

Appendix B

Scoping Summary Report

Lake Tahoe Shoreline Plan Environmental Impact Statement Scoping Summary Report



Tahoe Regional Planning Agency

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September, 2017

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Appendix A: Shoreline Plan Notice of Preparation

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SCOPING SUMMARY

The Tahoe Regional Planning Agency (TRPA) is preparing an Environmental Impact Statement (EIS) for the proposed Lake Tahoe Shoreline Plan. TRPA is the lead agency for the EIS. This document will serve as an EIS pursuant to the TRPA Compact, Code of Ordinances (Code), and Rules of Procedure.

The environmental review process began with issuance of a Notice of Preparation (NOP) to inform agencies and the public that a Draft EIS would be prepared for the project, and to solicit views of agencies and the public as to the scope and content of the document. Scoping meetings were held to allow oral expression of those views. This document summarizes the written and oral comments and issues raised by the public, agencies, and organizations. A complete set of comments received during scoping is attached to this document (Attachment B).

The NOP was distributed on July 12, 2017 and is included as Appendix A. The public scoping period was 36 calendar days, concluding on August 16, 2017. Written comments were received from agencies, organizations, and individuals (Table 1). Oral comments were received from the following scoping meetings:

- ▲ July 26, 2017. TRPA Governing Board meeting at North Tahoe Event Center, 8318 North Lake Boulevard, Kings Beach, California (beginning at 9:30 p.m.).
- ▲ August 9, 2017. TRPA Advisory Planning Commission (APC) Meeting at TRPA, 128 Market Street, Stateline, Nevada (beginning at 9:30 a.m.).

A summary of the scoping process and relevant comments is included below.

1.1 LIST OF COMMENTERS

Commenters included in this report include those that submitted written or oral input both during the Scoping Period and prior to the Scoping Period between July 2016 and July 2017. Commenters are identified by name, organization or agency and the date the comment was received. Comments received during the Scoping period are included in Table 1, while Table 2 includes Pre-Scoping Commenters.

Table 1-Commenters on NOP During Scoping Period

Commenters on the NOP During the Shoreline Plan EIS Scoping Period (July 12th – August 16th)		
Name of Author	Agency/Organization	Date Received/Post Marked
WRITTEN COMMENTS		
AGENCIES		
Federal		
None received	NA	NA
State		
Marilyn Linkem	California Department of Parks and Recreation	August 16th, 2017
Laura Miller	California State Lands Commission	August 16th, 2017
Jessica Tucker-Mohl	California Attorney General	August 15th, 2017
Local		
Charlene Albee	Washoe County Health District	July 26th, 2017
ORGANIZATIONS		
Laurel Ames	Tahoe Area Sierra Club	August 16th, 2017
Madonna Dunbar	Tahoe Water Suppliers Association	July 28th, 2017
Jennifer Quashnick	Friends of the West Shore	August 14th, 2017
Ann Nichols	North Tahoe Preservation Alliance	August 15th, 2017
Penny Stewart	California Tahoe Conservancy	August 15th, 2017
Kara Theil	Feldman McLaughlin Thiel LLP	August 16th, 2017
Jan Brisco	Tahoe Lakefront Owner's Association	August 16th, 2017
Andy Huckbody	Lakeridge General Improvement District	August 10th, 2017
INDIVIDUALS		
Steve Smith	NA	July 12th, 2017
Ron Grassi	NA	July 13th, 2017
Greg Wilson	NA	July 18th, 2017
Stephen Dolan	NA	July 21st, 2017
Bertie Freeberg	NA	July 24th, 2017

Commenters on the NOP During the Shoreline Plan EIS Scoping Period (July 12th – August 16th)		
Name of Author	Agency/Organization	Date Received/Post Marked
Tomas Suk	NA	July 25th, 2017
Debbie Kelly-Hogan	NA	July 29th, 2017
Ron Gregg	NA	August 2nd, 2017
Mindy and Boris Lokshin	NA	August 4th, 2017
Judy Dowdy	NA	August 5th, 2017
Robert Lambie	NA	August 5th, 2017
Harry King	NA	August 11th, 2017
Tom Carter	NA	August 13th, 2017
Carol Mazerall	NA	August 14th, 2017
Norma Jean & David Bowers	NA	August 14th, 2017
Gregg Lien	NA	August 15th, 2017
Stephen Alastuey	NA	August 16th, 2017
Ellie Waller	NA	August 16th, 2017

