

3.13 LAND USE

Land use planning directs the amount, type, and location of land uses; balances land uses with consideration of the social, environmental, and economic well-being of the Lake Tahoe Region; and coordinates regional land uses with land uses in surrounding areas.

This section describes existing land uses in the project area; identifies the federal, state, and local regulations and policies governing land use; identifies significance criteria for land use impacts; and assesses the environmental effects of the proposed alternatives with respect to the land use patterns, permissible uses, planning systems, and development potential each is designed to achieve.

3.13.1 Regulatory Setting

Meeks Bay is located entirely on federal U.S. Department of Agriculture, Forest Service (USDA Forest Service) land in El Dorado County, California. The bi-state Tahoe Regional Planning Agency (TRPA) administers an overarching regional plan with land use authority for Meeks Bay in accordance with the Tahoe Regional Planning Compact (Compact). A description of the federal, TRPA, state, and local regulatory framework and primary land use planning guidance documents is provided below.

FEDERAL

USDA Forest Service, Lake Tahoe Basin Management Unit

The USDA Forest Service, Lake Tahoe Basin Management Unit (LTBMU) manages more than 75 percent of lands within the Tahoe region. Land management is guided by the LTBMU Land Management Plan. The Land Management Plan (also known as the Forest Plan) lays the groundwork for how the resources of the national forest are managed. The plan translates national laws, policies, and regulations into guidance for activities that occur on the National Forest System lands.

The Land Management Plan includes management direction and explanatory material. The management direction is the content that must be followed in planning and implementing management activities. Within the plan, management direction is organized into three parts—(1) vision, (2) strategy, and (3) design criteria—that together articulate desired conditions, objectives, management areas and suitable uses, designated and recommended special area guidance, and standards and guidelines.

Meeks Bay is entirely contained within the General Conservation management area designation for LTBMU. The guiding concept for this management designation consists of roaded landscapes, active management, and dispersed and developed recreation sites. Active management is carried out on these landscapes to meet a wide variety of social, economic, and ecological objectives. Meeks Bay is adjacent to residential neighborhoods on the north and south end of the project area. LTBMU notes that such general conservation areas are closely associated with local and adjacent communities, houses, structures, people, and values. Individual and family histories are closely interwoven with these lands. Consequently, residents may have strong attachments and feelings of ownership, which leads to a higher level of public scrutiny and sensitivity to management activities and land uses in these areas. LTBMU has policies in place to manage areas like Meeks Bay in close coordination with affected communities and partners to conserve natural resources and maintain high quality recreation opportunities. Cooperation and partnerships with adjacent landowners, local governments, and other entities play an important role in land management.

TAHOE REGIONAL PLANNING AGENCY

Tahoe Regional Plan

Land use regulation by TRPA is guided by its Regional Plan and Code of Ordinances. In accordance with the Tahoe Regional Planning Compact, the Regional Plan is intended to establish a balance, or equilibrium, between the natural environment and the built environment. The Regional Plan Goals and Policies are statements of policy to guide decision making as it affects the region's resources and environmental thresholds, and they are intended to provide opportunities for orderly growth and development consistent with those thresholds. The Goals and Policies are addressed in six major elements: land use, transportation, conservation, recreation, public services and facilities, and implementation. The Land Use Subelement of the Regional Plan addresses policies pertaining to growth and development of the Lake Tahoe Region. It is intended to direct the amount, type, and location of land uses and land coverage; balance land uses with the social, environmental, and economic wellbeing of the region; and coordinate regional land uses with land uses in surrounding areas.

Land Use Designations

The TRPA Regional Plan assigns every portion of the Tahoe Basin a land use designation. The entire project area is designated as Recreation. Recreation areas are non-urban areas with a high potential for developed outdoor recreation, park use, or concentrated recreation. Lands that are identified as recreation areas include: areas of existing private and public recreation use; designated local, state, and federal recreation areas; areas without overriding environmental constraints on resource management or recreational purposes; and areas with unique recreational resources that may service public needs, such as beaches and ski areas.

