

NOTES: Steering Committee Meeting #6

Held August 25, 2016



Meeting in Brief

Intent Focuses on Structures

The Steering Committee agreed to focus the shoreline plan on structures (marinas, piers, buoys, and ramps) to support water-dependent recreation within the shoreline. Structures fall under different ownership and management: public, private, and commercial. At the same time, the Steering Committee will consider the impacts of these decisions on boating and other resources to identify opportunities for effective resource management.

The Steering Committee will use the environmental analysis to identify and manage impacts, recognizing the need to “share the burden” of impacts among different owners and land managers. The shoreline plan will address concession structures on the shoreline; concession structures that occur in the upland area will not be regulated through the shoreline plan. The Steering Committee will consider policies for consistent management of all commercial activities so concessions are held to the same standards as other enterprises.

The Steering Committee recognizes the need for the agencies to develop a broad recreation plan that integrates transportation, demand, and needs of the region, but that broader planning effort will not occur within the timeframe established for developing the shoreline plan.

Tolerance Districts and Permissible Uses Carry Forward

The Steering Committee agreed to continue the use of the existing tolerance districts established under the 1973 Shoreline Plan and associated permissible uses. Since TRPA retained permitting along the shoreline with the 2012 Regional Plan Update, the Steering Committee also recommended that TRPA move the tolerance districts and permissible uses from Plan Area Statements, Community Plans, and Area Plans into a TRPA-maintained shoreline plan or the TRPA Code of Ordinances. TRPA staff agreed to address one Steering Committee concern that tolerance districts can constrict access to piers. Staff agreed to investigate and report back at a subsequent meeting.

Topics in this Summary

- Shoreline Plan Intent
- Areas of Consensus from Previous Planning Efforts
- Tolerance Districts and Permissible Uses
- Inventory Map Available
- Organizational Interests Overview: TRPA

Next Meeting: Sept. 29, 2016, 9:00-1:00

Action Items

Date	Responsible	Item
asap	All	Distribute public workshop flyer
Done	Seana	Send print copy of brochure to Cal State Lands Commission for distribution
9/29	Brandy	Report back on concerns related to tolerance districts limiting access to piers
underway	Bob Hassett / Marina Assn.	Review/refine marina definition

Process Overview

In Phase 1, the Steering Committee identified issues for the shoreline plan and questions for joint fact finding. Now, the committee is shifting to Phase 2 to develop policy recommendations. The joint fact finding, shoreline workshop series, and governing board briefings will all inform the policy discussions. In Phase 3, TRPA will conduct the environmental analysis.

In response to questions, the project management team confirmed that joint fact finding is just moving into providing recommendations on key questions based on the best available science. The Steering Committee's issue identification and questions, summarized in the policy memos, is informing this effort. The project team has tailored the Steering Committee agenda to tier off the joint fact finding meeting outcomes and vice versa.

Policy Discussions

Shoreline Plan Intent

Outcome

The Steering Committee agreed to focus the shoreline plan on structures (marinas, piers, buoys, and ramps) to support water-dependent recreation within the specific area known as the shoreline. The primary focus will be on structures that fall under different ownership and management: public, private, and commercial activities. At the same time, the Steering Committee will consider the impacts of these decisions on boating and other resources to identify opportunities for effective resource management and mitigation, if necessary, shared among owners. The Steering Committee will use the environmental analysis to identify and manage impacts, recognizing the need to "share the burden" of impacts among different owners and land managers.

The shoreline plan will address concession structures on the shoreline. Concession structures that occur in the upland area will not be regulated through the shoreline plan. The Steering Committee will consider policies for consistent management of all commercial activities so concessions are held to the same standards as marinas and other commercial enterprises.

The Steering Committee recognizes the need for the agencies to develop a broad recreation plan that integrates transportation, demand, and needs of the region. Regulating region-wide recreation activities through the shoreline plan is outside the scope of the shoreline plan.

Discussion

The primary topic of the meeting was to think about the goals and intent of the shoreline plan. TRPA's Joanne Marchetta helped frame the discussion recommending that TRPA's goals focus on the narrow strip where land meets the lake ("the shoreline") and to think about development that is needed or wanted to get people onto the lake or to recreate on the lake, specifically, water-dependent recreation. Lifting the prohibition on new structures in fish habitat based on studies would imply that some form of development might occur.

Different categories of ownership exist on the lake:

- Public lands (Forest Service, State Parks, CA Tahoe Conservancy, local jurisdictions, general improvement districts, public utilities, etc.)
- Private littoral (homeowners)
- Commercial (marinas and restaurants)
- Lake bottom (public trust)
- Public trust easement on the California side (between the low and high water mark)

One question is how to balance the different values and have a system that addresses different forms of ownership. Previous shoreline planning efforts have sought to limit boats on the lake. The group began to contemplate whether the planning process intent is to look at recreational boating as a whole or is it to focus on the structures.

While nearly everyone concurred that the scope would focus on shoreline structures, another member suggested that the shoreline plan seems like an opportunity to look at boating capacity and potentially improve boating practices. Another person questioned whether TRPA could really regulate boating lake wide given its mandate as an agency. If components of structures lead to or support boating, maybe a component of the plan could lead to a better fleet or other improved boating practices. The shoreline plan could be an opportunity to address public access for the future. Many of the marinas see twice as much non-motorized boating than motorized so maybe the shoreline plan is an opportunity to move toward "better" motorized boating. There is a natural industry progression to replace fleets with more efficient and cleaner boats.

