

NOTES: Steering Committee Meeting #4

Held June 1, 2016



Meeting in Brief

Low Lake Level Adaption: The Steering Committee focused its discussion on how to develop policy to address low lake level adaption. The Steering Committee will work with joint fact-finding and the best available science to identify the lake level or range that the Shoreline Plan will adapt to and manage for. These policies will consider an adaptive approach to buoy and buoy field relocations, pier extensions, and dredging that result from low lake levels associated with climate change.

California State Lands Commission and the Nevada Division of State Lands are working with TRPA to coordinate protocols to carry out a summer buoy count. The inventory will inform the shoreline plan.

About the Tahoe Lakefront Owners Association: Jan Brisco provided an overview of the association. Established in 1974, the association represents the diverse interests of 1,200-1,400 privately held parcels. The association focuses on collaboration and seeking solutions to problems. Members are strong private property rights advocates, but not exclusive of environmental protection. The association wants to be on forefront of protecting the lake.

Next Meeting: June 23, 2016, 11-4:00

UPCOMING TOPICS

Piers: Design, Scenic Issues and Fish Habitat

Access: Piers for Swimming, Viewing, Fishing; Ramps; Non-motorized; Water Trail; Concessionaires

Boating Facilities: Multi- and Single-Use

(Time Permitting) Permissible Uses and Tolerance Districts

Organizational Interests & Responsibilities: League to Save Lake Tahoe

Action Items

Date	Responsible	Item
6/13	Steering Committee	Send Gina issues for upcoming memos
6/15	Gina/CBI + FreshTracks	Put together a proposal for Advisory Forum charge and membership
6/15	Bob Hasset / Marina Assn.	Review marina definition and ADA code for coverage exemptions to confirm code meets marina's needs
6/17	Brandy / Gina	Send meeting materials to SC

7/1	Tiffany Good, TRPA	Work with CDFW on buoy field anchors – comfort with possibility of two sets of blocks for buoy fields; how to document or confirm
DONE	Jennifer L	Share letter to lessees on buoy count
6/20	All	Share letter with staff to manage communication on buoy count CSLC and TLOA to notify lesees / members that count will be underway during boating season

Discussion Summary

Process Overview

Facilitator Gina Bartlett reminded everyone that the goal of the activities through June is to touch on all the policy issues. In August through December, the group will concentrate on developing policies and ultimately reviewing code. As part of these early discussions, the Steering Committee is framing the issues for Joint Fact Finding. This summer, TRPA public affairs staff will start presenting that the process is underway at some local venues. In the fall, the CBI team will organize external workshops for the community, and TRPA staff will begin briefing its governing board and associated bodies.

Feedback on Materials

TRPA staff with CBI had developed a number of memos to frame the policy discussion planned for the meeting. The intent of the memos was to provide the necessary background information to jump-start the conversation. Steering Committee members provided constructive feedback for staff to consider in developing the next set of memos. Members expressed concern that the memos do not seem representative of the suite of issues or all interests.

- Memos should represent the range of issues. Memos should provide contextual issues rather than setting direction.
- CBI and staff will reach out to stakeholders prior to creating memos so they are more inclusive.
- Presenting the ideas and background information in the memo is helpful.
- Timing: Memos should arrive about one week in advance or at least before the weekend to allow time to review and digest the information.

Going forward, the Steering Committee will submit issues in advance. CBI will send an email requesting issues for the next round of topics and then compile the list. The Steering Committee agreed to try this approach and will revisit at the subsequent meeting.

Policy Topic: Low Lake Level Adaptation

Low lake levels have become more common in recent years, and climate change scenarios project that this trend will continue and even increase over time. Through the stakeholder assessment and a recent meeting of the permitting agencies, strong support exists for thinking about policies and codes to address low lake level adaptation as part of the shoreline plan. This was the first of several discussions to grapple with the best approach

to this issue. The topic is broken into several elements: overarching issues, buoys, piers, and dredging. Recognizing that these structures and activities have other issues for consideration in the planning process, the intent here is to focus on issues specifically tied to low lake levels. Subsequent conversations will grapple with the broader planning issues associated with these topics.

