

NOTES: Steering Committee Meeting #3

Held May 12, 2016

Meeting in Brief

The Lake Tahoe Shoreline Steering Committee, made up of directors of agencies and nonprofit organizations in the region, held its third meeting as a committee charged with setting the policy framework and context for shoreline planning.

The Steering Committee approved its charter.

The Steering Committee considered issues and concerns that marina owners shared with staff and concurred with reviewing existing master plan guidelines to inform the shoreline plan and updating guidelines once codes are developed. TRPA will work with the Marina Association to develop a definition of marinas for the shoreline plan, which is important for applying codes, and with marina owners to verify existing data on operations. TRPA determined that existing code does include an exemption for marinas that are complying with the Americans with Disabilities Act.

The permitting agencies are exploring ways to manage temporary, timely buoy relocations on an ongoing basis that are requested in response to low lake levels. The Steering Committee will discuss at its next meeting.

Next Meeting: June 1, 2016, 9:00-1:00

TOPICS

Low Lake Level Adaptation

- Buoy and Buoy-Field Relocations
- Pier Extensions: Single-Use/Pier Headline; Multi-Use
- Dredging

Existing Shoreline Goal & Policies: Background Presentation and Discussion
Organizational Interests & Responsibilities: TLOA

Action Items

Date	Responsible	Item
5/20	Liz & Brandy	Discuss possibility of doing GPS mapping of buoys on Nevada side this summer
5/27	Brandy / Gina	Send meeting materials to SC
6/1	All	Be prepared to discuss buoy and buoy field relocations (temporary or ongoing options) due to low lake levels at Steering Committee meeting on June 1
6/15	Bob Hasset / Marina Assn.	Review marina definition and ADA code for coverage exemptions to confirm code meets marina's needs
6/15	Gina/CBI	Put together a proposal for Advisory Forum charge and membership

Discussion Summary

Planning Elements

Steering Committee Charter Approved

The Steering Committee approved its charter, which outlines its decision-making and roles and responsibilities.

Scope Refined

The committee reviewed the shoreline plan scope and recommended excluding water-borne transit and water taxis from the shoreline plan because the Regional Transportation Plan addresses this. Water-borne transit is an allowable use and would continue to be. Everyone agreed to strike the sub-categories under motorized boating because they weren't complete, and some didn't fit the category.

Existing TRPA Goal & Policies

The committee held a brief discussion on the existing goal and policies and agreed to have a more substantive discussion at its next meeting. The structure of the goal and policies must remain consistent with the regional plan. Changing the goals and policies triggers a substantial environmental review so the committee will consider and make recommendations on opportunities to refine existing policies where possible.

Joint Fact Finding Data Collection

TRPA Planner Brandy McMahon provided an update on data being collected this summer. The California State Lands Commission is developing a work plan to use its boat to collect data this summer. CSLC will develop outreach to explain its work to the community. Since CSLC is using GPS coordinates for its data collection, Nevada will also explore the possibility of doing this. Brandy and Liz Kingsland agreed to coordinate this after the meeting. Since CSLC is doing California, the TRPA boat staff may be able to do GPS coordinates on the Nevada side of the lake. Both state-lands agencies will verify the approval status of the buoys mapped through this process.

Organizing Advisory Forum

The goal of the advisory forum is to engage the public early in the process and provide options for input that are more robust than what can be achieved during public comment periods at the TRPA Governing Board or Regional Plan Implementation Committee. CBI and TRPA would envision going to the advisory forum about the same time that staff report to the RPIC. Gina Bartlett will develop a proposal for the charge and membership of the advisory forum for consideration at an upcoming meeting. Steering Committee preliminary suggestions included:

- Real Estate Community: CA and NV representative
- Non-motorized boating interests
- Sierra Club
- Lake Tahoe Prosperity Center
- Public Utility Districts

Marinas

TRPA staff and the facilitator met with marina owners in April to understand planning issues and gather data on marina operations from marina owners directly. Nearly all the members of the association participated, with the exception of Tahoe Keys. TRPA staff are gathering information about Tahoe Keys

to inform the planning process. The Steering Committee reviewed the summary of the issues and offered some additional recommendations on categorizing marinas, ADA code exemptions, and master plan guidelines.

