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## NOTICE OF PREPARATION

**DATE:** July 12, 2017

**TO:** California State Clearinghouse  
Nevada State Clearinghouse  
Responsible and Trustee Agencies  
Interested Parties and Organizations

**SUBJECT:** Notice of Preparation (NOP) of a Draft Environmental Impact Statement (EIS) for the Lake Tahoe Shoreline Plan

**LEAD AGENCY:**

**Tahoe Regional Planning Agency**

P.O. Box 5310

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**PROJECT TITLE:** Lake Tahoe Shoreline Plan

**PROJECT APPLICANT:** Tahoe Regional Planning Agency

**PROJECT LOCATION:** See the attached Shoreline Plan Project Area Map

**REVIEW PERIOD:** July 12 to August 16, 2017

The Tahoe Regional Planning Agency (TRPA) is preparing an EIS for the proposed Shoreline Plan. This document will serve as an EIS pursuant to the TRPA Compact, Code of Ordinances (Code), and Rules of Procedure. This notice meets TRPA noticing requirements for an NOP to provide responsible agencies and interested persons with sufficient information to make meaningful responses as to the scope and content of the EIS. This notice is also available at: [www.shorelineplan.org](http://www.shorelineplan.org)

**PROJECT DESCRIPTION:** The Lake Tahoe Shoreline Plan will update goals, policies and regulations focused on structures (marinas, piers, buoys, ramps and slips) to support water-dependent recreation within the Lake Tahoe shoreline and effective resource management to aid in environmental threshold attainment. The Shoreline Plan will include five policy areas that focus on boating, access, marinas, piers, and low lake level adaptation. The geographic area for planning purposes will be the defined Shorezone in TRPA's Code of Ordinances, Chapter 83 and as shown in the attached Shoreline Plan Project Area Map. The detailed project description is also provided below.

**NOP COMMENT PERIOD:** Written comments should be sent no later than 5:00 p.m. on **August 16, 2017** to: Rebecca Cremeen, Associate Planner, TRPA, P.O. Box 5310, Stateline, NV 89449 or [rcremeen@trpa.org](mailto:rcremeen@trpa.org).

**SCOPING MEETINGS:** In addition to the opportunity to submit written comments, public scoping meetings are being conducted to provide an opportunity to learn more about the proposed project and to express comments about the content of the EIS. Public scoping meetings will be held at the following times and locations:

**Tahoe Regional Planning Agency**

July 26, 2017      9:30 a.m., TRPA Governing Board, North Tahoe Event Center, 8318 N. Lake Blvd, Kings Beach, CA 96143

August 9, 2017    9:30 a.m., TRPA Advisory Planning Commission (APC), TRPA Offices, 128 Market Street, Stateline, NV

The TRPA APC and Governing Board meetings will begin at 9:30 a.m.; however, the proposed project is not time certain. Please refer to the meeting agenda posted at <http://www.trpa.org/calendar/> up to one week prior to the meeting for updated information.

# SHORELINE PLAN PROJECT DESCRIPTION

## 1.1 BACKGROUND

Development along the shoreline of Lake Tahoe has been the subject of decades of study and controversy. Multiple agencies with jurisdiction over Lake Tahoe, including TRPA, U.S. Army Corps of Engineers, California State Lands Commission, and Nevada Division of State Lands, have worked together through multiple iterations of shorezone ordinances, plans and environmental studies.

TRPA began regulation of the shoreline in 1976 with the development of a Shorezone Plan and adoption of a shorezone ordinance. The shorezone was delineated into “Tolerance” zones which reflected the distribution of shorezone resources and features of varying sensitivity and importance. Following adoption of the ordinance, California State Lands, the U.S. Army Corps of Engineers and TRPA began studying the environmental effects of shorezone development, particularly on fisheries. This ultimately led to a Regional Plan policy and revised ordinance in 1987 that prohibited new structures in fish habitat and the requirement to conduct additional studies to monitor these effects. Over time, the studies found no definitive correlation between shorezone structures and impacts to fish populations. TRPA, therefore, initiated multiple shorezone planning efforts and released environmental analyses to the public in 1995, 1999, and 2004 in an attempt to update the 1987 ordinance.

