

NOTES: Steering Committee Meeting #7

Held September 29, 2016



Meeting in Brief

The Steering Committee began developing policy recommendations for low lake level adaptation. The Committee supports taking a phased approach to adapting to low lake levels, striving to provide access, but recognizing that in certain circumstances access cannot be guaranteed. During periods of low lake levels, the Steering Committee supports directing access toward marinas and public ramps. The Steering Committee is still evaluating options for providing for buoy relocations and potential pier extensions, either temporary or permanent.

Topics in this Summary

Low Lake Level Adaptation

Action Items

Date	Responsible	Item
10/27	JFF Committee	Provide insights into low lake level adaptation phases from SC meeting
10/26	TRPA Staff	Brief TRPA Governing Board
10/11	Staff	Staff develop background information and potential proposal for multiple use piers (existing, incentives, design standards)
10/11	Staff	Identify parameters for buoy relocation
10/19	Brandy	Report back on concerns related to tolerance districts limiting access to piers
Oct.	Bob Hassett + Jim Phelan	Marina Subcommittee: meet with Gina + planning team to develop policy proposals for marinas to be presented to SC in November

Process Overview and Updates

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.

About these Notes: These meeting notes are prepared by the meeting facilitator and are intended to reflect the general concepts discussed during the Steering Committee meetings. These notes are not intended to be official meeting minutes, nor are they intended to represent a transcript of the discussion. The Steering Committee members have not agreed to or consented to these notes as accurately representing actual, precise statements made by Steering Committee members during the meeting unless otherwise expressly stated in the notes.

Some would like more information and a better synthesis from joint fact finding. The Joint Fact Finding Committee is struggling a bit to provide specific recommendations and not dive into policy.

Before the meeting, Jennifer Luchessi suggested that CBI put a disclaimer on meeting notes that they are not formal minutes. These meeting summaries are meant to inform future discussions. From this point forward, CBI will also use the meeting summary to document agreements. The Steering Committee can plan on going over the summary at the beginning of each meeting to correct any mistakes. If updated or changed, the planning team will circulate revised policy memos at the time of the meeting.

TRPA staff and the CBI team will brief the TRPA Governing Board on Oct. 26.

In response to low lake levels and concerns raised by first responders with the lack of adequate access, in September the TRPA Governing Board adopted amendments to the Code allowing for the designation of one Essential Public Safety Facility along the Lake Tahoe shoreline in each county, along with the U.S. Coast Guard, to accommodate regional emergency response access and egress needs.

Agreements: Agreements noted below are preliminary agreements to advance the recommendations. The Steering Committee will finalize agreements when all the issues have been addressed and recommendations formalized.

Low Lake Level Adaptation

To consider low lake level adaptation policies, the Steering Committee opened with some high-level considerations and proposals. The first concept was to identify areas, or clusters of capacity, near marinas and public ramps where transportation hubs exist and to consider providing allowances similar to Town Center allowances in the TRPA Regional Plan. Another concept was that the shoreline plan should not strive to provide access to all individuals during low lake levels. Joanne Marchetta re-introduced the concept of a systems approach: what is the system to get people on the lake to recreate? Some structures are fixed and others are easier to move. This can help to frame strategies. Fixed structures must extend, often permanently, to accommodate low lake level while moveable structures, such as buoys, can be moved temporarily or permanently with considerations for navigation and safety. Factoring in opportunity for public and private is part of the equation, and TRPA needs to treat landowners in similar situations equally. The proposal includes providing a reasonable opportunity for private access, but not singularly focused on individual adaptation. The intent would favor public access as the low-lake-level failsafe.

Another introduced the concept of phases of lake levels and thinking about adaptation in that way. Moving buoys is one possibility, but that does not always guarantee access, and buoys must still be in deep enough water. Another would like to consider some limited extensions or temporary structures (floating docks) for individual landowner adaptation. Directing users to marinas may be challenging given parking and trailer constraints. After discussion, the Committee seemed to have differing viewpoints on providing for individual landowners. Some prefer to focus adaptation opportunities on marinas and public boat

ramps and are open to considering specific options for individuals. For example, looking at floating docks or short pier extensions might provide some access during low lake levels, but not have a large impact on scenic. Another option discussed, but not agreed to, was to allow piers to extend to a lakebed elevation of 6219' without current limits of the closer between the pierhead line or 6219'. The Committee was unclear how many piers this might affect.

The Watershed Company's Dan Nickel provided a brief presentation on the 14 marinas and existing public ramps and those facilities closing early due to low lake levels. Dan also provided an overview of the six proposed public ramps that TRPA evaluated in the 2008 environmental analysis as another point of reference.

The Steering Committee also discussed providing incentives to bring marinas up to world-class environmental standards.

Phasing and Adaptive Management

The Joint Fact Finding (JFF) Committee recommended that the Steering Committee consider an adaptive management approach to low lake levels. Based on input from the JFF Committee and planning team, the Steering Committee considered the following phases.

AGREED: Use a phased approach to lake levels and adaptive management.