Some perceive that allowing structures could unleash an unlimited number of boats. The scenic standards limit the number of structures; putting a structure on every littoral parcel would not be possible because of scenic standard limitations. The recreation standard is objective.

The lake anecdotally, at least, has a more user-intense crowded environment that some users crave, and other users avoid. Some members are unsure whether focusing on structures will significantly increase boating dramatically. Others are unsure if the shoreline plan can control crowding on the lake.

One way to focus on development yet still take advantage of the opportunity to affect boating would be to consider mitigation like the Blue Boating program. Identifying those measures in advance of the environmental analysis is one option. Another is to identify the codes and then do the preliminary environmental analysis, developing the mitigation in response to the identified impacts. The environmental review must analyze the change in boating that results from proposed policy recommendations that will allow for additional boating structures.

The Tahoe Interagency Executive Steering Committee is considering joint planning to manage the increase in recreation demand. The recreation plan needs to integrate transportation planning and other agencies' planning work to have a comprehensive look at recreation on the lake. TRPA is advocating that the agencies come together to address crowding at recreation sites and facilities through a comprehensive approach.

Yet another concern is that the mitigation be distributed among users and not concentrate on any one owner or user community. Landowners, agencies, and other entities should share responsibility for mitigation. One issue in a previous planning round was that some of the mitigation should have been more local to a specific project. The tendency has been to rely on public land / open space to serve as mitigation. (Note, the environmental analysis will not address conflicts between motorized and non-motorized users or crowding that is keeping people from the lake.)

Concessions are defined as renting something that will be used on the lake (boat, paddle board, kayak, etc.). The scope of concessions is a concern for some because it may implicate the number and types of boats on the lake, but not the facilities associated with it. The hope would be that concessions would have the same standards as marinas or other parallel commercial enterprises. Everyone seemed to concur that commercial activity should be managed consistently in the shoreline plan. One person advocated that they would like to make sure that the new policies move the lake in the direction to provide more non-motorized access as this is the emerging trend.

One thing the inventory map can help with is identifying where development is best suited and where does the plan want to emphasize or provide for development.

Areas of Consensus from Previous Agreements / Planning Efforts

The group acknowledged stakeholders have previously reached agreements that might be carried forward. Having both states involved in earlier planning efforts was very important and led to agreements that were responsive to the states' interests, including grandfathering in buoys and encouraging multiple-user piers (both implemented lake wide). Other elements to revisit might be design and location, allocating development, permitting existing buoys, and creating incentives. Higher-level policy makers may have upset some consensus items at the staff level in previous efforts.

Tolerance Districts and Permissible Uses

TRPA staff asked the Steering Committee for guidance on carrying forward existing tolerance districts and permissible uses into the shoreline plan. The Regional Plan prohibits delegation of permitting authority in the shoreline to local jurisdictions. Carrying forward tolerance districts and permissible uses would allow TRPA to retain existing districts and uses in TRPA code rather than documenting permissible uses through multiple area plans, which are maintained by the local jurisdictions. Local jurisdictions come to TRPA for area plan approvals.

The Steering Committee supported carrying these forward, but would like to avoid tolerance districts limiting access to piers. TRPA staff agreed to investigate the nature of this limitation and report back to the Steering Committee.

Inventory Map Available

Staff have prepared an inventory map that is interactive and available for looking at facilities and demarcations (such as the buoy line). The map will be useful for inquiries regarding private versus public ownership, access points, and high water and low water line.

The Steering Committee suggested that seeing the statistics / numbers associated with facilities would be very useful (i.e. number of slips associated with map icons).

Organizational Overview: Tahoe Regional Planning Agency

Joanne Marchetta presented TRPA's interests and goals for planning. TRPA's authority is far reaching per the Compact. TRPA's charge is to have a Land Use Plan, Transportation Plan (including water-based transportation), Conservation Plan, and a Recreation Plan and to adopt implementing code and ordinances for these plans. TRPA implements the plan through project permitting and compliance. TRPA needs to "seek to harmonize"...with all other agencies and entities. The limiting principle should be on matters that are regional in nature, but this is difficult. Everything TRPA does ties back to the environmental thresholds. TRPA is held accountable to the states for implementing plans by evaluating the thresholds every 4 years. Realizing the thresholds through permitting and compliance has proven too slow so TRPA developed a capital investment program (known as the Environmental Improvement Program (EIP)) that has been essential for implementation of the Regional Plan.

Some of what TRPA is doing in the Shoreline effort dates back to the 1980's when TRPA was more parcel-focused. The essence of how TRPA achieves the thresholds is through partnerships. What should TRPA as a Regional Agency pay attention to that will really make a difference? Should TRPA look at areas of agency overlap and focus on what is regionally significant? These are the kinds of questions that TRPA board and staff find themselves contemplating and weighing the pros and cons to determine the best way to realize the bi-state compact.

Participants

Committee Members Present

TRPA: Joanne Marchetta
California State Lands Commission: Jennifer Lucchesi
Lahontan RWQCB, Robert Larson
Lake Tahoe Marinas Association: Bob Hassett and Jim Phelan
League to Save Lake Tahoe: Darcie Goodman Collins
Nevada State Lands: Charlie Donahue and Liz Kingsland
Tahoe Lakefront Owners' Association: Jan Brisco

Other Participants

TRPA: John Marshall, Brandy McMahon, Tiffany Good, Adam Jenson, and Rebecca Cremeen
Consultants: Dan Nickel, The Watershed Company
Facilitator Gina Bartlett, Consensus Building Institute

Mediator Gina Bartlett, Consensus Building Institute, gina@cbuilding.org | 415-271-0049