Plan Area Statements

Plan Area Statements (PAS) provide a detailed guide for planning within discrete areas of the Tahoe Region. Each PAS is assigned a single land use classification and one of three management strategies: development with mitigation, redirection of development, or maximum regulation. Plan Area Statements identify planning considerations, special policies, maximum densities for residential and tourist accommodation uses, community noise equivalent levels, allowable and special uses, and the amount of additional recreation capacity permissible.

The project area is within the Meeks Bay PAS. This PAS is bounded on the west by State Route (SR) 89; therefore, a very small portion of the project area immediately upstream of the Caltrans bridge at SR 89 is within the PAS for Meeks Meadow. The Meeks Bay PAS specifically directs planning considerations for the project area, including the following special policies related to the project (TRPA 2002):

- ▶ The feasibility of removing the marina facilities and the campsites from the stream environment zones should be assessed.
- ▶ The banks along Meeks Creek should be stabilized.
- ▶ Unnatural barriers to fish passage should be removed.
- ▶ Restoration programs in the stream environment zone should be continued. This is a high priority area for land coverage removal.

A wide variety of permissible uses are allowed under the Meeks Bay PAS to accommodate the extensive tourist, recreation, and ecological values of the area.

State Route 89 Recreation Corridor Management Plan

The State Route 89 Recreation Corridor Management Plan (SR 89 Corridor Plan) was adopted in September 2020 by TRPA. The SR 89 Corridor Plan sets forth a vision and coordinated set of goals for land managers to work toward. The vision for the corridor emphasizes a shift in the way people travel in the area to be more transit-oriented and multi-modal and recommends several projects across the corridor to achieve specified goals. Specifically, the SR 89 Corridor Plan calls for the development of the following elements for the Meeks Bay Segment:

- ▶ Develop Tahoe Trail segment within Meeks Bay with grade-separated crossing, if needed; underground powerlines and co-locate technology infrastructure.
- ▶ Develop bus stop at Meeks Bay.
- ▶ Relocate roadside parking when alternative access is provided through transit and bike options.
- ▶ Replace Caltrans bridge and incorporate capacity for wildlife crossing and pedestrian/bike use.
- ▶ Formalize emergency turnouts.
- ▶ Provide winter recreation access parking.
- ▶ Increase technology infrastructure.

Environmental Improvement Program

TRPA launched the Environmental Improvement Program (EIP) in 1997 to better implement the Regional Plan and accelerate attainment of thresholds. Recognizing that capital investments, research, and monitoring were essential components of the Regional Plan, the EIP called for a substantial investment in capital projects, and research and monitoring. The EIP also identified hundreds of specific projects and programs to be undertaken by more than 50 funding partners, including federal, state, and local agencies and the private sector. The projects are focused on improving air, water, and scenic quality, forest health, fish and wildlife, and public access and recreation. Since its initiation, over a billion dollars have been invested and hundreds of EIP projects have been completed. The Meeks Bay Restoration Project has been identified as a project of the EIP.

3.13.2 Environmental Impacts and Mitigation Measures

METHODOLOGY

The following analysis assesses the consistency of the alternatives with applicable land use plans. This analysis is based on review of existing land use documents, policies, ordinances, and other regulations.

THRESHOLDS OF SIGNIFICANCE

The thresholds of significance were developed in consideration of the State CEQA Guidelines, TRPA Thresholds, TRPA Initial Environmental Checklist, LTBMU Forest Plan, and other applicable policies and regulations. Under NEPA the significance of an effect must consider the context and intensity of the environmental effect. The factors that are considered under NEPA to determine the context and intensity of its effects are encompassed by the thresholds of significance. An alternative would have a significant effect on land use if it would:

- ▶ conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Tahoe region, adopted for the purpose of avoiding or mitigating an environmental effect; or
- ▶ propose uses inconsistent with applicable goals and policies of the TRPA Regional Plan, or the applicable Plan Area Statement.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.13-1: Consistency with Adopted Plans and Policies

Alternatives 1 through 4 would provide for the same types and pattern of land uses that already exist within the project area. All action alternatives have been designed to meet longstanding goals, policies, and objectives of TRPA and the USDA Forest Service, in particular those related to ecological restoration and recreation, and would meet them if implemented. As a result, Alternatives 1 through 4 would have a **beneficial** effect on land use patterns and consistency with land use plans that guide development within the project area. The No Action Alternative would maintain existing uses in the project area. This would have **no impact** on land use.

