



July 15, 2023

RE: Proposed Legal Action – Against the US Forest Service - Degradation of Lake Tahoe Waters

Lake Tahoe Waters

Lake Tahoe waters are labeled as an “Outstanding National Resource Water” under the US Clean Water Act.

However, 84,092 acres of protected Lake Tahoe waters, Trout Creek, Ward Creek, and 61+ miles of the upper and lower Truckee River are classified as **impaired** waters under the Clean Water Act due to the adverse impacts of **phosphorus and nitrogen**.

U.S. Forest Service (USFS) Intentional Wildland Fire Growth Policy

Widely unknown to the public, and since 1978, the US Forest Service has incrementally implemented a 43-year-old policy option of intentional forest fire growth. This practice is often referred to as “managed” wildfire or “WFU” (wildfire use). The incremental implementation of this policy has now grown to catastrophic proportions. What began as a USFS limited policy option, has grown into an out-of-control practice of intentional forest fire growth. This then, resulting in significant and adverse environmental impacts on our Sierra range resources including, our forests, wildlife, and cherished Lake Tahoe region waters.

Here in Lake Tahoe, toxic smoke from ongoing, epic USFS “managed” Sierra range forest fires, since 1978, have cumulatively and adversely impacted our protected alpine waters by depositing forest fire burn smoke by products, including **phosphorus, nitrogen, and carbon black** directly on and into the impaired waters of Lake Tahoe. This, in violation of the National Environmental Policy Act (NEPA), which requires an environmental review of this practice, which has not been performed by the USFS.

Over the last three years, the Lake Tahoe region has been described as having the worst air quality on the planet as a result of these massive pollution events.

<https://www.nbcbayarea.com/news/california/air-quality-in-lake-tahoe-area-worst-in-the-world-as-wildfire-smoke-lingers-report/2640228/>

Litigation

TahoeCleanAir.org asserts that the US Forest Service has violated the National Environmental Policy Act (NEPA) by depositing significant and adverse amounts of phosphorus and nitrogen into 84,092 acres of “impaired” Lake Tahoe waters, including Trout and Ward Creeks plus 61+ miles of the upper and lower Truckee River without conducting the required environmental review.

In light of more recent substantive information, including but not limited to the University of Nevada at Reno and the 2022 UC Davis “State of the Lake” reports, TahoeCleanAir.org intends to join the U.S. Forest Service in connection with their intentional forest fire growth policy and require an immediate environmental review of the effects of this policy on the impaired waters of the Lake Tahoe region.

Going forward – Contributions and Pledges

- TahoeCleanAir.org is seeking contributions and pledges to support our legal effort.
- Contributions are tax deductible. TahoeCleanAir.org is a Nevada 501 (c)(3) non-profit corporation and registered to do business in California.
- 100% of contributions will go toward legal costs only. No portion will be used for non-profit administrative overhead or our other initiatives.
- Contributions will remain anonymous unless requested otherwise.

Anticipated Estimated Investment Needed to help Protect Lake Tahoe Region “impaired” waters from further degradation.

Note: As with any legal action, there is no guarantee that our anticipated outcomes will be successful

1. \$25,000 - complete a legal assessment of the range of options available to file legal action – **Funded and Completed**
2. \$300,000 to \$700,000

Total Investment Goal: \$700,000

This is based on anticipated substantial pushback by the US Government.

The estimated goal amount could be much less if we are successful with a summary judgment.

Make your Contribution or Pledge

Please make your contribution as soon as possible, and **no later than August 30, 2023.**

1. Tax Deductible Contribution <https://www.tahoecleanair.org/donate>

- Credit Card
- Zelle to Info@TahoeCleanAir.org

2. Send a check to:

TahoeCleanAir.org
774 Mays Blvd 10-124
Incline Village, NV 89451

(write “general fund” for a general fund contribution, or “legal fund” on the check to support our legal actions)

3. For Pledges

- Email us at Info@TahoeCleanAir.org

Questions

Please contact Doug Flaherty at Info@TahoeCleanAir.org

Phone: 775-345-3465

Sincerely,

Doug Flaherty

President TahoeCleanAir.org

Info@TahoeCleanAir.org

INFORMATIONAL BACKGROUND AND HISTORICAL LINKS (NEXT PAGE)

INFORMATIONAL BACKGROUND AND HISTORICAL LINKS

Moonshine Ink

<https://www.moonshineink.com/opinion/adversarial-front-line-caused-by-forest-service-ineptitude/>

Letter to Chief Randy Moore – USFS

<https://www.evergreenmagazine.com/pdfs/letter-to-chief-moore.pdf>

Tamarack Fire:

<https://www.nevadaappeal.com/news/2022/aug/03/claims-filed-tamarack-fire-top-85-million-nevada-a/>

<https://mynews4.com/news/local/nevada-lawmaker-taking-steps-to-sue-us-forest-service-over-tamarack-fire-response>

Caldor Fire:

<https://www.cbsnews.com/video/caldor-fire-california-us-forest-service-60-minutes-video-2022-10-02/>

<https://www.mtdemocrat.com/letters/did-usfs-officials-choose-to-let-the-caldor-fire-burn-out-of-control/>

<https://www.sacbee.com/news/california/fires/article253688628.html>

UC Davis State of the Lake Report:

https://tahoe.ucdavis.edu/sites/g/files/dgvnsk4286/files/inline-files/2022_SOTL_complete-reduced_3.pdf

UNR – Caldor Fire

<https://www.unr.edu/nevada-today/news/2021/caldor-fire-lake-tahoe>

Additional Former Firefighter Explanation:

<https://kymkemp.com/2020/11/13/former-firefighter-lambastes-us-forest-service-for-wildfire-mismanagement/>

Change.org Petition – Tell the USFS to Stop the Smoke – Put the fires out (24,900 signatures)

<https://www.change.org/p/tell-us-forest-service-managers-to-stop-the-smoke-stop-purposely-growing-fires-heat-and-releasing-carbon-put-the-fires-out>