This work culminated in 2008 with the adoption of a TRPA shorezone ordinance that incorporated contemporary science and addressed most, but not all, stakeholder concerns. However, the EIS supporting adoption of this ordinance was challenged, and in 2010 the 9<sup>th</sup> Circuit Court of Appeals remanded the EIS back to TRPA to address deficiencies in that document.

### **2016 -Present (Current Shoreline Plan)**

In 2016, TRPA launched a collaborative process to develop a Shoreline Plan to enhance recreation and protect the 72 miles of Lake Tahoe’s shores. TRPA, along with partner agencies and organizations, engaged the Consensus Building Institute (CBI), a third-party mediation firm, to convene stakeholders and develop a consensus based planning process. As part of this process, CBI and TRPA convened a Steering Committee to frame key issues, identify the approach and develop policy recommendations. The Steering Committee is comprised of representatives from the California State Lands Commission, Lahontan Regional Water Quality Control Board, Lake Tahoe Marina Association, League to Save Lake Tahoe, Nevada Division of State Lands, Tahoe Lakefront Owner’s Association, and TRPA.

TRPA also convened a Joint Fact Finding (JFF) Committee to provide scientific and technical input and recommendations on the best available information and science to use in the Shoreline Plan. JFF Committee tasks included identifying existing scientific studies to inform the Shoreline Plan and EIS, outlining data collection needs for the 2016 Boating Season (baseline year), identifying information gaps and the methodology to fill those gaps, providing recommendations to the Steering Committee on topics such as lifting the existing fish habitat ban, dredging, and low lake level adaption, and providing input on the proposed approach to analyzing potential environmental impacts (recreation, scenic, fisheries, etc.) in the EIS. JFF Committee meetings were open to the public, and committee composition included representation of different interests to the degree possible.

The Shoreline planning team provided opportunities for public involvement in a variety of forums. The intent of this outreach was to provide information and solicit input to identify key components and issues to be included in the Plan and addressed in the environmental analysis. TRPA staff facilitated public workshops in Kings Beach, CA, and in Stateline, NV, and conducted over 20 organizational briefings with interest groups such as homeowner associations, littoral property owners, realtors, chambers of commerce, and boating associations. A Shoreline Plan website [www.shorelineplan.org](http://www.shorelineplan.org) was also launched that includes all Steering Committee and JFF Committee membership, meeting materials, background information, project scope, policy memos, technical memos, public feedback, scientific studies, and an on-line interactive Shoreline Plan Map with GIS layers (structures, natural features, and environmental constraints) being used to inform the Shoreline Plan and EIS.

## 1.2 PROJECT OBJECTIVES

The overarching goal of the Shoreline Plan is to enhance the recreational experience along Lake Tahoe's shores while protecting the environment and responsibly planning for future conditions. According to the Organizing Principles agreed to by the Steering Committee, the Shoreline Plan will: 1) provide a fair and reasonable system of access; 2) protect and where possible, enhance the environment; and; 3) be predictable and simple to implement. General principles of the Plan also include respecting the responsibility of each of the responsible and interested agencies, preserving a quality recreation experience, ensuring public safety and safe navigation, recognizing both public and private interests, and addressing changing lake level conditions.

## 1.3 SHORELINE PLAN CONTENT

The Lake Tahoe Shoreline Plan will update goals, policies and regulations focused on structures to support water-dependent recreation within the Lake Tahoe shoreline and effective resource management to ensure environmental threshold attainment. The Shoreline Plan includes five policy areas that focus on boating, access, marinas, piers, and low lake level adaptation. The geographic area for planning purposes is the defined shorezone in TRPA's Code of Ordinances, Chapter 83. The Shoreline Plan addresses the following:

**Boating/Lake Access Structures:** All forms of lake access structures and boat moorings including buoys, buoy fields, piers, boat lifts, ramps, and slips. The Plan addresses other structures including breakwaters, jetties, and rock crib and sheet pile piers; and includes policies on enforcement, allocation, eligibility, design and location standards and permitting for private and public facilities.

**Marinas:** Existing and planned capacity for boating access structures at the 14 marinas located on Lake Tahoe, 12 in California and two in Nevada.

