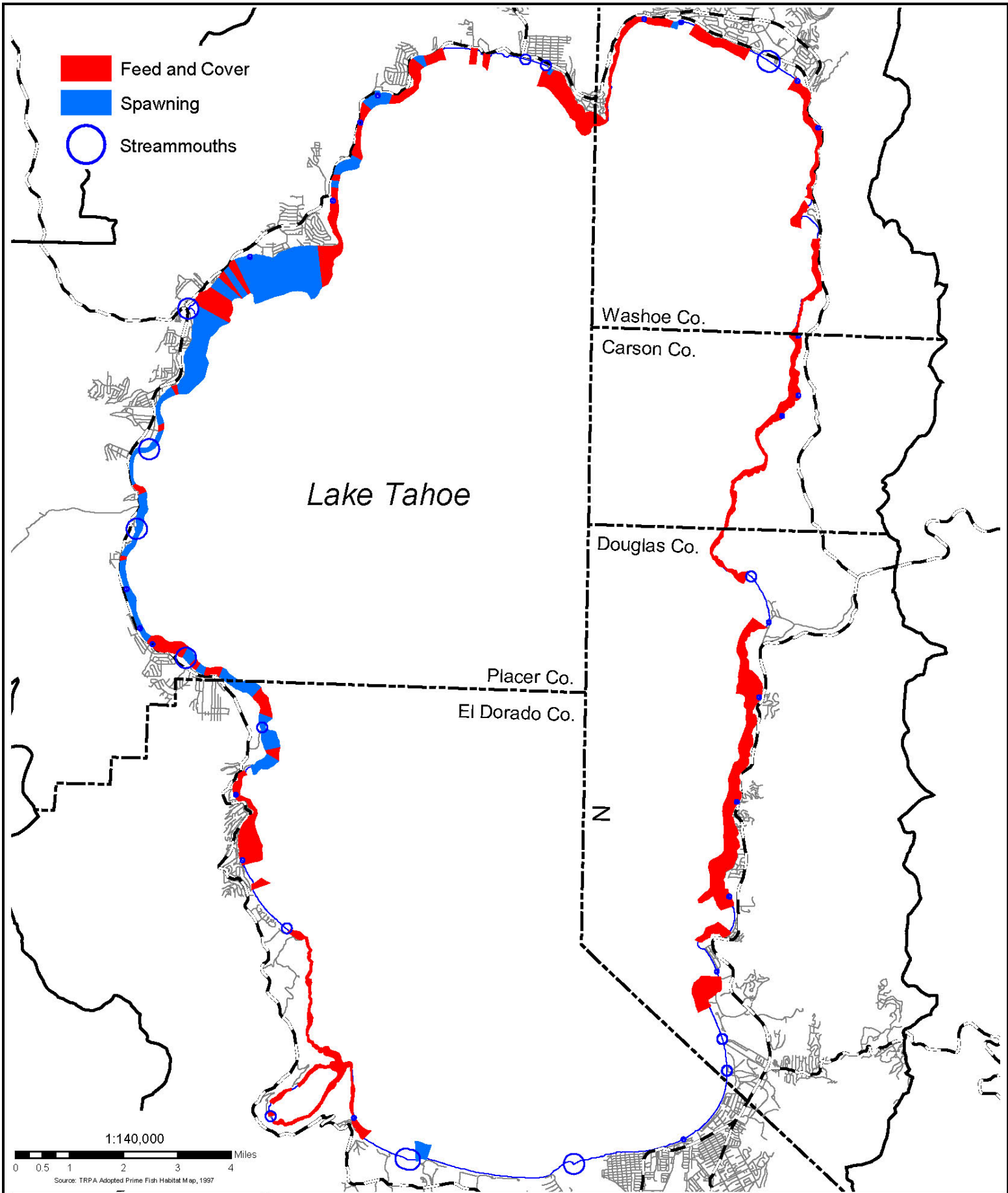
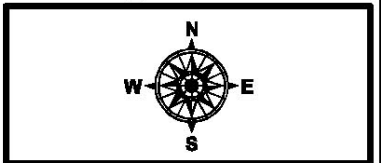


Figure 1-2
Spawning Habitat/Feed & Cover Map
Lake Tahoe Shorezone Ordinance Amendments Final EIS



The 1995 DEIS developed and evaluated four alternatives that represented a broad range of future development scenarios. The alternatives were conceptual in nature; none was accompanied by specific implementation language or regulations. In addition, several of the most controversial elements of the alternatives required increased public input, modification, and buy-in before they could realistically be implemented. For these and other reasons, the 1995 DEIS was not finalized.

