

SUMMARY: Joint Fact Finding Meeting #8

Held May 10, 2017

Meeting in Brief

Mitigation and Threshold Attainment Strategy

Adam Lewandowski presented a table of potential mitigation and threshold attainment strategies to include in the Shoreline Plan. The Committee provided feedback on the feasibility of the policies and/or measures and additional strategies to consider in the Plan and the EIS. The table will be revised accordingly and forwarded to the Steering Committee for review.

EIS Approach

Adam Lewandowski provided the Committee an overview of the environmental analysis for potential impacts related to Recreation, Fisheries, and Scenic Resources. The Committee discussed additional considerations to be included in the approach for the EIS. The memos will be revised accordingly and used to inform the environmental analysis.

Boat Launch Data

TRPA and Ascent Environmental compiled boat launch data that will be incorporated into the boat use assumptions.

Action Item

Date	Responsible	Item
June 16	Adam	Coordinate with Jim Phelan and Bob Hassett on boat rental data
June 2	Jan Brisco	Provide written comments to TRPA on EIS approach and mitigation strategies

Discussion Summary

Updates on Shoreline Planning Process

Brandy McMahon gave an update on the Shoreline Plan process. She noted that the JFF recommendations are now in Shoreline Policy Memos and Final Versions of Technical Memos are posted on the Shoreline website. These were both used to inform policy recommendations. She also said that the Steering Committee will be meeting twice in May and RPIC will be reviewing final policy proposals in May. The plan is to release the Notice of Preparation (NOP) and start scoping in June. Scoping meetings will be held at the TRPA Advisory Planning Commission and Governing Board. Ascent will begin work on the Draft EIS in July. TRPA is also starting to schedule organizational briefings to bring awareness to the planning effort.

Mitigation and Threshold Attainment Strategy

Adam Lewandowski provided an overview of potential environmental improvement and mitigation strategies as outlined in the Mitigation and Threshold Attainment Table. The strategies were categorized according to environmental thresholds and identified as either a component of the Shoreline Plan or as a potential mitigation measure if the EIS identifies significant impacts. A number of the strategies have been recommended by the Steering Committee as a policy to take forward in the preferred alternative and are shown as "included in plan" in the table. Those that are not currently in the plan, but recommended for consideration by the JFF Committee will remain in the table for review by the Steering Committee.

Blue Boating Strategies

Jesse Patterson noted that bilge inspections to verify there is no potential for overboard discharge, and exhaust inspections to verify there is no muffler bypass are difficult to do and likely not feasible by AIS inspectors. Ken agreed that this was difficult to implement. Dennis noted that it is rare to see "Y" valves (that allow direct discharge from boat to water) on newer boats and these are no longer allowed on inland waters. Instructions on how to disable these types of valves would be useful training for inspectors and could be obtained from marina or boat manufacturers. The Committee recommended that if this was a requirement as mitigation, TRPA should define the procedures and training needed for implementation.

Boat engine tuning

Liz Kingsland is interested in how we would ensure that boat engines are tuned properly for efficient operation and minimization of pollution and noise. Adam and Ken noted that engine tuning is not something that is easily enforced, instead this is included as a component of the education program. Jim Phelan and Dennis Zabaglo noted that this problem is diminishing as boat fleets are upgraded and becoming more efficient. This will remain in the mitigation strategy table under "education".

Clean Marina Program

The Clean Marina program is a voluntary statewide program in California, that has also been pursued by some marinas in Nevada, that provides certification to Marinas that implement best management and environmentally sound practices. If Marinas are certified they are eligible to receive state funding for marina improvements, including AIS management. The requirements of the program can be found at <http://www.cleanmarina.org/> The Shoreline Steering Committee is interested in requiring a Tahoe Specific "Clean Marina" requirement for marinas that propose expansion or reconfiguration. The Steering Committee recommended that AIS management be a key component of the Clean Marina program at Tahoe.

Jim Phelan noted that some of the components in the Clean Marina program are covered by Stormwater Pollution Prevention permits (SWPP) administered by State Water Board (Lahontan) for dredging projects. Mary Fiore-Wagner noted that it would be more appropriate for the AIS plan to be achieved through the NDPDES permit if the Marina currently has one. The Committee discussed different options for AIS management and plans and agreed that the approach would depend on the circumstances at each

marina. For those marinas that have a documented issue with AIS, they are required to control this through a NDPDES permit.

John Marshall reminded the group that we need to clarify what AIS requirements would be included in the Shoreline Plan and what should be included in good practices or a Clean Marina program.

Jim Phelan recommended that marinas be required to demonstrate they do not have an AIS problem in order to get a permit for expansion or reconfiguration.

Jesse Patterson recommended that we include AIS control within the menu of clean marina requirements prior to receiving a permit. This would include BMP's, monitoring and Tahoe specific measures.

Design Standards and On-Site Improvements

Brandy clarified that restoration for impacts to fish habitat from shoreline structures is now being proposed at 1:1 because the science found that fish habitat is not a driver of fisheries decline. In addition, the group recommended additional monitoring, study, and adaptive management of effects on fish populations as new shoreline structures are implemented..

Compensatory Mitigation and Fee Programs

The Committee discussed the various fees that are currently in place, proposed under the 2008 plan and being considered by the Steering Committee.