**Motorized Boating:** Lake access for motorized-boating, such as boats, cruise boats, fishing charters, charter boats, water taxis and jet skis.

**Non-Motorized Boating:** Lake access for non-motorized water craft, such as paddleboards and kayaks.

**Streamlined Permitting:** Strategies for coordinating and streamlining shoreline permitting among the multiple permitting agencies.

**Low Lake Level Adaptation:** Strategies for adapting lake access to low lake levels.

**Green Infrastructure:** Planning for infrastructure that will support environmental goals, such as charging stations for electric boats.

**Enforcement:** Strategies to coordinate and ensure enforcement of shoreline regulations, including the 600-foot No-Wake Zone.

**Tolerance Districts and Permissible Uses:** The Shoreline Plan will maintain the existing tolerance districts and permissible uses.

**Concessions Operations:** Planning for consistent regulation and permitting of concessions operations in the shoreline.

**Dredging:** Evaluating if, and when new dredging related to shoreline structures would be appropriate and ensuring coordination between agencies to ensure adequate mitigation.

**Environmental Improvement:** Including incentive programs to implement environmental improvement of existing shoreline infrastructure, particularly at marinas.

## 1.4 OUTSIDE THE SCOPE OF THE SHORELINE PLAN

**Upland Uses/Structures:** Upland areas are addressed through more specific levels of planning –Area Plans or specific project applications. Upland uses and structures include a wide breadth of issues, such as parking capacity at public beaches, concession and commercial space needs, retail uses, and other associated land use amenities. Upland facility development generally requires a detailed site-specific proposal and evaluation, and does not lend itself to lake-wide shorezone programmatic review.

**Aquatic Invasive Species (AIS):** The Shoreline Plan will recognize the region’s ongoing basin-wide program addressing AIS as governed and guided by the Lake Tahoe AIS Management Plan for CA and NV <http://www.trpa.org/programs/invasive-species/>  
The Shoreline Plan EIS will use information on boating collected at AIS inspection stations.

**Transportation:** The Shoreline Plan will recognize and incorporate the region’s ongoing transportation and transit programs with its multiplicity of existing and developing plans (the Regional Transportation Plan (RTP); modal plans for transit, trails, and technology; implementing Corridor Plans; and local government Area Plans). These transportation plans will address public transit improvements, bike/pedestrian connections around Lake Tahoe and to/from the shoreline, as well as waterborne transit for the Lake Tahoe Region.

**Nearshore Threshold and Policy Development:** Nearshore conditions and the science needed to explain nearshore ecosystem dynamics is an emerging area of scientific inquiry for the Region. The nearshore is defined as the area of the lake with a depth shallower than 30 feet or to a minimum width of 350 feet from the shoreline (Lahontan RWQCB). A Nearshore Agency Working Group (TRPA, EPA, Lahontan RWQCB, and NDEP) is currently preparing a nearshore work plan, called the Nearshore Resource Allocation Plan (NRAP) to guide nearshore monitoring and coordination needed to understand and manage nearshore conditions. Nearshore research is ongoing and the Shoreline EIS will incorporate the best information available

**Tahoe Keys:** The Tahoe Keys, including its lagoons and docks, present distinct planning issues and its structures do not impact Lake Tahoe in the same ways as on-lake structures. This planning effort

will account for the boat usage associated with the Tahoe Keys docks and slips in the overall boat usage calculations and environmental analysis. The Tahoe Keys Marina will be subject to provisions in the Shoreline Plan applicable to all marinas on Lake Tahoe.

## 1.5 ALTERNATIVES

The EIS will evaluate a reasonable range of project alternatives that meet most of the basic project objectives, are feasible, and have the potential to avoid or reduce environmental impacts, as compared to the proposed alternative, in accordance with the TRPA Rules of Procedure and Section 3.7.2 of the TRPA Code. Preliminary alternatives are as follows:

**Shoreline Plan (Proposed Alternative):** The general goal of this alternative is to enhance and balance recreational access along Lake Tahoe's shores while protecting the environment and responsibly planning for potential future development along the shoreline. This alternative is the Steering Committee's policy recommendations as endorsed by the Regional Plan Implementation Committee (RPIC).