Instead, TRPA convened a stakeholder group called the Shorezone Partnership Committee. This group, made up of representatives of other public agencies and private and commercial interests, together with the TRPA Governing Board's Shorezone Policy Subcommittee, identified the focus for the Partnership's issues and products. The identified goal was to work through the specifically identified issues and make the best effort at achieving consensus. The Shorezone Partnership Committee requested that a Phase IV be added to the fish study documents that would monitor, research, and provide recommendations for spawning habitat areas.

In April 1999, TRPA released the second Shorezone DEIS, *The Lake Tahoe Shorezone Ordinance Amendments Draft Environmental Impact Statement* (1999 DEIS). This document analyzed new ordinances that were based on outcomes from the Shorezone Partnership Committee, the Shorezone Policy Committee, and staff input. The 1999 DEIS served as a basis for the analysis presented in this EIS. Since the completion of the 1999 DEIS, numerous studies and evaluations have occurred—including water quality monitoring for methyl tertiary butyl ether (MTBE); benzene, toluene, ethylbenzene, xylene (BTEX); and polycyclic aromatic hydrocarbons (PAHs); scenic inventories; and adoption of the Shoreland Ordinance—and these results have also been incorporated into the current EIS.

1.2 PURPOSE AND NEED, AND STATUS OF THE SHOREZONE PROGRAM

1.2.1 PURPOSE AND NEED

The overall purpose and need of the Shorezone Ordinance amendment program was, and remains, the revision of the existing ordinances in such a way as to provide adequate access to Lake Tahoe from public and private littoral parcels.

Currently, the TRPA Code prohibits the placement of new piers, boat ramps, mooring buoys, or floating docks or platforms in areas identified on the TRPA Prime Fish Habitat Map as “Feeding and/or Escape Cover Habitat” and “Spawning Habitat”. The Code also prohibits these structures within 200 feet of certain stream and river inlets. Chapter 54 of the Code states that TRPA shall reconsider the location standards for these structures once a fish study assessing construction and use impacts on fish habitat and spawning areas has been completed.

Pursuant to Code, the scope of this document is to reconsider the fish habitat and spawning stream location standards, as they pertain to new and existing piers, mooring buoys, boat ramps, floating docks or platforms, and other related Shorezone structures.

The purpose of this Shorezone FEIS is to evaluate alternatives for future development regulations and associated environmental impacts. The analysis also assesses TRPA's attainment and maintenance of environmental thresholds under each of the alternative scenarios.

1.2.2 STATUS OF THE SHOREZONE PROGRAM

After the various studies and evaluations referenced above were completed, TRPA prepared proposed amendments to the Shorezone Ordinances. Those amendments represented the consensus of the Shorezone Partnership Committee when it could be achieved, along with recommendations from other

agencies and the professional judgment of TRPA staff. In accordance with Code Section 54.3.B, the main action of the amendments was the removal of some restrictions on the location of piers, mooring buoys, boat ramps, floating docks, and platforms in prime fish habitat.

A third DEIS was released in 2004 to provide an analysis of the existing situation in the Shorezones and lakezones of the Tahoe Region's lakes and to evaluate the proposed Shorezone Ordinance revisions (Alternative 2) and four other alternatives for future development regulations. The DEIS was prepared in accordance with environmental review requirements of the Compact (P.L. 96-551, 94 Stat. 3233, Cal. Gov. Code Section 66801 et seq., Nev. Rev. Stat. Section 277.200 et seq. [1980]), the Code, and the *Rules of Procedure*. Acknowledging that state and federal agencies in both California and Nevada would likely wish to use the EIS to adopt those portions of the ordinances over which they have jurisdiction, TRPA also prepared the DEIS—as well as the SDEIS and this FEIS—to meet the requirements of the California Environmental Quality Act (CEQA) (Pub. Res. Code Section 21000 et seq.), the State CEQA Guidelines (Cal Adm. Code Section 15000 et seq.), and the National Environmental Policy Act (42 U.S.C. 4321 et seq., 40 C.F.R. 1500 et seq.).

The DEIS was circulated for a 90-day public review period (July 1–September 28, 2004). Several public meetings were held, at which comments were received from agencies, organizations, and private individuals on the analysis contained in the DEIS and on the proposed Code amendments themselves. Written comments were also received during the public review period.

Following preparation of the DEIS, and through review of comments on the DEIS and additional stakeholder input, TRPA identified an additional alternative that would meet most of the project objectives and would address concerns related to Shorezone structure allocation and distribution, scenic mitigation systems, water quality, public drinking water intakes, simplicity and clarity of the program, and other concerns. In essence, Alternative 6 was designed as a self-mitigating approach to amending the Code, in that its provisions would incorporate environmental considerations and require little additional mitigation.