- John and Brandy clarified the Steering Committee has not yet discussed a mitigation fee for new or expanded piers. Under the 2008 Ordinance, there was a \$100,000 mitigation fee for new piers and a \$20 per square foot fee for expanded piers. The fee was for public recreation projects. There will likely be a mitigation fee for impacts related to piers, but the amount is yet to be determined.
- Ken and Dennis explained that the current AIS program and annual sticker fee we have today originated from the blue boating program under the 2008 plan. We could potentially collect additional fees under the current program, but there was some concern that this could require state approval and may be difficult to change. Liz said in the past it has been difficult for the state to collect funding for TRPA. Buoy fees are not collected under this system and TRPA and the states would need to develop a program for this. The Committee agreed that including additional launch fees as a component of the sticker fee would be an option as it would be easier than collecting fees at launch sites. Ken advised that we should proceed with caution when considering additional launch fees as these may be viewed as punitive rather than mitigation. But, the committee agreed that, while launch fees would be challenging, they could be a feasible mitigation approach.
- The Steering Committee is evaluating whether to establish an "above and beyond" mitigation fee for EIP projects.

Incentive Programs

The Steering Committee agreed upon a prioritization process for piers that includes incentives for multiple-use piers and a maximum length and visual mass limits based on parcels included. Pier allocations would be prioritized based on the greatest environmental gain. Jason Ramos is interested in creating incentives to relocate piers from sensitive areas on the same parcel. Jan agreed that these types of relocations should not be held to the same standards as new piers.

Boat Use Regulations/ Education Programs

The Committee discussed the need for enforcement of the current no wake zone and speed limits. The Committee was generally supportive of exploring options to limit motor boats in certain locations or at certain times and extend no wake zones as an alternative. It's important that the Shoreline Plan include provisions that enhance the experience for non-motorized boaters. Other ideas included: better tracking of rental fleet activities by installing GPS, speed limit signs and radar (there is currently one installed at the Tahoe Keys) greater education to public renting Vacation homes; requiring boating license in CA (NV already requires a license).

EIS Approach

Adam Lewandowski provided an overview of the preliminary approach for analyzing impacts to Recreation, Scenic Resources, and Fisheries.

Recreation

The Committee discussed the need for the EIS to specifically address user conflicts between motorized and non-motorized watercraft. The plan should also look at how to better accommodate non-motorized boating and non-vehicle access to the shoreline through the allowance of boat lockers. John Marshall clarified that such provisions should be brought up in the context of policy recommendations in the plan, rather than in the EIS approach. The Committee also discussed how "fair share" of recreational access is determined in the plan/EIS. This is discussed in the Threshold Evaluation Report.

Scenic

Adam clarified that the Committee is being asked to provide feedback on the methodology for the scenic analysis, although the Steering Committee has agreed on a general approach for avoiding or reducing scenic impacts. There was some discussion on how the scenic analysis would take fluctuating lake levels into consideration -John clarified that the analysis would model average conditions. The JFF Committee recommended that the EIS evaluate, and Shoreline plan include, height limitations for floating as well as permanent structures.

Fisheries

The EIS will evaluate how design standards, dredging, and structures affect fish habitat directly and through littoral drift and siltation. The Committee recommended that the analysis look at the potential for increased boating activities and facilities to spread AIS. Jesse Patterson recommended that we look specifically at how dredging has the potential

to spread curly pond weed, how Asian clam populations spread in areas of higher activity such as in Emerald Bay, and how the overall increase in vectors could result in increased spread of AIS.

The Committee discussed how non-native vs native fish are treated in the environmental analysis. Adam clarified that any special status species would be given a higher level of protection (i.e., Lahontan Cutthroat trout). Other fish populations are treated equally. In 2008, native and non-native fisheries were looked at together. Jesse recommended that we consider using the most sensitive species as an indicator for impacts to fisheries.

Jan noted that the fisheries analysis for Shoreline planning has historically focused on the Lahontan redbreast minnow. The approach being proposed now goes beyond this and TRPA should consider what is most appropriate. She will share written comments and recommendations on this topic.

John said we need to look at further fish population decline and decline in fish diversity. Is there thermal pollution, etc.

Boat Launch Data

Since the last meeting, Ascent and TRPA have refined the estimate of boat launches at boat ramps. The average is 2,603 launches per year and 113 on a peak day. This will be incorporated into the boat use assumptions for environmental analysis. Additional data that would be helpful to incorporate in the boat use assumptions include:

- Off season boat use
- Tahoe Keys Marina data
- Estimate for rental boat use- Jim and Adam will talk to Bob Hassett about aggregating this information from some of the rental fleets at marinas.
- Additional data on boat use hours from launches (Survey 2017)
- Boats leaving the Tahoe Keys POA. This information will be tracked for the first time during the 2017 boating season.

Next Meeting:TBD

Participants

Lahontan RWQCB: Mary Fiore-Wagner

California State Lands Commission: Jason Ramos

Tahoe Lakefront Owners' Association: Jan Brisco (via phone)

TRPA: Brandy McMahan, Rebecca Cremeen, Dan Segan, Ken Kasman, Dennis Zabaglio, John Marshall

Tahoe City Marina: Jim Phelan

League to Save Lake Tahoe: Jesse Patterson

Tahoe Keys Property Owners Association: Bonnie Halleran

Nevada Division of State Lands: Liz Kingsland

Tahoe Keys POA: Bonnie Halleran

Consultant: Ascent Environmental: Adam Lewandowski, Sydney Coatsworth