Overarching Policy Issue

The overarching issue that emerged through discussion is that the shoreline plan needs to identify a lake level or range via climate change planning best available to science to inform policy. One participant cautioned that the Shoreline Plan have a thoughtful approach to low lake level adaptation to avoid “chasing the water.” The Joint Fact Finding Committee will take up this topic and make some recommendations on the best available studies. Some of the questions that emerged follow:

- What is the low lake level that the shoreline plan will adapt to or manage for?
- What level should TRPA use to make policy and code decisions?
- What kinds of public access can be provided with these assumptions?
- What is the planning timeline / horizon?

Buoys and Buoy Field Relocation

Buoys are often in locations that are not navigable when lake levels are low. As a result, the approving agencies often receive requests to relocate individual buoys or entire buoy fields. The Shoreline Review Committee, a coordinating meeting of all the permitting agencies, has begun discussing options to address low lake level adaptation as well as streamlining permitting for buoy and buoy field relocation.

Currently, buoys are limited to 350 feet from the high water line. This distance is problematic on the South Shore. For example, Timber Cove goes out 1000 feet. A previous shoreline planning effort considered extending 350 feet from the low water line.

Permanent Relocation

One concept is to permanently relocate buoys at a safe mooring depth for low lake levels. Navigational safety and environmental considerations could emerge as part of permanent relocation. However, relocating permanently might reduce the environmental impact and would likely make enforcement easier. Staff will follow up with California Department of Fish and Wildlife (CDFW) on the assumptions around environmental impact. CDFW has expressed concern about disturbance to fish habitat. (CDFW issues permits for new anchors and moving anchors.)

Enforcement

Moving buoys back and forth is difficult to enforce because the agencies lack staff and capacity. Permanent relocation would be easier for enforcement.

Navigation Hazards / Boater Safety, including non-motorized boating

Safety for motorized and non-motorized boating is a factor for relocating. In some parts of the lake, in particular the South Shore, moving the buoys out to realize the necessary 10-foot clearance to accommodate low lake levels could require putting them so far out as to raise safety concerns for navigation. The Coast Guard would need to be consulted.

Timing of Temporary Approvals

Because the boating season runs from July to mid-August, responses to move buoy fields are time sensitive. Buoy / buoy field owners don't really know in the early part of the calendar year whether they need to apply to relocate. Receiving timely approval can be challenging because the bodies that must approve the change don't meet frequently. For example, the California State Lands Commission must approve changes to leases for buoys, but only meets periodically, so the timing of their approval could fall beyond the boating season.

One idea that emerged during the meeting is to build out a plan that the agencies could approve, then staff could just approve / implement on a case-by-case basis if consistent with the plan.

Systems Level Consideration

Rather than accommodating individual moorings and buoys, one participant questioned whether creating the pathway for boaters to rely on marinas during low lake level years might be preferable recognizing that this choice would necessitate a set of policies that would support marinas coming up-to-date and being able to accommodate more tenants. Another person suggested that homeowners associations and others would like to have some level of access.

Next Steps

TRPA's Tiffany Good will follow up with California Department of Fish & Wildlife to confirm that it would prefer a permanent second set of blocks to accommodate lake levels in dry years while minimizing lakebed habitat disruption.

Low Lake Level Pier Extensions

Comprehensive Upgrades

When upgrading piers, one member recommended supporting a comprehensive upgrade that provides for structural improvements, enhances public access, etc.

Pierhead Line Maps

Revisiting the limits on pierhead maps may be advisable. Bathymetry could identify shallow areas and help to understand the implications of policy.

Navigation Hazards

Similar to relocating buoys and buoy fields, extending piers in some areas could create navigation hazards.