Marina Categories: Commercial, Private Harbors, and Public Boating Facilities

Through discussion, the Steering Committee identified different categories of marinas that the shoreline plan should consider: commercial, private harbors, and public boating facilities. Commercial marinas reference private ownership that provides public services. Private harbors, like Elk Point, exist around Lake Tahoe and are generally not available to the public. All the different categories provide access, and all involve boating facilities. Staff will continue to work on the definitions and framing the policy issues. The Marina Association offered to provide input specifically on the marinas definition.

ADA Compliance Exemption

In response to an inquiry from marinas, staff have determined that existing TRPA code applies to marinas. The marinas did not understand that marinas could use this exemption. The code provides exemption from coverage requirements when updating facilities to be in compliance with the Americans with Disabilities Act. Given this, no other code changes may be necessary. Bob Hasset will share the existing code with marina owners to confirm that the code is adequate.

Marina Master Plan Guidelines

The Shoreline Steering Committee has recommended reviewing the existing guidelines to inform code developed during the Shoreline Plan. This could lead to proposals for revising master plan guidelines or potentially developing other avenues to achieve the intent of master planning: to provide incentives for environmental improvements while supporting business. TRPA staff recommend updating the master plan guidelines once the new code is developed.

Marina Capacity

Marinas report that they all have waiting lists for their services. They don't actually provide any additional public access beyond tenants primarily because of parking constraints. As part of its discussion, the Steering Committee identified several areas of consideration for thinking about marina capacity.

Parking is a limitation for marinas generally and specifically for moorage and launching. The parking kiosks won't allow entry once the lots are full. Parking needs are complicated because, in certain areas, people walk to the marinas from nearby hotels or accommodations. For example, approximately 80% of people staying in the casinos walk. The environmental document would consider a certain number of launches associated with parking facilities.

Storage Facilities & Moorage

Considering the possibility of expanding storage without increasing parking might be viable. This might occur via biking, walking, and the water taxi. However, given the shoreline plan scope, this would most likely be a site-specific consideration.

Launching

Without parking, marinas won't be able to expand launches significantly although some people can access the launch via nearby hotels that provide parking.

Service

Marinas provide services, such as lunch, fuel, and pump outs. The Steering Committee agreed to discuss concessions as part of access on June 23.

Feedback on Existing TRPA Codes on Marinas (84.13)

The Steering Committee also looked at the existing TRPA code on marinas and made a few observations, informed by the marina issues discussion, for staff to consider when thinking about any updates.

(1) New Marinas: Someone questioned whether considering new marinas (in existing code) was likely, and rather, might the code focus more on making existing marinas better. The person suggested that the underlying goal is improving current facilities when possible, coupling environmental improvement in marina operations while supporting business. The policies articulate the way to achieve this, and the codes trigger the environmental analysis.

(2) Boat Access: Marinas are encouraged to provide public boat launching. Demonstrating benefit could help define mitigation. The California State Lands Commission is very interested in providing access to disadvantaged communities. So providing free or low-costs access might demonstrate a benefit that marinas could provide, which could potentially offset some other type of impact. Demonstrating public benefit has emerged when considering the conversion of public marinas to private harbors. Someone observed that the code should think about concessionaires, if not here than elsewhere. Another person observed that all water-borne transit might not be based within a marina facility as the existing code specifies.

(3) Support Facilities: “Chemical fire retardant distribution system,” seems a bit out of date. “Water treatment systems” may no longer be applicable.

Buoys and Buoy Field Relocation

Both commercial enterprises with buoy fields and individual homeowners have been requesting temporary buoy relocations due to low lake levels. Permitting agencies, through an existing meeting of called the Shoreline Review Committee, has begun discussing ways to address these requests in a coordinated, streamlined fashion. During these conversations, the California Department of Fish & Wildlife staff suggested a preference for entities having two sets of anchors that would allow the entity to move boats out when lake levels are low rather than disrupting the lakebed to put in new anchors every time there is a dry period. The California State Lands Commission staff who participated in that meeting are thinking about how they might be able to modify the lease to provide for this should it prove beneficial. The Steering Committee identified the following considerations and will continue discussing this topic at its June 1 meeting:

- Cost / Benefit Analysis
- Environmental
- Enforcement
- Would it apply everywhere or in specific locations?
- How to manage individual parcels which typically have a lease for 2 blocks
- Timing of approvals is important because marina owners report that the boating season is short (roughly July 1-Aug 15), i.e. need to receive approval during or before the boating season.

