

NOTES: Steering Committee Meeting #8

Held 10.19.2016



Meeting in Brief

The Steering Committee revisited agreements on Low Lake Level Adaptation: taking a phased approach to lake levels and directing access to public ramps and marinas and clustering in town center and transportation hubs where possible. The Steering Committee agrees that relocating buoys is an effective adaptation technique. The Steering Committee will revise the 2008 proposed provisions for buoys to reflect new understanding on low lake levels and confirm that at a subsequent meeting. The Shoreline Plan has identified three public boat ramps that, through modification, can provide access during low lake levels. The environmental review will evaluate the possibility of two additional new public boat ramps plus existing ramps – the intention for the new ramps is that they would accommodate low lake levels and improve ramp distribution across Lake Tahoe.

Topics in this Summary

Low Lake Level Adaptation
Structures and Buoys
Non-motorized Boating
Public Ramps

Action Items

Date	Responsible	Item
10/26	Staff + Dan + Gina	Brief TRPA Governing Board
10/27	JFF Committee	Provide insights into low lake level adaptation phases from SC meeting
10/31	Jan	Provide locations of private harbors that might want to explore a buoy field as part of relocation
11/1	Brandy	Report back on concerns related to tolerance districts limiting access to piers
11/1	Brandy	Revise 2008 buoy provisions (bullet points in memo) to reflect agreements reached in the Steering Committee
11/3	Marinas Subcommittee	Provide policy proposal to inform 11/10 Steering Committee discussion
11/3	Dan	Investigate efficacy of limiting buoy distance to 600-feet from 6223' if single-use buoy line is at 6210'
11/22	Dan	Dan will revise table on public ramps and marinas to provide possible publicly available access at 6220'

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.

11/22	Dan	Investigate and provide examples about what transitioning private harbors to buoy fields during periods of low lake levels
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Meeting Summary

“Agreements” in Meeting Summary

The meeting summaries are documenting areas of agreement as a tool to advance negotiations, recognizing that all agreements are preliminary until the full package of agreements comes together. However, Committee members will stand by agreements until new information or new agreements reached affect those earlier agreements. Mediator Gina Bartlett from Consensus Building Institute will confirm agreements documented in the meeting summary with the Steering Committee at the beginning of each meeting.

Low Lake Level Adaptation

The Steering Committee recapped the agreements reached in the previous meeting on Low Lake Level Adaptation, outlined below. The Committee needs to do more work on piers and private harbors.

One correction to the previous meeting summary was to capture the cluster concept that marinas and ramps managed for low lake levels will be connected to town centers and transportation hubs. Facilitator Gina Bartlett will correct meeting summary #7 to add this concept.

The planning team will report back to the Joint Fact Finding Committee on how the Steering Committee is moving forward with developing policy using the phased approach outlined below. The JFF Committee’s recommendations on lake levels, using the best available science, were contingent on how those levels were used – so the Consensus Building Institute would like to close the loop with the JFF Committee on this element.

Agreements

Phased Approach to this 20-year Plan

- Phase 1 = 6223' (“normal, legal low” or natural rim)
- Phase 2 = 6220' (low lake level)
- Phase 3 = Below 6220' (too low to provide access)

Planning for 6220' (right now), no trigger to implement this. Agreed that policy of managing to 6220' applies to buoys and ramps (both publicly-managed ramps and other ramps open to the public). The Steering Committee needs to determine how this phased approach will apply to piers.

During periods of low lake level, the Shoreline Plan will direct access to marinas and public ramps, clustering access near town centers and transportation hubs.

The Shoreline Plan will manage for boats up to and including 30 feet long.

TRPA will not identify specific locations for ramps, but encourage lakewide distribution. The environmental analysis will evaluate two new public ramps.

Needs more work – Low Lake Level Adaptation

- Modifying piers
- Private harbors that want to put in buoy fields

Next Steps

- Jan: provide locations of private harbors that might want to explore a buoy field as part of relocation.
- Dan: investigate and provide examples about what transitioning private harbors to buoy fields during periods of low lake levels.
- Review lake level adaptive management approach with the Joint Fact Finding Committee to see if they have any additional feedback.

Structures

The Committee focused on structures, spending the majority of its time concentrating on buoys.

The Committee discussed the possibility of managing structures for the complexity of bathymetry rather than focusing on a "one-size-fits-all" approach. Committee members recognize that set standards are helpful for the environmental review, but can inflate what is likely to be implemented on the ground.

