

NOTES: Steering Committee Meeting #9

Held 11.10.2016



Topics in this Summary

Marinas
Piers
Tolerance Districts

Action Items

Date	Responsible	Item
12/1	Marinas Subcommittee (Brandy)	Dan Segan, Bob Larsen, Bob Hassett, John Marshall, and Jim Phelan meet to discuss menu of environmental improvements for marinas.
11/28	Brandy / Jan	Review HOA information
11/18	CBI	Share link for buoy count report
11/22	Dan	Revise Scope memo to include updated information on tolerance districts
11/21	Jesse	Send over weeds layer for AIS
11/28	Brandy	Investigate integrating AIS weed layer into GIS mapping tool
11/22	Gina	Modify meeting summary #8
1/25	Liz Kingsland + TRPA + Jan B	LLA: Put together meeting with Coast Guard and other navigational agencies to explore any issues or concern with low lake level adaptation phased approach
12/1	All	Review marina master plan guidelines to carry forward helpful planning tools
12/14	All	RPIC Briefing

Meeting Summary

Updates

The Joint Fact Finding Committee concurs with the phased approach on Low Lake Level Adaptation. Liz Kingsland reminded the group that the committee suggested convening a meeting with agencies that regulate navigation on lake to review the proposed policies.

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.

Tolerance Districts

At a previous Steering Committee meeting, the Committee agreed to recommend carry forward the Shoreline Tolerance Districts and associated permissible uses into the Shoreline Plan. However, a concern that Tolerance Districts not impede access to a pier and ensure for clarity on how TRPA would interpret access. TRPA staff researched this issue and summarized in a memo dated Nov. 2, 2016. The Steering Committee and TRPA staff agreed that due to topography, such as steep slopes, TRPA would approve the least impactful way to the backshore, which might be a footpath or staircase. The existing code is open to interpretation (competing clauses in the code in certain Tolerance Districts), but TRPA would modify to clarify.

Marinas

A marina subcommittee developed draft proposals for Steering Committee consideration at the meeting. The intent of the proposals was to provide some opportunity for marinas to expand, reconfigure, or adapt while clarifying master planning triggers.

Outcomes

Agreements

The Steering Committee approved the following definitions:

- Marinas
- Marina Recreation Uses List
- Commercial Boating
- Personal Watercraft

The Steering Committee agreed to explore changing master planning to link operational changes at marinas with environmental improvements that benefit the lake.

For Low Lake Level Adaptation at Marinas, temporary and permanent launch improvements would be permissible. Temporary structures would be allowed. Structure approvals would be tied to lake levels rather than a particular duration (currently six months). Additional permanent buoy anchors would be allowed, yet the number of moorings would remain the same. Marinas would pay for all blocks.

Environmental Improvement for Marinas – Brainstormed “Menu” Options

- AIS Control
- Screening racks and storage
- Installing racks for storage
- Pricing incentives for engine type
- Fleet mix
- NPDES permits? *[Note, Gina is unsure about this, isn't this required?]*
- Upland improvements
- Other innovation for environmental benefits

Next Steps

- Subcommittee (John M., Bob Hassett, Jim Phelan, Dan Segan, and Bob L.) to develop menu of options for environmental improvements (and corresponding performance standards) that marinas could make to provide environmental benefit.
- CBI to update marinas proposal based on discussion.
- Suggestion that concessions have a fueling plan will be deferred to discussion on concessions.
- Discuss marina pier extensions for low lake level adaptation at subsequent meeting.

Marina Discussion Overview

Only three marinas of the 14 in Lake Tahoe have master plans. The cost and complexity of master planning is a deterrent for change or improvements in marinas. While the end goal is to have each marina have a master plan, these should not be cost prohibitive. Marina owners would like greater clarity on what sort of change or expansion triggers a master plan. TRPA would like the shoreline plan to incentivize environmental improvements in marinas. Currently, TRPA does not incentivize upgrading facilities without a master plan. TRPA feels that the cumbersome nature of the master planning process is a missed opportunity for environmental improvement – i.e. it is so complicated and costly that marinas don't pursue changes that could benefit Lake Tahoe.

The Steering Committee explored several ideas: modifying master plan guidelines in tandem with developing the shoreline plan; creating a phased approach to master planning; and developing a menu approach to environmental improvements that marina owners could employ in concert with reconfiguring facilities or some limited expansion. The Steering Committee discussed these possibilities and ultimately decided to pursue thinking on the later – the “menu approach” to environmental improvement linked to expansion and reconfiguration.