Organizational Interests & Responsibilities

California State Lands Commission, Jennifer Lucchesi

The Commission was established for managing lands and resources as the primary role and to provide for public transparency. The Commission is not regulatory. The Commission is an adjacent landowner to upland landowners.

The Commission issues leases out to 3 miles off-coast for a broad range of activities, including ports, oil and gas operations, piers, and buoys. The Commission is required to charge rent for the occupation of state property. The lease needs to be consistent with the public trust doctrine, which is based on court cases rather than constitutional law. Public trust speaks to sovereign lands, tidal areas, and navigation. Many uses can fit under that umbrella, including open space, recreation, and public values that need to be protected in a particular area. In Tahoe, buoys or piers are to facilitate and encourage water-borne navigation. Leases must also be in the State's interest and consistent with public trust, and the Commission's role in the approval process is to weigh these various interests, including balancing private interests. The Commission has to analyze court cases to consider the public needs and values. To approve a lease, the Commission must demonstrate public benefit.

Jennifer provided a public trust brochure as a good reference guide.

Regarding the interest in permit streamlining, State Lands struggles somewhat as a landowner, but are committed to coordinating with various regulatory agencies to help the applicant move forward efficiently. The Commission needs to ensure that it is not conflicting with other jurisdictions to create a "path of certainty" for applicants and to manage expectations.

Some piers don't have a state lands lease associated with them, and some buoys located in shallow areas do not have leases. However, most require permits and involve overlapping jurisdiction between TRPA and State Lands.

Enforcement is the primary way to address uses not associated with a lease, i.e. kayak rentals on State Lands easement areas. If made aware of an interference with public access and both uses are acceptable uses, then the Commission must weigh this against the overall public needs and values of that particular area.

The lease addresses the location and demarcates the easement area and the low water line to determine underlying fee ownership depending on the overall impacts and based on amount of physical structures on state property. The Commission considers these on a case-by-case basis with consistent application of policy.

Nevada Division of State Lands, Liz Kingsland

For the State of Nevada, sovereign lands include the area between navigable waters and the low water line where the state manages the public trust. Between the low and high water line, the Division is concerned with navigation around structures. Projection lines have been an issue with some TRPA and Division policies because they measure from different locations and can conflict where there is curvature of shoreline. The Division also has an interest in streamlining permitting where possible.

The Division's key interests are public access: what kind to provide and what needs exist and what recreational experiences are met by public access while protecting resources. The Division thinks about how to meet the demand in different ways. The CTC public access study would be good to tie into for the Nevada side of lake, and the state is investigating contributing so Nevada is included in the study. The Division strives to respect private property rights while ensuring public access.

The Division recognizes that different recreational experiences should be preserved, but has nothing written down for planning purposes to guide these types of evaluations.

Permitting in cove areas sometimes results in neighbor conflicts. The Division would like to explore how the agencies can work together to address these kinds of conflicts.

The agency also has to meet noise standards. Changing engines on the boats had a big impact on reducing noise. In response to an inquiry, Liz said that State Parks does its own evaluation on structures and concession uses. For natural resources and wildlife, the Division coordinates the review with other agencies.

The Division has to assess water quality impacts when issuing new authorizations.

The Division would like to explore drought and access issues under low water conditions, exploring temporary measures and other options.

Participants

Committee Members Present

TRPA: Joanne Marchetta

California State Lands: Jennifer Lucchesi

Lake Tahoe Marinas Association: Bob Hassett and Alternate Jim Phelan

League to Save Lake Tahoe: Darcie Goodman Collins

Nevada State Lands: Liz Kingsland

Tahoe Lakefront Owners Association: Jan Brisco

Absent: Lahontan RWQCB, Robert Larson

Other Participants

TRPA: John Marshall, Brandy McMahon & Rebecca Creeman

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