

2 REVISIONS TO THE PROPOSED SHORELINE PLAN

On May 8, 2018, the proposed Shoreline Plan, including the proposed Code amendments, and Draft EIS were released for public review and comment. The Draft EIS analyzed the environmental effects of four alternatives, each representing a different approach to achieve the goals and objectives of the Shoreline Plan. The Draft EIS included Alternative 1 – the proposed Shoreline Plan, which was developed through a consensus-based planning process described on page 1-2 of the Draft EIS. This chapter describes changes to the proposed Shoreline Plan that TRPA and the Steering Committee have developed to address comments raised on the May 8, 2018 version of the proposed Shoreline Plan.

In response to the call for review and public comment on the draft documents, 149 comment letters and presentations of oral testimony were received: five comment letters from public agencies, 15 comment letters from stakeholder organizations (including environmental and business organizations), 68 comment letters from individuals, nine comment forms from open houses, and 52 oral comments received at TRPA public meetings and open houses.

Many of the comments suggested improvements or revisions to the plan. TRPA and the Steering Committee evaluated the feasibility of proposed changes and their consistency with the goals of the Shoreline plan. In August 2018, the Steering Committee endorsed many of the policy recommendations suggested in public comments. TRPA then presented the recommendations of the Steering Committee to the Regional Plan Implementation Committee (RPIC) of the TRPA Governing Board, which reviewed and endorsed the proposed revisions on August 24, 2018. The revised proposed Shoreline Plan represents Alternative 1 from the Draft EIS as revised by the Steering Committee and RPIC. Each substantive revision to Alternative 1 is described below, followed by a discussion of how the change would affect the environmental impacts as analyzed in the Draft EIS. For the most part, these changes would provide additional environmental protection and would not change the analysis in the Draft EIS. The complete revised proposed Shoreline Plan includes the project description in the Draft EIS, as revised in this Final EIS; the final draft amended shorezone ordinances (TRPA 2018) included in the TRPA staff report for the September 26, 2018 RPIC meeting; and a new document, the Shoreline Implementation Program (Appendix A). All of these documents are available at www.shorelineplan.org.

2.1 ADDITIONAL NO-WAKE ZONES

Expanded no-wake zone enforcement and education programs are included as a part of the proposed Shoreline Plan described in the Draft EIS (see pages 2-36 and 2-37 of the Draft EIS and Appendix A, “Shoreline Program Implementation,” of this Final EIS). The expanded enforcement program would occur in coordination with law enforcement agencies operating on the lake, with roles and responsibilities documented in a memorandum of understanding between TRPA, state, federal, and local agencies.

In response to comments on the proposed Shoreline Plan, TRPA has incorporated additional no-wake zones suggested in comments. In addition to the supplemental no-wake zones that are incorporated into the revised proposed Shoreline plan, other measures suggested by commenters could be adopted in the future if the results of recreation monitoring indicate a need for adaptive management actions (see also Master Response 6 – Monitoring and Adaptive Management of the Shoreline Plan). TRPA would adopt the following additional no-wake zones as part of the revised proposed Shoreline Plan to provide greater protection for nonmotorized recreation:

- ▲ Implement a 200-foot no-wake zone around shorezone structures. This new requirement would establish an additional no-wake zone surrounding all piers, buoys, or other structures on Lake Tahoe. With this new no-wake zone, nonmotorized watercraft and swimmers could navigate around all structures while remaining well within the no-wake zone, regardless of the location of the structure.

- ▲ Implement a 100-foot no-wake zone around swimmers and nonmotorized watercraft. This new requirement would establish a moving no-wake zone that extends 100 feet in each direction around swimmers and nonmotorized watercraft. This new no-wake zone would reduce conflicts between motorized and nonmotorized navigation throughout the entire lake.

Both new no-wake zones would be enforced through the coordinated enforcement program described above. Education programs would include multiple approaches to notify the public of no-wake zone requirements (see Appendix A, Shoreline Program Implementation, for more information). By implementing these actions, TRPA would reduce potential conflicts between recreationists and increase public safety for the same reasons detailed in the discussion of Impact 8-1 in the Draft EIS. The potential for conflicts between motorized and nonmotorized recreationists under the revised proposed Shoreline Plan would be less than analyzed in the Draft EIS, and no additional analysis is necessary.

2.2 SUPPORT FOR LAKE TAHOE WATER TRAIL

TRPA would allocate a portion of the fees collected from the proposed Shoreline Plan to an education and outreach program to improve the safety of boaters and other recreationists. This program, as described in Appendix A, “Shoreline Program Implementation,” of this Final EIS, would be funded by the boat rental concession fee and the mooring fee. In response to comments TRPA has modified this funding program to contribute a portion of the education and outreach funds to the Lake Tahoe Water Trail to implement paddler education and access programs.

Funding for the Lake Tahoe Water Trail would further the objectives of the organization, which includes improving paddler access and providing paddler safety information. The Lake Tahoe Water Trail organization also provides interpretive signage around the lake trail to improve public access, safety, and wayfinding and reduce conflicts. By furthering these objectives through funding, the Shoreline Plan would provide better protection for nonmotorized watercraft and reduce the likelihood of conflicts among recreationists. Therefore, the potential for the revised proposed Shoreline Plan to result in conflicts between user groups would be less than analyzed in the Draft EIS and no further analysis is necessary.

2.3 PHASED MOORING PERMITTING

Under the proposed Shoreline Plan detailed in the Draft EIS, the total number of new moorings would be capped, but there would be no limit on the number of moorings that could be permitted each year as long as the total number of moorings did not exceed the mooring cap. TRPA has revised the proposed Shoreline Plan to implement a phased mooring allocation system that would regulate the rate at which new moorings could be placed on the lake. The phased mooring system would include the following elements:

- ▲ Up to 15 percent of the remaining number of new moorings could be permitted each year.
- ▲ Require best management practices to be in place on upland property before the property owner may apply for new moorings.