The group explored the subcommittee's recommendation of 20 moorings (either buoys or slips) that might provide marinas some latitude to change facilities without triggering a master plan. In other words, over the life of the shoreline plan with a particular date as a baseline, a marina could add up to 20 moorings without completing a master plan. If the marina wanted to increase by 21 or more within this planning timeline, the marina would need to complete a master planning process. The Committee also talked briefly about the possibility of using racks for storage at marinas.

One member expressed concern about marinas being able to expand (up to 20 moorings) without conducting master planning. Bob Hassett explained that the proposal was responsive to adaptation agreements to attempt to drive access to marinas and ramps during low lake levels. A member is also interested in allowing capacity expansion and modification that does not occur in the shorezone, specifically boat racks. The committee expressed openness to improvements occurring in the upland area (even though the upland area is outside of the shoreline plan) and included this in the brainstormed list of menu options.

However, over the course of the discussion, the Steering Committee began exploring the possibility of doing away with a separate master planning process and moving toward a suite of options to create environmental improvements when marinas are hoping to expand use or reconfigure. These improvements and best practices could be analyzed in the environmental document. If the Steering Committee were to recommend this concept, a separate master planning process might not be necessary. The Steering Committee agreed to form a subcommittee to develop this concept and to review the master plan guidelines to bring forward other helpful concepts into this potential revised approach.

Consultant Dan Nickel, The Watershed Company, and Bob Hassett clarified that while the buoy information on marinas suggests that marinas could reconfigure and dramatically expand buoy fields within existing boundaries, this is not realistic. Those numbers were based on specific minimal distances between buoys that is not realistic primarily due to navigational considerations.

Piers

The Steering Committee kicked off a discussion of piers identifying common goals, constraints, and interests related to piers. The Committee then identified incentives to encourage multi-use piers and to improve existing nonconforming piers.

Outcomes

Common Goals

The Steering Committee concurs with these common goals:

- Incentivize multi-use
- Allow for single use piers
- Provide incentives for existing non-conforming piers to be modified to come into conformance
- Recognize piers must comply with state laws and TRPA regulations.

Interests

This list represents Steering Committee interests that members hope to address in developing policy proposals for piers. Committee members may not agree with all of these concepts, but have committed to working together to address stakeholder interests collectively.

- Provide opportunity to pursue new piers
- Threshold attainment
- Consistent standards to facilitate the process for applicants and TRPA governing board and staff
- Provide quality recreational experience for a variety of users on the water
- Protect and enhance public access
- Enhance access on public lands
- Encourage non-motorized user while protecting private interest

Constraints

Constraints place limits on pier development:

- Scenic
- Fish habitat
- Stream mouth protection zone
- Navigation and safety
- Recreational user conflicts. (Mostly anecdotal reports. Non-motorized Task Force / Water Trail has recommendations.)

Incentives: What would motivate change?

Incentives could be used to bring existing piers into conformance or to encourage multi-use piers over single-use piers. Incentives include:

- Boat lifts
- Length to reach navigable water (at end of pier)
- Width (now 10-feet wide)
- Pierhead flexibility, creative moorings (e.g. "T" shape or other to accommodate boats. 4 owners might want 4 boat lifts – this might be preferable to 4 piers.)
- Scenic Incentives: upland scenic credit
- Boat racks for homeowners associations
- Lengthen lease terms
- Expedited permitting
- Reduced fees
- Reduced rent tied to public benefit (Refers to reduced rent in exchange for public access. Potentially, unsure if this provides much incentive.)

Triggers / Opportunities for Change

While not mandatory, triggers are a way to think about what conditions might prompt a pier owner to change its pier or for TRPA to consider a change in a pier as providing benefit:

- Change if unit not in scenic attainment
- Moving existing piers from sensitive habitat
- Consider visual density (or sense of it)
- Change structure to resolve neighbor conflicts and provide equal access (such as in coves)

Prioritization

These variables would assist TRPA in prioritizing pier applications. This is a preliminary list, and the Steering Committee needs to further evaluate a prioritization system.

- Number of properties
- Degree of public benefit

Preliminary Agreement on Single-Use Piers

Length of single-use piers is the closer of 6219 or outside of pierhead line + 15 feet. [Note: still need to discuss is the 15 feet must be to navigable water.]

This condition would serve for new and existing piers, reconstructing piers, and for low lake level adaptation.

Remaining Discussion Topics

- Multiple-use pier length and how many
- Pier ranking & allocation
- Piers allocated in first year
- Max # of private piers based on build out
- Maximum visual mass of single-use & multiple-use piers (will be more if piers are allowed to be longer)
- Pier definition

Pier Discussion Summary

The Steering Committee discussed the summary items above. Dan Nickel provided an overview of his analytical work. A large number of piers do not reach the pierhead line. Areas where piers are typically longer are usually in shallow water areas and may be the ones that would most likely want to extend.