One option for piers might be to develop zones with clear design standards. For example, in certain areas where a 50' pier is more than enough (e.g. Rubicon or Crystal Bay), that would be one zone with zonal design standards that provide for access (rather than analyzing or planning for an unnecessary 150' pier). Shallow areas with a low gradient to navigable water could make up another zone with a different set of standards. Under this model, the Shoreline Plan might define 3 to 5 types of shoreline areas or zones that address design rather than a single headline or design standard. The zones could consider substrate, bathymetry, and fish habitat. The zone concept would need clear standards to be successful. The idea would be to improve design and threshold attainment through zonal planning. The Shoreline Plan might also be able to provide incentives to bring more piers into compliance and threshold attainment.

Stakeholders, staff, and Committee members recognize that the structure application process is laborious for all involved. A criterion for any approach would be that it is easy-to-understand and apply across different conditions. The zone concept might provide clarity that would help facilitate the application review and approval process. Jan Brisco believes that the lakefront community would support this type of approach. The owners would like predictability even if they have to do mitigation.

The 2008 shoreline effort looked density criteria tied to visual effects. One significant constraint is thinking about the 768 piers – the group is not starting with a blank slate. Scenic attainment is the driver on constraints.

Approaches should affirm the need for structures and use it to justify the standards. What is the need for more structures, such as buoys and piers? This might include fiscal attributes and ownership characteristics and public access enhancements.

Buoys

Information Provided

The group reviewed existing and 2008 provisions for buoys as a starting point. Dan Nickel also provided buoy information in a memo prepared for this meeting (dated 10/19/2016). The 600-foot no-wake zone is delineated as a reference point because it often serves as an informal proxy for non-motorized boater safety. In 2008, TRPA received 4412 applications and permitted 3431 buoys. When vacated, 981 permits were pending. California and Nevada State Lands staff are cross-referencing the 2016 buoy inventory with permits / approvals in each state. This is a challenging process. John Marshall explained that the environmental review needs general numbers of permitted buoys.

Discussion and Outcomes

The Committee reached a number of agreements on buoys, outlined below. TRPA staff will revise the 2008 buoy provisions to reflect these agreements and bring it back to the Steering Committee for review at its next meeting.

The Committee also discussed allocating the buoy cap of 6316 between private homes, HOAs, and marinas. The homeowner association allocation, done previously, involved using a grid in front of the property to determine how many buoys might fit. The HOA could not have more than one buoy per residence. Someone noted that HOAs also have to consider mitigation for fish habitat and scenic thresholds. The Committee will need to revisit the allocation scheme at a future meeting. Concerns were expressed that a buoy allocation system should provide buoys for different ownership groups, be fair, and avoid creating a scarcity / rush mentality. In 2008, the maximum number of buoys could only be realized if the blue boating program was implemented. The opportunity of additional buoys for marinas will provide incentives for marinas to upgrade or complete master plans. Everyone's sense is that this approach, with a cap on buoys, will not be a significant constraint and should provide for reasonable buoy access.

Buoys would be a significant adaptation tool for low lake level management especially because they are temporary and a feasible alternative to permanent structures. The group discussed a number of options for the buoy line and ultimately settled on 6210 for the new buoy line. If buoy owners establish an additional anchor lake ward, California State Lands would charge a fee for additional anchor blocks. Nevada is already allowing additional anchors and also charges a fee. Charlie Donahue noted that even though Nevada has allowed for modifications due to low lake levels for a few years, Nevada has only received about three requests. California State Lands leases do not allow for temporary relocations; applicants would need to request a lease amendment. After discussions around temporary relocations or alternatively providing a permanent anchor block, the Committee settled on

allowing permanent anchor blocks. California Department of Fish & Wildlife confirmed its preference for permanent anchor blocks, over temporary block movement, in email communication. The Shoreline Plan will not provide for temporary relocations in response to low lake levels.

Enforcement of the additional set of anchors would need to be managed. The agencies reported that viewing a buoy field and conducting a quick count to determine that owners are not exceeding the permitted capacity is actually quite easy to do. For example, one permit would authorize 60 blocks with occupancy of 50.

TRPA is interested in deferring buoy permitting / approvals to the states. Under this concept, TRPA would set the standards, eligibility, and placement. TRPA would have an MOU with both states. Applicants would only have to go to one agency. The Committee only briefly touched on this. They will need to continue discussing this, including state agency authorities and resources, mitigation, scenic parameters, and enforcement, at a future meeting.