Restoration Opportunities

Some areas of the lake might have a pier that could benefit from restoration work, providing improved habitat and access. One example was Blackwood Creek. The pier is no longer accessible to the water. Restoring the mouth of Blackwood Creek could potentially provide multiple benefits.

Multi-use Piers Provide a Public Amenity

Lake visitors love walking out on the lake on piers. Many have no opportunity or interest for boating on the lake. Multi-use public and private piers provide this unique form of access.

Temporary Structures

Marinas report that these temporary structures are very useful when unable to dredge.

Dredging

Standard for New Dredging

TRPA has unique standards for new dredging that require the applicant to demonstrate benefit to water quality and clarity to approve dredging. The concept that emerged during the meeting was whether TRPA should conform around a single standard, such as existing federal and state standards rather than having its own standard. Through the shoreline plan, TRPA could consider whether existing federal and state standards would be adequate or be able to demonstrate benefit. Even with a change of the standard, new dredging in California would still require an environmental review.

Public Opinion on New Dredging

Because TRPA has not allowed new dredging for many years, the public may have strong opinions about new dredging.

Conditions for Allowing New Dredging

In addition to considering the standard, TRPA would likely need to identify conditions or variables to evaluate where new dredging would be allowed. Identifying areas with opportunity and those with sensitivities could inform the discussion on the conditions. One variable might be providing public access benefit. A provision for public health and safety would also be necessary.

Maintenance Dredging

Streamlining permitting for maintenance dredging would be significant. The cost of maintenance dredging is often prohibitive. Timeliness is also an important factor, especially working through the Army Corps process. Typically, a marina owner, for example, in January or February has to decide whether to do maintenance dredging. A typical application may cost \$10,000 in permits, and the job would take about 4 hours. Sometimes getting the permits is so time consuming that the applicant abandons the approach for something else.

Referred to Shoreline Review Committee

The Steering Committee identified a number of issues that the Shoreline Review Committee and Joint Fact Finding Committee will need to contemplate.

- Low Lake Level Adaptation: Work with CDFW on buoy field anchors – confirm CDFW with possibility of two sets of blocks for buoy fields; how to document or confirm (Tiffany will reach out CDFW and CSLC before next week's shoreline review meeting.)

- Dredging and Streamlined Permitting: Identify opportunities to streamline permitting for maintenance dredging.
- Consider opportunity to streamline permitting for new dredging if TRPA adopted existing Federal and State standards

Explore San Francisco Bay Dredged Material Management Office (DMMO). Jennifer Lucchesi reports that CSLC is a member of the DMMO to coordinate dredging applications in the San Francisco Bay. NOTE: Since the meeting, Brandy McMahon has learned that this was established via a memorandum of understanding among the permitting agencies and operates pursuant to a Long Range Management Plan (www.dmмосfbay.org). The Management Plan does not prescribe any new laws or policies or supplant existing authorities or jurisdictions of the agencies. The Management Plan is based on the existing laws and policies of the permitting agencies and was put in place to help ensure that agencies apply their policies in a coordinated and comprehensive manner. The DMMO uses a single permit application form that meets the requirements of its member agencies. The permitting agencies coordinate review and have a common timeframe in which they have to respond. The DMMO does not issue permits; rather, it makes consensus-based recommendations on applications.

- Consider a coordination memorandum of understanding with TRPA and NDEP for maintenance dredging
- Streamline Permitting: Could Lahontan consider a “blanket” 401 approval for shoreline activities, except for new dredging?

NOTE: Since the meeting, Brandy McMahon has learned that the Army Corps of Engineers is currently working on a Regional Permit for Routine Minimally Impacting Projects within Lake Tahoe. Information on the draft permit should be made available in June. The implementation of a Regional Permit would significantly reduce the permitting time for most shoreline projects. Once the Corps permit is in place, Bob Larson thinks that the Lahontan RWQCB could consider a blanket 401 permit to further streamline permitting at Lake Tahoe. A blanket 401 permit would likely not include new dredging. This would need to be evaluated on a case-by-case basis.