No Action Alternative

The No Action Alternative would not change the existing management direction of lands within the project area. Existing conditions would be maintained, including maintenance of the marina and other related elements, and maintenance of campgrounds, parking, circulation, recreational amenities, and resort facilities. These land uses represent allowable uses under applicable land use plans and therefore there would be **no impact** related to consistency with adopted plans and policies at the site.

Alternative 1: Full Restoration with Boating Pier

Alternative 1 would provide for restoration of Meeks Creek, the lagoon, and the barrier beach at Meeks Bay, as well as for complementary resource enhancement activities including AIS control, shoreline stabilization, protection of Tahoe Yellow Cress (TYC), installation of BMPs, and selective fish species passage design features. Alternative 1 also contains other unique recreational and ancillary elements including a boat-accessible pier, reconfiguration of the campgrounds, reconstruction of the SR 89 bridge, and enhancements to parking and circulation.

As described above, TRPA Regional Plan Goals and Policies articulate goals that describe desired conditions and values for the region, and policies that provide specific strategies to achieve those goals. These goals and policies are aimed at achieving the balance between the natural and built environments to attain and maintain the thresholds. Alternative 1 is intended to achieve the goals and policies of the Regional Plan in that it provides for restoration of Meeks Creek and the associated wetland, thereby assisting in achieving TRPA thresholds for water quality, soils, and wildlife. Alternative 1 would help to implement Regional Plan policies including:

- ▶ **Policy WQ-3.2:** Restore at least 80 percent of the disturbed lands within the region (from the 1983 baseline; excluding hard coverage).
- ▶ **Policy WQ-3.3:** Units of local government, state transportation departments, U.S. Forest Service and other implementing agencies shall restore 25 percent of the sez lands (from the 1983 baseline) that have been disturbed, developed, or subdivided in accordance with the environmental improvement program.
- ▶ **Policy VEG-1.10:** Work to eradicate and prevent the spread of invasive species.
- ▶ **Policy VEG-2.2:** Riparian plant communities shall be restored or expanded whenever and wherever possible. When complete restoration is not feasible, restoration programs shall focus on restoring the natural function of riparian areas to the greatest extent practical.
- ▶ **Policy S-1.7:** All existing natural functioning stream environment zones shall be retained as such, and disturbed stream environment zones shall be restored whenever possible and maybe treated to reduce the risk of catastrophic wildfire.
- ▶ **Policy SEZ-1.1:** Restore all disturbed stream environment zone lands in undeveloped, unsubdivided lands, and restore 25 percent of the sez lands that have been disturbed, developed, or subdivided.
- ▶ **Policy SEZ-1.7:** Where feasible, encourage and incentivize the removal or retrofitting of existing stream corridor impediments to help reestablish natural conditions and allow for the evolution of natural fluvial processes (such as stream migration) within SEZ lands.

Alternative 1 would maintain existing land uses and would add a new public pier as an accessory structure to the existing primary recreation land uses. The Meeks Bay PAS allows piers as an accessory structure; thus, all land uses would be consistent with the applicable PAS. The Meeks Bay PAS also includes special policies that direct the use of the project area (see the "Plan Area Statements" section, above). Alternative 1 would be consistent with and implement those special policies.

Because Alternative 1 proposes removal of the marina facilities within Meeks Creek and full restoration of Meeks Creek and barrier beach, this alternative would implement Regional Plan policies and achieve all four of the above special policies. Section 3.5, "Aquatic Biological Resources," Section 3.6, "Hydrology and Water Quality," and Section 3.7, "Geology and Soils," further discuss technical details relating to how removal of the marina and restoration activities would improve conditions related to these policies.