A phased approach to mooring allocation would be similar to the approach for piers, which would limit the rate of development to allow TRPA to periodically evaluate progress, environmental impacts, and threshold attainment. A phased approach to permitting moorings would also balance increases in boating and boat fleet turnover to ensure that reduced emissions from newer boats offset the increase in emissions associated with more boating activity (for more information, see Master Response 4 – Watercraft Emissions). In addition, by requiring that upland best management practices are in place before new applications are submitted, the Shoreline Plan would reduce runoff and pollutant loading along the shoreline and result in less pollutant loading than analyzed in the Draft EIS. The phased permitting of moorings would not change the total number of moorings that could be placed on the lake, and it would restrict the rate of

new moorings permits. This would be consistent with the estimated rate of new moorings analyzed in the Draft EIS and no additional analysis is required.

2.4 MOTORIZED BOAT NOISE RESTRICTIONS

TRPA has revised the proposed Shoreline Plan to prohibit vessels configured with exhaust systems that emit exhaust directly to the air, and any vessels capable of generating noise that exceeds TRPA or applicable state standards, from operating on Lake Tahoe. This regulation is consistent with Nevada state law (Nevada Revised Statutes 488.195) and the California vehicle code (California Harbors and Navigation Code, Section 654 A), which require that vessels be equipped with a permanently installed, constantly operating muffler system. This provision would be enforced at the mandatory AIS boat inspection stations, at launch points, and by TRPA enforcement crews. Information this provision would also be imparted at marinas. By reducing or eliminating some of the sources of single-event noise exceedances, this would reduce the likelihood of single-event noise exceedances. The potential for single-event noise exceedances under the revised proposed Shoreline Plan would be less than analyzed in the Draft EIS and no further analysis is required.

2.5 EXPANDED NOISE MONITORING

The single-event noise threshold standards establish maximum allowable noise levels for various land uses surrounding the Shoreline, and the threshold monitoring has shown exceedances of the single-event noise threshold. TRPA has revised the proposed Shoreline Plan to expand noise monitoring along the shoreline to better detect, identify, and address noise sources. This existing noise monitoring program would be expanded to include updated noise monitoring equipment with photo identification capability that could positively identify boats that contribute to a violation of noise standards. This expanded monitoring approach would allow TRPA to identify boats that exceed noise limitations, and enforce the noise limitations described in section 2.5, above.

2.6 EXPANDED RECREATION MONITORING

The revised proposed Shoreline Plan would incorporate additional recreation monitoring. The expanded monitoring would include recreation user surveys to collect information on the quality of the recreational experience. The monitoring would include surveys that evaluate beach recreation, motorized-non-motorized user interaction, and recreation capacity. The expanded recreation monitoring would begin in 2019 and would occur as part of the recreation threshold monitoring. The results of the recreation monitoring would inform future recreation threshold evaluations, recreation planning, and the adaptive management of recreation along the shoreline and on Lake Tahoe. Adaptive management needs would be determined during the threshold evaluation, which would inform and necessary changes to the Regional Plan and recreation management programs.

2.7 NO BOAT BEACHING ZONES

The proposed Shoreline Plan includes a prohibition on beaching boats in spawning habitat. However, compliance with this restriction would require targeted education and outreach, specific provisions for which were not included in the proposed Shoreline Plan as presented in the Draft EIS. To increase compliance with this prohibition, the proposed Shoreline Plan has been revised to identify mapped spawning habitat as “protected no-beaching zones” on boating maps, in on-site signage, and in the Lake Tahoe boating smart phone application that would be developed for the Shoreline Plan. TRPA would also coordinate with enforcement agencies to monitor and patrol these areas and to provide education to boaters at aquatic invasive species inspection stations, concessions, and boat launch facilities. These measures would provide

additional protection for fish spawning habitat and would reduce the likelihood that spawning habitat would be degraded because of boat beaching. These measures would not change the analysis or significance conclusions in the Draft EIS.

2.8 DEEP WATER PIER DESIGN STANDARDS

The proposed Shoreline Plan includes design standards that require that piers be perpendicular to shore and which limits pier length to the pierhead line (i.e., length of surrounding piers) or lakebed elevation 6,219 LTD, whichever is more limiting (see Draft EIS Table 2-5). It is infeasible to construct piers that meet these design standards in some portions of the shorezone where there is deep water directly adjacent to shore. In some locations the lakebed drops off adjacent to shore, and lakebed elevation 6,219 is located within several feet of shore. In response to this fact, TRPA has revised standards for single-use piers under Section 84.4.3.B of the final draft amended shorezone ordinances (TRPA 2018). The revised design standards would allow non-perpendicular pier walkways up to 30 feet in length, and pier length would be limited to 30 feet lakeward of the shoreline. This change would allow for piers in steep areas where the lakebed elevation and boulders would otherwise prevent compliance with the design standards. In these situations, piers would be required to comply with all other design standards, including limits on visible mass, pier color standards, pier width limits, and setback requirements. Very few locations would qualify for deep water design standards. Piers that comply with deep water design standards would have a different appearance than other piers. However, these piers would be smaller than typical single-use piers because they would be limited to 30 feet in length. They would also comply with the same visible mass limitations and offset requirements as other piers. As a result, the scenic effects of these piers would be less than or equal to the scenic effects of the single-use piers evaluated in the Draft EIS. These piers would have the same effects as other single-use piers with respect to other environmental topics. Therefore, no additional analysis is required.