The Steering Committee would welcome input from the Joint Fact Finding Committee on phase 1 "normal low lake level," but for the purposes of moving forward will break policy considerations tied to the following low lake levels:

Phase 1: 6223 feet elevation, legal low lake level, natural rim, ("normal, legal low")

Phase 2: 6220 feet, historic low as of 2016 and central tendency in the Bureau of Reclamation Truckee River Basin Study; accommodate some access ("really low")

Phase 3: Below 6220 feet ("too low to provide for access")

Overall, the Steering Committee agreed that in some years access will be limited due to low lake levels, that the region should not "chase" lake levels or design regulations for extreme low lake level conditions.

Marinas and Public Ramps

AGREED: During periods of low lake levels, direct access toward marinas and public ramps. Support marinas and ramps to adapt to be operational during periods of low lake levels, clustering access near areas with transportation and transit options.

Discussion

The Steering Committee supports directing users to public boat ramps and marinas during low lake levels. However, both have limitations (depth, capacity, etc.) that would affect access during low lake levels.

Using the word "expansion" for marinas is confusing – it is unclear whether the committee is

discussing marinas adapting facilities to provide access during low lake level or expanding to allow more users to rely on the marinas (increasing number of slips or storage, for example) or both. Relying on marinas is advisable to concentrate access in facilities, to make environmental improvements to marinas, and to provide boater education. One way to define expansion is to think about draft versus capacity. Also, the services of each marina affects what would happen. Some think that driving users to marinas during low lake could necessitate increasing depth *and* expanding capacity. Another way to think about it is to differentiate between temporary relocation / adaptation versus increasing capacity. Options discussed, but not agreed to, were expanding storage or having marinas provide cleaner rental fleets, including electric boats. The Committee indicated that each marina's project for adaptation would have to determine what it could do given its site conditions. The Committee also discussed placing temporary mats or other features at ramps to provide access during low lake level conditions.

Currently, marinas use floating structures to extend their piers or tend to lose part of their buoy field when lake levels are low. Timber Cove, for example, lost half of its mooring field in response to low lake levels. In Lake Mead, which can have a 50-foot drop in lake elevation, whole marinas move out. It may be time for marinas to start thinking about how to change their facilities more significantly into the future. TRPA would like to provide incentives for marinas to be able to operate more effectively in response to adaptation and more generally to improve environmental standards. Facilitator Gina Bartlett will facilitate a small group discussion with marinas to think about a proposal for the Steering Committee's consideration on this.

Most private boat owners who operate individually off their boat lift or buoy may rent a boat during low lake levels rather than trailering their boat to the ramps or a marina. It's unlikely that private landowners will trailer their boats around (some are on boat lifts).

Boats need 5-feet of draft above the lakebed to be operable.

AGREED: In general, public boat ramps should be allowed to extend ramps to provide access during low lake levels. However, approval would be contingent on other factors, including distance to / into lake (design standards based on conditions), fish spawning, stream mouths, littoral drift, and temporary structure options.

Discussion

The intent is to establish policies with conditions that TRPA would consider. A blanket policy doesn't always make sense. For this reason, the Steering Committee identified issues for consideration.

AGREED: The environmental analysis will evaluate existing ramps plus 2 new public boat ramps.

Discussion

For the environmental analysis, TRPA has to create an "envelope" for what needs to be analyzed. The Steering Committee agreed on two new public boat ramps based on review of previously identified potential sites and conditions that suggest that only two of the potential sites would meet low lake level conditions.

AGREED: Low lake level adaptation measures will accommodate up to and including 30-foot long boats.

Discussion

The Committee agrees that ramps would be able to accommodate boats up to and including 30-foot long boats. The size of boats has been increasing over recent years. Now 25-30 foot-boats are the norm compared to 18-22-feet previously. The Committee does not support accommodating all boats, including very large boats.

AGREED: TRPA will not identify specific ramps for expansion, but would encourage ramps to distribute across Lake Tahoe.

Discussion

The planning consultant identified marinas and ramps that had to close early during 2015 due to low lake levels (approximately 6221). The Steering Committee would encourage dispersed sites across the lake (potentially 1 per quadrant). The key idea would be to cluster areas of capacity waterside in marinas and public ramps while considering transportation hubs on the landside. However, the Steering Committee will not identify specific ramps in the shoreline plan.

Locating new ramps requires a number of considerations, such as boat sizes, prevailing winds, and spawning habitat. Putting in new ramps has significant impacts. Many existing boat ramps are not in good locations and could shift to non-motorized boating if evaluating new locations. Doing a comprehensive plan on boat-ramp location might be necessary to support a thoughtful approach for shifting from existing ramps that don't work that well to identify new potential ramps. One idea is to limit the number to incentivize a network system.

More boater education occurs at the marinas. To address some of the challenging boating behaviors at Lake Tahoe, like aquatic invasive species, directing boaters to marinas is preferable to ramps.

Temporary Overwater Structures

A number of marinas (Camp Richardson and Round Hill) have used temporary floating piers to adapt to low lake levels. Permits differ depending on the agency. Nevada Division of State Lands does not offer temporary permits. Moving overwater structures is effectively a permanent change from a permitting standpoint. Applicants have to re-apply to remove or change the structure. TRPA allows for temporary structures for multiple-use piers for 6 months with the possibility of a second 6-month extension. Temporary permits allow for management of scenic impacts since the project is not permanent.