Piers: The Proposed Alternative incentivizes the development of multiple-parcel piers (accessible to multiple property owners) over single-parcel piers (single owner), facilitates the fair distribution of a maximum of 128 new private piers around the lake, and includes provisions intended to ensure environmental impacts are avoided or mitigated and thresholds attained. The policy proposal includes the following key components:

- The overall development potential would be reduced by giving priority to multiple-parcel piers (80%) over single-parcel piers (20%). Application priority would be given for new piers that serve multiple parcels or retire development potential. Those parcels that already have access to a homeowner's association or similar pier would be eligible to apply for a multiple parcel pier, but given lowest priority for permitting.
- There are currently about 762 existing piers on Lake Tahoe. A maximum of 128 new private pier permits would be allowed under the plan in two phases. The initial phase would meter out 96 pier permits with a maximum of 12 pier applications accepted every two years. After the initial release, three new pier allocations would be metered out for every eight parcels that retire pier development potential (including those retired during the initial phase).
- Piers would be distributed around the lake by defined quadrants and based on scenic sensitivity. New piers could potentially be placed in areas mapped as fish habitat, provided that a fish study and mitigation is developed to ensure no impacts to fisheries. The most environmentally sensitive areas of shoreline would be protected.
- Ten additional public piers would be allowed.
- The maximum length of single-use piers would be 6,219' or the pierhead line, whichever is more limiting. The maximum length of multiple-use piers would be 6,219' or 30' past the pierhead line, whichever is more limiting. For both types of piers, an additional 15' may be allowed to increase functionality during low lake level conditions.
- Flexibility in pier design at marinas would be allowed based on site-specific navigation and environmental considerations. For marina piers, an additional 15' may be allowed to increase functionality during low lake level conditions.

Buoys/Moorings: The proposed system will recognize existing permitted buoys, adapt to changing lake levels and provide flexibility for marinas and public land managers. Key policy recommendations include:

- Initially, TRPA would work with all existing permittees, both approved and pending, to review and update their permits. Up to three existing buoys may be grandfathered in.
- An allocation system for approximately 1,430 additional buoys would be distributed to private property owners, homeowner's associations, and marinas for a cap of 6,316 total buoys. An initial release of 800 buoy permits would be issued with the remaining 630 placed in a reserve pool, with 330 of these specifically reserved for marinas.
- All lakefront property owners could be allocated two moorings (buoys, slips, boathouse), provided setback requirements are met. Three buoys would be allowed if previously permitted or in place prior to 1972.
- To more easily adapt to low lake levels, an additional buoy anchor or row of anchors (marinas and homeowner's association buoy fields) could be located lakeward to move buoy floats. At marinas and at facilities on public land, buoy allocations could be exchanged for slips.
- Buoys that are currently permitted or pending approval by TRPA or California and Nevada State Lands would be given priority in the allocation pool.
- Allocation of all buoys, including the reserve pool and allocation to association, would be revisited every five years through an adaptive management process.

Public Boat Ramps-Two additional public boat ramps could be added to the six existing for a total of eight. If new public ramps are proposed or existing ramps relocated, these would be permitted only in areas that have adequate depth for navigability during low lake levels.

Marinas- The Shoreline Plan policies would encourage access at Marinas (through marina buoy fields, slip rentals and ramps as applicable), particularly during times of low lake level. Instead of developing a Marina Master Plan, marinas seeking upgrades or reconfiguration would be required to be certified by a "Clean Marina" program, have an Aquatic Invasive Species Management Plan in place, and include other environmental improvements in their project design.

Concessions- All concessions located within the shorezone with a valid TRPA permit would continue to operate under existing permit conditions, while new operations would be subject to requirements in the Shoreline Plan.

Low Lake Level Adaptation- The Shoreline Plan will include strategies to adapt to changing lake levels at various defined phases as follows:

- Phase 1: 6,223 feet. This is the natural rim and the current legal low used in regional planning.
- Phase 2: 6,220 feet. This elevation is the historic low. During this phase, boating access would be directed to marinas and other public ramps that are operational. The plan policies would allow adaptation of marina facilities (such as pier extensions or floating structures) to the extent feasible.
- Phase 3: Below 6,220 feet. At this level, boating and other access may no longer be reasonably provided at the majority of facilities.