TRPA determined that supplemental environmental analysis should be prepared to fully disclose the creation and impacts of Alternative 6. For this reason, an SDEIS was prepared to evaluate the potential for Alternative 6 to have significant adverse effects on the environment that had not been considered previously. The SDEIS was circulated for a 60-day public review period (July 5–September 8, 2005). During the review period, public meetings were held before the TRPA Advisory Planning Commission (August 10, 2005) and the TRPA Governing Board (August 24, 2005). At each of these hearings and during the review period, public comments on the SDEIS were received from agency representatives, elected officials, organizations, businesses, and private individuals.

TRPA incorporated input from these various sources, conducted additional research, and developed more detailed plans for the environmental protection features described in Alternative 6. During the refinement process, TRPA staff gave a presentation on the modified alternative at a Governing Board meeting in May 2006. Public and agency comments on the proposed alternative were accepted at this meeting as well.

Based on input from the Governing Board and comments received during public review of the SDEIS, TRPA has refined the environmental protection features of Alternative 6 and is identifying the modified alternative as Alternative 6A. As with Alternative 6, the general goal of Alternative 6A is to allow Shorezone development at a level that limits environmental impacts by restricting not only the rate of development (to 10 private piers per year), but also the ultimate amount of development (to a maximum of 230 piers) in the Shorezone during the planning period (22 years [2007–2028], to correlate with the PATHWAY 2007 process for the Regional Plan update). Alternative 6A also regulates the design of new structures and establishes mitigation measures so as to promote attainment and maintenance of

Thresholds. Alternative 6A differs from the previously proposed alternatives in the details of the pier allocation system and the inclusion of various environmental protection features that would be enacted to reduce or avoid anticipated impacts on Environmental Thresholds in the Tahoe Region. Chapter 2 of this FEIS provides a detailed description of Alternative 6A; Table 4-1 in Chapter 4 provides a comparison of Alternative 6A with Alternative 6.

The Shorezone Ordinance amendments and FEIS apply to all other lakes of the Region. The FEIS is focused on Lake Tahoe, however, because that is where nearly all of the identified development potential exists. Conditions of Shorezone ownership and access to lakes other than Tahoe render the Shorezone Code Amendments applicable in only limited circumstances. Very few of the other lakes have vehicular access, and therefore, other than Lake Tahoe, only Echo, Angora, Fallen Leaf, Cascade, and Marlette Lakes have motorized boat access. Echo Lake is surrounded by U.S. Forest Service land and is not eligible for any new private Shorezone structures. Angora lake, too, is adjacent to USFS lands, has no vehicular access, and the USFS has not been allowing new pier development for the few private cabins near the lake. Cascade Lake has only three private parcels abutting the lake, and all three already have piers. Boating is prohibited on Marlette Lake. Fallen Leaf Lake, among the group of other lakes, is the only one that has a few private parcels around the lake that could be eligible for new development. As with any Shorezone development proposed on Lake Tahoe, new development at Fallen Leaf Lake would also be subject to site-specific review and all Shorezone provisions, including eligibility, prioritization, and the annual and total cap on new structures. Given the limited development potential at these other lakes, the Shorezone Ordinance amendments would apply predominantly to rebuild and modification projects related to existing structures.

Following the 60-day period of availability of the FEIS, TRPA staff will present the proposed Shorezone Ordinance amendments to the Advisory Planning Commission and Governing Board for consideration. The Governing Board will review the comments received on the various alternatives and TRPA staff's responses to those comments (as presented in this FEIS), consider the environmental impacts of those alternatives, and ultimately decide whether to certify the FEIS and approve one of the program alternatives.

1.3 SCOPE AND ORGANIZATION OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

This FEIS presents responses to comments received on the six alternatives for amending the Shorezone Ordinances. It also presents Alternative 6A, which has been crafted based on refinements to Alternative 6 that resulted from stakeholder, agency, and public input. In accordance with Section 6.14 of the TRPA *Rules of Procedure*, the FEIS includes the following information:

- ▶ *DEIS and SDEIS or a revision thereof:* The DEIS and SDEIS for the Lake Tahoe Shorezone Ordinance amendments are hereby incorporated by reference, and text revisions to those documents (where necessary) are included in Chapter 5.
- ▶ *Comments and recommendations received on the DEIS and SDEIS in writing and at public meetings, either verbatim or in summary:* Chapter 4 contains the comment letters received on both the 2004 and 2005 documents and includes summaries of the oral comments made at public meetings on the Shorezone Program.
- ▶ *Responses of TRPA to significant environmental issues raised in the review and consultation process:* Responses to comments are provided in Chapter 4, and revisions to the program or the DEIS and SDEIS that address the environmental issues are identified. In contrast to many TRPA response-to-comments documents that provide a line-by-line revision of the DEIS, the approach to responses to comments for this program reflects the evolving nature of the alternative development process. Many

comments on environmental topics have subsequently been addressed through the creation of Alternatives 6 and 6A; the responses to these comments direct the reader to the applicable elements of Alternative 6A. (See Chapter 4 for more information on the approach to the responses to comments.) Text changes resulting from new information and responses to comments are indicated in Chapter 5.