Desired conditions, objectives, and strategies identified in the LTBMU Forest Plan would also be met with implementation of Alternative 1, including those governing ecological, social, and economic sustainability. Meeks Creek and Meeks Bay are identified as General Conservation management areas by LTBMU and, therefore, a wide variety of uses are permitted and considered appropriate within the project area, including ecosystem restoration, recreation, and infrastructure uses, which are all uses that would be initiated or would continue with implementation of Alternative 1. Restoration encompasses management actions that move ecological conditions towards the desired conditions as identified in the Forest Plan. Restoration is specifically defined as "the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Ecological restoration focuses on reestablishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystems sustainability, resilience, and health under current and future conditions" (36 CFR 219.19). Activities under Alternative 1 would meet the definition of restoration, while preserving social and economic values, thereby achieving Forest Service objectives for the project area.

Because features of Alternative 1 would implement Regional Plan policies, achieve the special policies of the governing TRPA PAS for Meeks Bay, be consistent with the allowable uses in the applicable PAS; and because these features would also meet LTBMU desired conditions, objectives, and strategies and would not conflict with any other aspect of an adopted plan or policy, implementation of Alternative 1 would result in a **beneficial** effect related to consistency with land use plans and policies.

Alternative 2: Full Restoration with Pedestrian Pier

Alternative 2 would include the restoration activities and improvements to recreational and ancillary features described above for Alternative 1 but would include a pedestrian pier instead of a boat-accessible pier. These features would be consistent with the land uses described for Alternative 1. For the same reasons described for Alternative 1, Alternative 2 would implement policies of the TRPA Regional Plan and PAS, be consistent with land use regulations in the Meeks Bay PAS, and be consistent with LTBMU Forest Plan desired conditions, objectives, and strategies, as described above. For these reasons, Alternative 2 would have a **beneficial** effect related to consistency with land use plans and policies.

Alternative 3: Full Restoration with No Pier

Alternative 3 would include the restoration activities and improvements to recreational and ancillary features described above for Alternative 1 but would include a nonmotorized boat launch instead of a boat-accessible pier. Alternative 3 would also include additional parking by up to 14 spaces and an increase in the number of campsites by 7-22 campsites. These features would be consistent with the land uses described for Alternative 1. For the same reasons described for Alternative 1, Alternative 3 would implement policies of the TRPA Regional Plan and PAS, be consistent with land use regulations in the Meeks Bay PAS, and be consistent with LTBMU Forest Plan desired conditions, objectives, and strategies, as described above. For these reasons, Alternative 3 would have a **beneficial** effect related to consistency with land use plans and policies.

Alternative 4: Preferred Alternative

Alternative 4 would include the restoration activities and improvements to recreational and ancillary features described above for Alternative 1 but would include a nonmotorized boat launch instead of a boat-accessible pier.

Alternative 4 would also include up to 14 parking spaces. These features would be consistent with the land uses described for Alternative 1. For the same reasons described for Alternative 1, Alternative 4 would implement policies of the TRPA Regional Plan and PAS, be consistent with land use regulations in the Meeks Bay PAS, and be consistent with LTBMU Forest Plan desired conditions, objectives, and strategies, as described above. For these reasons, Alternative 4 would have a **beneficial** effect related to consistency with land use plans and policies.

Mitigation Measures

No mitigation is required for this impact.

3.13.3 Cumulative Impacts

Land use plans and policies are intended to have a cumulative effect on the land use and development patterns within the region. Over time, as multiple projects comply with land use regulations and achieve land use policies, desired land use and development patterns are achieved. Thus, the project's consistency with land use plans reflects its cumulative effect on land use. The cumulative effects of all alternatives would be the same as those described in Impact 3.13-1, above. Because the alternatives would not result in a significant impact related to consistency with land use plans and policies, the alternatives would have a **less than cumulatively considerable impact** related to land use.