Referred to Joint Fact Finding

- Climate change scenarios and choices on lake levels for management decisions
 - Best available information and scenarios for lake levels
 - Consider planning horizon: 10 years or something else?
- Shoreline bathymetry implications
 - Identify shallow areas (see 2008 buoy line memos and Jan Brisco / TLOA has a PowerPoint on this) to understand where low lake levels have largest impact and inventory what might require change.

- Pierhead line
- Standard for new dredging: If TRPA were to adopt existing federal or state standards for new dredging, would this be adequate?

Coordination on Summer Buoy Counts

Starting with the Joint Fact Finding Committee, an effort is underway to do a buoy inventory during the summer season. California State Lands has committed the resources to do the buoy count on the California side, and TRPA is working with the state to do the Nevada side of the count. The purpose of this conversation was to coordinate on the approach and to ensure consistency between both California and Nevada. The outcome of the conversation is that the inventory will include a GPS of the buoy float. The teams will not permanently tag the buoys at this time. All will coordinate communication about the inventory count. And, the two teams will discuss and establish a consistent protocol. After the count, the agencies will process the data to determine the approval status of the buoys.

Agreed

- Inventory buoys in both California and Nevada and GPS the buoy float (no permanent tagging). Both teams will coordinate their protocol.
- California State Lands staff will share a draft letter that all can use as messaging to respond to questions.
- TLOA will send notice to members.
- CSLC will send letter to leases.
- Nevada Division of State Lands may send notification.
- Brandy will share CSLC letter with all TRPA staff to prepare for responding to any questions that arise.

Tahoe Lakefront Owners Association

Jan Brisco provided an overview of the association. Established in 1974, the Association represents the diverse interests of 1,200-1,400 privately held parcels. The association focuses on collaboration and seeking solutions to problems. Members are strong private property rights advocates, but not exclusive of environmental protection. The association wants to be on forefront of protecting the lake.

To that end, the association takes on the responsibility of reviewing and providing comments on agency documents, potential regulation, and procedures.

For shoreline planning, piers and buoys have been a primary focus, but also bank stabilization efforts. The association would like to make sure programs, such as mitigation and enforcement, have support and are successful. The association recommends developing incentives to encourage landowners to do the right thing with regards to shoreline. While the association believes that future ordinances should provide access to all users, it would like to avoid trespass on private property.

Given Jan's long history on the project, someone asked her to articulate what programs do or don't work on shoreline. Jan has observed change in the regulatory agencies: "they are trying to bring human element to the table."

When owners understand what the goals are, they are more likely to buy into the program.

Jan thinks that everyone wants to solve the "buoy problem." People have bought into two buoys per parcel. Addressing aquatic invasive species and two-stroke motor replacement were successful programs, and owners were compliant. Fish habitat mapping has been most difficult, as it has been taking so long. The association and its membership want to be proactive. Members are environmentally focused. The association works on other initiatives include AIS, Yellow Cress, and education and outreach on not raking beaches and moving rocks.

Most property owners are ok with respectful use of the public trust. Owners take responsibility of protecting the lake and assisting with health and safety seriously.

Jan would advocate for fair and reasonable rationale approach to regulation. Private property is important component as there are less intensive uses and these could be areas where we promote restoration efforts.

Policy is set through the elected board of 15 members that represent geographic range around lake and different type of properties. The association is a non-profit corporation, and membership is voluntary. The association represents everyone. About 75% are members that pay. The association's membership has a lot of crossover with other organizations like the League.

Participants

Committee Members Present

TRPA: Joanne Marchetta
California State Lands: Jennifer Lucchesi
Lahontan RWQCB, Robert Larson
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

Other Participants

TRPA: John Marshall, Brandy McMahon, Rebecca Creeman, Jennifer Cannon

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