Navigational safety must also be factored in. The group needs to continue discussing temporary over water structures.

Piers and Buoys

Someone proposed starting with the 2008 effort for the approach to piers and buoys. This would include 2 buoys per parcel. The code could then clarify how far owners could extend during low lake levels. If moving doesn't provide adequate draft, then the owner would need to go to a marina or ramp. The 2008 plan favored multiple-use piers as a tool to reduce scenic impacts. (Multiple-use piers can currently deviate from standards and can therefore be longer than single-use piers, which are limited in length to 6,219 or the pierhead line, whichever is more limiting. Under the 2008 plan, single-use piers were limited to 150 feet and multiple-use piers were limited to 300-feet in length.)

Another member does not have the same level of comfort with this approach. Homeowners and homeowner associations would like to explore the possibility of pier extensions, especially if short extensions might accommodate the owners. Floating docks are another option for some private piers. This member urged looking at how many would actually be able to expand based on site conditions. Scenic standards could prove constraining. Understanding the impacts of floating piers and the meaning of temporary could prove helpful. Another person advocated concentrating impacts and not striving for providing access lakewide.

TRPA would like to set codes clearly to manage the evaluation of applications and to meet scenic standards. Deviation in standards are difficult for staff (and the TRPA Governing Board) to interpret and apply. TRPA is also concerned with neighbor conflicts and the perception that those that apply first would preclude additional nearby piers due to exceeding scenic standards in that unit. Dan Nickel suggested the possibility of assessing cumulatively similar to a fee in lieu system, in which the applicant would account for future projects in surrounding areas within the scenic unit. TRPA staff clarified that asking the individual owner to do this would be too taxing (difficult and costly) so TRPA will need to analyze the cumulative impacts in the environmental document that will be prepared for the shoreline plan. For this analysis, TRPA will have to provide an envelop in the environmental document, which essentially creates caps.

Discussion ensued on whether the pierhead line is still an effective tool. The current standard is 6219 or the pierhead line, whichever is more limiting. The group began to discuss the possibility of removing the pierhead line. The concern is that piers could end up being too long without it and that navigation could be impacted. Some believe that TRPA could use 6219 for all piers.

Could buoys be an alternative for a pier that is not available during low lake conditions?

Some members would prefer priority for multiple-use piers, but this was not an agreement.

Individual landowner piers

Options discussed

- Consider 6219 as the maximum extent and dropping the pierhead line. Under the 2008 plan, TRPA limited multiple-use piers to 300 feet and single use piers to 150 feet.

Discussion around extending piers to 6219

- If a pier owner can go out to 6219 and it takes 300 feet to get to 6 inches of water, then they need to look at another option.

- To allow someone to go out 10-20 feet shouldn't be a huge problem or a big issue for paddle boarders.
- If a pier owner wants to go beyond 6219, they could potentially need to go in with the neighbors and build a multiple-use pier.
- Another option is to allow for a floating section, but if a pier owner could go to 6219, then it might not be necessary.
- Impacts on recreation would be considered in site-specific analyses.

Next Steps

Staff will do some analysis and attempt to answer the following questions:

- Identify how many piers and how many piers are multiuse
- If TRPA used 6219 as the line for piers, how many piers might be able to potentially extend? (The Steering Committee also briefly touched on the no-wake zone, which is 600 feet from the low water line as another potential reference point.)
- What limitations on length (150 feet or 250 feet) should be evaluated?
- Consult with Corps, NDOW, Coast Guard
- Define temporary and identify impacts of floating piers

Buoy Relocation

The Steering Committee may be able to support moving buoy fields and individual buoys for low lake level adaptation; however, the committee needs more input on the parameters. TRPA staff or Dan Nickel will propose some parameters at the next meeting.

Moving buoys fields must consider non-motorized boater safety and navigation. The proposal that has been being discussed in the Shoreline Review Committee (meeting of permitting agencies) is to move the landward row of buoy floats to a row of buoy anchors placed on the lakeward side of a buoy field when lake levels lower. Policy would need to determine the outermost limit. California Department of Fish and Wildlife has indicated a preference for a second row of anchors rather than moving blocks back and forth to avoid disrupting the lakebed and impacting water quality. Nevada Division of State Lands provides for moving buoys, and anchors are fixed. State lands leases are currently required for a second row of anchors.

The existing system allows for 2 buoys per littoral parcel. While navigation and safety are always at issue with moving buoys and considering how far out they can be moved, buoys can also demarcate the shoreline and keep boaters away from the shoreline for navigational safety. The Steering Committee can likely support moving buoys as a low lake level adaptation strategy; however, members would like to consider parameters before finalizing this agreement

To move buoys, the question is how far out can they go and not disrupt navigation. The other issue is potential scenic impacts.

Participants

Committee Members Present

TRPA: Joanne Marchetta

California State Lands Commission: Colin Connor

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 Elizabeth 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

Absent: Jennifer Lucchesi

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