Fish Habitat Memo from Joint Fact Finding

There is no direct correlation between structures and declining fish populations. The Joint Fact Finding Committee recommended lifting the “ban” on areas in prime fish habitat, including those designated as spawning. TRPA environmental thresholds will still require mitigation for impacts to fish habitat. The fish habitat subcommittee would also recommend adaptive management to introduce design standards that might promote fish population increases. The Committee did not recommend the optimum number of piers or a metering approach, but would like the number of piers allowed to be adequate to learn about the effect of design approaches.

Basin Plan Amendment

The Lahontan Regional Water Quality Control Board also has a ban on building structures in prime fish habitat, which would require a basin plan amendment and corresponding CEQA review to affect change on this regulation. The Regional Board plans to tier off the TRPA shoreline plan environmental document to move forward this basin plan amendment. Bob Larsen anticipates that this will take approximately six months. The Regional Board can move forward concurrently while TRPA is adopting code changes.

Design Standards

Some Steering Committee members would like to avoid the 150' length criteria. Some express concern that applicants will build out as far as they can if they are able to; the shoreline plan should provide incentives for building shorter piers. Options might be to consider the zone concept, 6219' or the pierhead line. However, in the north shore, 6219' would extend way out. In some areas, even 150-foot piers would not extend to navigable water. Maybe zones could serve as an opportunity to define a reasonable length. The Committee would like to revisit the minimum of 6219' as extending to this length may not be necessary. TRPA has traditionally viewed piers in terms of navigation so required that

piers reach navigable water. The challenge with this is that applicants then challenge the zone assignment. The group then considered using the gradient to define length.

Everyone would like the process to be simple and understandable. Rather than particular zones or gradients, the group began exploring that single use piers would be able to extend to the pierhead line or 6219' elevation. However, some flexibility or range around these limits was identified as desirable to accommodate the applicant that might just miss the pierhead line by 10 or 20 feet. The group ultimately agreed that the length of single-use piers is the closer of 6219' or outside of pierhead line + 15 feet.

The shoreline plan will digitize the pierhead line map.

Other Ideas and Insights

One Steering Committee member mentioned that she would like to see larger number of piers allowed upfront since so many people have waited a long time.

Someone suggested that the east shore has been used as a scenic mitigation area. Is it truly mitigation if it is never going to be built out? At least one member would like to avoid restricting public lands from being able to provide structures for the public in the future. Mitigation has been required within the project area. New structures were not allowed in the shoreline protection zones.

Public Drinking Water System Intakes

The Water Suppliers Association submitted a letter requesting a ¼ mile setback from water intakes. The 2008 Plan included a ¼ mile setback, which could be waived by the Water Supplier. The Committee recognized that public water drinking system intakes are not a specific issue for piers. Impacts from boating are the concern. The Black and Beach Study is a helpful reference.

Recreational User Conflicts

Recreational user conflicts are perceived to be an issue. The non-motorized boating task force / water trail group has done a lot of work on identifying areas of conflict and management techniques for this issue.

New / Old Concepts to Explore

This was a simple list, generated by the facilitator, to summarize concepts shared previously:

- Community piers
- Single use zones tied to bathymetry / substrate
- Design standards
- How many? When?

Communicating with Constituents

Each Steering Committee member is conducting outreach with constituents to inform them about discussions and agreements underway. As necessary, each Steering Committee is

doing his or her best to represent the interests of these constituents in developing agreements for the shoreline plan. Over the next few months, these briefings will be critical to share the outcomes of planning and vet the final package of the proposals.

- Jan is doing outreach and will be doing some more workshops in the new year to report progress on plan and how it affects property owners.
- Bob will be meeting with marina owners.
- The League is meeting with its Board, and has a link from its web page, provides a monthly e-news and twice-yearly print publications.
- CA State Lands has been briefing internally and publicly at its commission meetings. Jennifer meets monthly with the Attorney General's Office.
- NV State Lands: Charlie is working with department staff.
- Lahontan: The Board is aware of meetings and potential Basin Plan Amendment.
- CA Natural Resources Agency is receiving high-level briefings through the TRPA Governing Board.
- TRPA may do some additional briefings with the California Attorney General's office.
- TRPA is regularly briefing its governing board and regional plan implementation committee.

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: Jesse Petersen

Nevada Division of State Lands: 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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APPENDIX of Preliminary Agreements

Low Lake Level Adaptation

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 lake wide distribution. The environmental analysis will evaluate two new public ramps.

Buoy

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 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 lake ward 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.

Public Boat Ramps

Agreement

Allow for expansion or adaptation to 6220' (phase 2 levels). Based on bathymetry, 3 existing 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