- ▶ *List of persons, organizations, and public agencies commenting on the DEIS and SDEIS:* Tables 4-2 and 4-3 in Chapter 4 provide this list for both the DEIS and SDEIS, as well as for related public meetings.
- ▶ *Proposed program refinements and revised ordinances and consolidated analysis for Alternative 6A:* Revisions to the DEIS and SDEIS, specifically the refinement of Alternative 6 to arrive at Alternative 6A, are described in Chapter 2; the environmental analysis of Alternative 6A is provided in Chapter 3; and additional and updated information is provided in Chapter 5 and in appendices to this FEIS, including the proposed Code amendments to implement Alternative 6A.

None of the information provided in this FEIS, including information provided in response to comments and the environmental analysis of Alternative 6A, is substantively new information that would alter the level of significance of any environmental impact analyzed in the DEIS or SDEIS. Therefore, recirculation of the DEIS and/or SDEIS is not required.

The FEIS is organized as follows:

- ▶ Chapter 1, “Introduction,” contains an overview of the program, outlines the status of the program to date, describes the scope and organization of the FEIS, and identifies the process for public input and consideration of the EIS and the Shorezone Program by the Governing Board.
- ▶ Chapter 2, “Description of Alternative 6A,” describes the proposed program in detail.
- ▶ Chapter 3, “Environmental Analysis of Alternative 6A,” evaluates the impacts of Alternative 6A as they compare to impacts of the six previous alternatives in the DEIS and SDEIS.
- ▶ Chapter 4, “DEIS and SDEIS Comments and Responses,” contains responses to common comments received on either or both of the draft documents, lists the individual letters received and the significant environmental issues addressed in each letter, reproduces each comment letter received on the draft documents, and provides responses to significant environmental issues in each letter. Changes to the draft documents in response to comments are identified here. The chapter is organized so that comments on the 2005 SDEIS are addressed first, followed by comments on the 2004 DEIS. Also included are summaries of comments provided at project-related public meetings and responses to those comments.
- ▶ Chapter 5, “Revisions to the EIS,” shows text changes to the DEIS and SDEIS in response to comments and based on other modifications to the program.
- ▶ Chapter 6, “Document Preparers,” identifies the individuals who participated in preparation of this FEIS.
- ▶ Chapter 7, “References,” provides information about references cited in this FEIS.
- ▶ Appendices are included to provide additional documentation for resources used in preparing this FEIS and to update information provided in the DEIS or SDEIS.

1.4 PUBLIC INPUT AND BOARD CONSIDERATION

The FEIS includes all comments received during the public review periods for the DEIS and SDEIS and contains responses to significant environmental issues raised in those comments. In addition, public comments submitted to TRPA staff or Governing Board members at the various public meetings throughout the project's history are summarized and responses provided.

Although refinements to the alternatives have occurred in response to comments on the DEIS and SDEIS, the more recently developed alternatives (Alternative 6 and the refined version, Alternative 6A) do not replace the previous alternatives (1 through 5) but provide additional options for consideration by the Governing Board. As a result of the public comment process that led to the creation of Alternatives 6 and 6A, it is expected that these are the more widely accepted alternatives. Nevertheless, Alternatives 1 through 5 have been the subject of substantial constructive comment and they remain viable alternatives under consideration.

The TRPA Governing Board has committed to providing a 60-day period of availability for the FEIS and proposed ordinances before any final action would be taken. That period begins on or about November 15, 2006. It is important to note that federal, state, and TRPA statutes do not require a public comment period following publication of an FEIS; this period is provided—because of the extensive history of the program and the large volume of material—to allow interested parties sufficient time to review the document thoroughly. Written comments are not being solicited during the availability period.

During this 60-day no-action period, the TRPA Advisory Planning Commission and Governing Board will hold public workshops in December 2006 on the elements of the proposed program and public hearings in January 2007 before the Governing Board's final decision. At these hearings, the Governing Board will hear public comments on the FEIS and the program. The Governing Board will then consider the entire EIS, along with any revisions to the FEIS made during the public hearing, before rendering a decision on certification of the EIS. Selection of an alternative and possible adoption of the amendments to the Shorezone Ordinances will be considered at the same meeting. Implementation of the Shorezone Ordinance amendments would begin 60 days after adoption by the Governing Board unless otherwise specified.

The amended Shorezone Ordinances, as ultimately approved, will be incorporated into the TRPA *Code of Ordinances*. Because the Regional Plan is currently being updated through PATHWAY 2007, the potential exists for changes to be made to the Regional Plan that could affect standards identified in the Shorezone Ordinances. When PATHWAY 2007 is complete and an updated Regional Plan is adopted, revisions to the adopted Shorezone Ordinances (and other portions of the Code) may be considered if necessary for consistency between the two planning documents.