Dredging-New dredging would only be considered at marinas, the five essential public health and safety facilities, and the six existing public boat ramps (if increased functionality of the ramp can be demonstrated).

Adaptive Management- The Shoreline Plan would require review of the program under both the Threshold Evaluation process (every four years) and an eight-year pier and buoy permitting activity report.

**TRPA Existing Shorezone Regulations (No Project Alternative).** This alternative continues the direction of the 1987 Regional Plan. The alternative prohibits the placement of new structures, including piers, boat ramps, and buoys, in areas identified as prime fish habitat. Under the terms of the 2010 injunction, the Partial Permitting Program, which prohibits new structures that could increase boating capacity, would cease.

**Additional Alternatives for Consideration:** The EIS will evaluate 2-3 additional alternatives that meet the objectives of the Shoreline Plan and that either avoid or mitigate impacts to environmental thresholds.

Detailed alternatives will be developed based on public and agency input during this scoping period and further refined and endorsed by TRPA's Regional Plan Implementation Committee. Concepts that will be considered for inclusion in the range of alternatives include elements from the 2008 adopted plan such as: density limits for piers, varying limits on the number and distribution of shoreline structures and moorings, prohibiting new piers in areas served or eligible to be served by an HOA piers, etc.

## 1.6 PROBABLE ENVIRONMENTAL EFFECTS

The Shoreline Plan EIS will include an analysis of the environmental effects of new shoreline structures and motorized boating on TRPA's environmental thresholds (Water Quality, Air Quality, Soil Conservation, Vegetation, Fisheries & Wildlife, Noise, Scenic Quality, and Recreation) as well as strategies and mitigation measures needed to ensure these thresholds are maintained. The 2008 EIS evaluated several potential environmental impacts related to shoreline development and boating use. These, in addition to other potential impacts identified by the Shoreline Steering Committee, Joint Fact Finding Committee and public will be analyzed in the EIS including, but not limited to the following:

### Water Quality

- Discharge of Nutrients from Dredging Activities
- Discharge of Petroleum Products from Operation of Motorized Watercraft and Fueling Activities
- Degradation of Water Quality from Emissions and Atmospheric Deposition of NOX
- Discharge of Sediments from Motorized Watercraft Launches
- Water Quality Degradation from Increases in Backshore Access-Related Impervious Coverage and Disturbance

### Recreation

- Reduced lateral shorezone pedestrian access from new shorezone structures
- Obstacles to navigation from construction of new piers or extension of existing piers



- Degradation of the recreational experience from motorized boating noise
- Barriers to top-line fishing areas from construction of new piers or expansion of existing piers and placement of new buoys
- Conflicts between motorized and non-motorized boating

#### Scenic Resources

- Degradation of nonattainment shoreline units
- Increase in visible mass
- Degradation of attainment status for roadway units and recreation areas.

#### Air Quality

- Increased NOX emissions from motorized watercraft
- Increased reactive organic gas emissions from motorized watercraft
- Increased CO emissions from motorized watercraft

#### Fisheries

- Affects to prime fish habitat
- Disturbance during spawning
- Substrate removal obstructions to fish migration
- Native riparian vegetation removal
- Introduction of invasive aquatic weeds related to boating activity
- Disruption of littoral drift processes

#### Noise

- Increases in noise levels from motorized boating
- Increased noise from vehicle traffic accessing public facilities.

#### Soil Conservation

- Loss of sensitive environmental zones and increased erosion
- Increase in land coverage from new access paths or structures
- Disruption to littoral drift processes along the shorezone
- Addition of shoreline protective structures and retaining walls

Written comments on the proposed scope and content of the Shoreline Plan should be sent no later than 5:00 p.m. on **August 16, 2017** to: Rebecca Cremeen, Associate Planner, TRPA, P.O. Box 5310, Stateline, NV 89449 or [rcremeen@trpa.org](mailto:rcremeen@trpa.org). This notice is also available at: [www.shorelineplan.org](http://www.shorelineplan.org)



**SHORELINE PLAN PROJECT AREA**

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LAKE TAHOE REGION