Policy Goal

Provide for reasonable buoy access @ 6220'

Agreements

Start with 2008 provisions including 6316 total buoys. (This number is based on: (a) 2 buoys / parcel, with exceptions for parcels grandfathered in with 3 buoys, and (b) HOA grid and no more than one buoy per residence.)

Single-Use Buoys

- Single-use buoys will be able to extend to 6210' (allowing for 10 feet of clearance at lake level 6220') with limits on the total distance from the water line and substrate condition. Buoys cannot go beyond a certain distance (evaluating the possibility of 600 feet from 6223'). Need to identify what the limitations are tied to: substrate, underwater conditions and fish spawning habitat.
- Buoys must be located a minimum of 20' from adjacent property boundaries and 50' from other buoys. The projection line will be from the low lake line of 6223'. (Note, the low lake line is consistent with both states.)

Buoy Fields

- Provide for additional permanent anchors for low lake adaptation, either lakeward or laterally. Applicants must consider plan for landward row, given that it might be exposed when lake levels are low.
- Enforcement is an important component of making sure that buoys fields limit to the permitted number of floats.

Needs more discussion - buoys

- Blue boating program and mitigation
- Delegating TRPA buoy approval to the states
- Enforcement (illegal buoys)
- Explore distance limit for buoys.
- Does the Steering Committee need to allocate buoys between public and private?

Next Steps

- Brandy: Redo 2008 bullet points to reflect policy recommendations.
- These agreements will require a change in the provision on the 2009 Buoy Line, outlined in the memo summarizing existing and 2008 policies.

Public Boat Ramps

At the previous meeting, the Steering Committee agreed to consider 2 additional public ramps in the environmental analysis and to support expanding existing public ramps, where feasible, to adapt to low lake levels (consistent with the goal of driving access toward ramps and marinas during low lake levels). The Committee concurred that it did not want to raise false expectations that all boat ramps would be available during low lake levels because some sites are not conducive to expansion because of bathymetry. Significantly, non-motorized boaters can take advantage of public boat ramps during periods of low lake levels.

Agreement

Allow for expansion or adaptation to 6220' (phase 2 levels). Based on bathymetry, 3 public boat ramps are likely to be available during low lake levels, recognizing that adaptation is subject to environmental review.

Consider 2 new ramps in the environmental analysis. New ramps would be in:

- Locations that are able to adapt to low lake level conditions, 6220' – Phase 2
- Distributed across the lake
- Publicly available

Next Steps and Notes

Dan Nickel will revise table on public ramps and marinas to provide possible publicly available access at 6220.

Non-Motorized Access

The Steering Committee reviewed maps of non-motorized access points that are distributed across the Lake, fully recognizing that "points" are subjective since the characteristics vary greatly, people may or may not know about them, and other places may exist where people drag their paddle board or kayak to access the Lake.

The Committee observed that non-motorized access points seem sufficient and are distributed around the lake. Physical access is not a key concern for non-motorized access. Rather, the focus needs to be on navigation and safe use.

The Water Trail tracks 27 access points and 14 day-use sites widely spread throughout the lake.

There are 22 viewing piers; 14 of which are located at marinas. No one has officially designated or defined a viewing pier. Existing viewing piers are dispersed. TRPA does not recommend focusing Steering Committee time on viewing piers at this juncture.

Lake Tahoe Marina Association Overview

Bob Hassett provided an overview of the Lake Tahoe Marina Association. Formed in 2013, the association provides an opportunity for marina owners to exchange opinions, encourage public service, and share information. The association serves as spokespeople to interface with government agencies. This association has provided an important vehicle: organizing the group to articulate its collective goals and challenges. The association has the support of a lot of agencies, which rely on it to consider marinas' needs and challenges. Bob has noticed a difference with the agencies since forming the association to coordinate interaction and input.

Association members are committed to preserving and protecting Lake Tahoe for future generations. Most members (95%) demonstrate a true interest in preserving Lake Tahoe. Members are on the lake and educating the public daily.

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 Division of State Lands: Charlie Donahue and Elizabeth Kingsland

Tahoe Lakefront Owners' Association: Jan Brisco

Other Participants

TRPA: John Marshall, Brandy McMahon, Tiffany Good, and Adam Jenson

Consultant: Dan Nickel, The Watershed Company

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