Table 2: Commenters on NOP during Pre-Scoping

Commenters on the NOP during the Pre-Scoping Period (Prior to July 12th, 2017)		
Name of Author	Agency/Organization	Date Received/Post Marked
WRITTEN COMMENTS		
AGENCIES		
Federal		
None received	NA	NA
State		
Jessica Tucker-Mohl	California Attorney General	April 25th, 2017
Gina Thompson	U.S. Forest Service	February 9th, 2017
Local		
Pam Emmerich	North Tahoe Public Utility District	October 19th, 2016
ORGANIZATIONS		
Darcie Goodman Collins, Jan Brisco	League to Save Lake Tahoe, Tahoe Lakefront Owners Association	July 17th, 2015
Becky Bell	Lake Tahoe Water Trail	August 5th, 2016
Madonna Dunbar	Tahoe Water Suppliers Association	August 29th, 2016, September 22nd, 2016
Devin Middlebrook	On behalf of Tahoe Basin Project	September 19th, 2016
Jan Brisco	Tahoe Lakefront Owner's Association	October 27th, 2016

Commenters on the NOP during the Pre-Scoping Period (Prior to July 12 th , 2017)		
Name of Author	Agency/Organization	Date Received/Post Marked
INDIVIDUALS		
Steve Smith	NA	July 28th, 201, August 5th, 2016
Rudd Davis	NA	June 13th, 2016
Ellie Waller	NA	July 8th, 2016
Judi Allen	NA	July 26th, 2016, October 27th, 2016
Cindy Donaldson	NA	August 2nd, 2016
Deb Howard	NA	August 5th, 2016
Paul Palk	NA	August 15th, 2016
Boris & Mindy Lokshin	NA	August 15th, 2016
Harold Singer	NA	September 19th, 2016
Arnold Finn	NA	September 29th, 2016
Damon Spitzer	NA	October 13th, 2016
John Krauss	NA	October 28th, 2016
Jim Phelan	NA	April 5th, 2017
Local Organizational Briefings	NA	Summer/Fall

1.2 COMMENT SUMMARY

Table 3 summarizes the written and oral comments received in response to the NOP. A complete set of written and oral comments received during scoping meetings are included as Appendix B.

The purpose of the NOP is to solicit views of agencies and the public as to the scope and content of the environmental document. Many comments, however, include questions about aspects of the project, or request information that may be beyond the scope of the analysis. Though the questions may not be answered directly, the resource areas, or Chapters of the EIS to which the questions relate are noted in the scoping summary table. The EIS will include thorough analysis of the environmental impacts of the Shoreline Plan for each resource area.

Some comments do not refer to the content of the environmental analysis, but are related to the merits of the Shoreline Plan. Project merits will be considered by agency decision makers upon completion of the environmental review process when deciding whether or not to approve the project. Comments that do not relate to potential physical environmental effects of the project are not evaluated in the EIS and are not included in Table 2.

Table 3: Summary of Comments Received on NOP

Summary of Comments Received on the NOP (Released on July 12 th , 2017)		
Commenter	Shoreline Comment	EIS Section
Agency		
CA Department of Parks and Recreation	The EIS should clarify whether public boat ramps are specific to non-motorized boats or would allow "car top" launching facilities.	Description of Proposed Project and Alternatives
	The EIS should describe how public health and safety mooring buoys would be allocated.	Description of Proposed Project and Alternatives
	Public pier design should be reviewed on a case by case basis.	Description of Proposed Project and Alternatives
	The NOP should provide clear requirements for mitigation in the event of a public motorized ramp be removed.	Recreation
CA State Lands Commission	Encourages one of the alternatives focus on reduced development in the EIS.	Description of Proposed Project and Alternatives
	The EIS should explore options for non-motorized transportation facilities to public beaches.	Recreation, Transportation
	Design of shoreline structures must allow for public access within the public trust easement.	Recreation
	Buoys should not be placed beyond the 600ft no-wake zone to avoid impacts to navigation and fishing.	Public Health and Safety, Recreation
	TRPA should implement a permitting and registration program for buoys, which would include identifying and removing illegal buoys, and an enforcement program that coordinates with responsible agencies.	Description of Proposed Project and Alternatives
	The EIS should explain how the buoy baseline was determined, and used for allocation proposal.	Description of Proposed Project and Alternatives

Summary of Comments Received on the NOP (Released on July 12 th , 2017)		
Commenter	Shoreline Comment	EIS Section
	Multiple use and public use piers should be prioritized over single-use piers.	Description of Proposed Project and Alternatives
CA Attorney General	Encourage TRPA to consider reasonable and enforceable standards to insure low lake level adaptations are constrained to what is necessary for adaptation and enforcement challenges should be addressed.	Description of Proposed Project
	The Proposed Alternative provides greater flexibility but offers less predictability as to where piers will be located. The EIS should analyze a worst-case scenario as to what this approach could allow and should include visual depictions of potential scenarios.	Description of Proposed Project, Approach to Environmental Analysis
	Recommend including a reduced development alternative and an alternative that includes a density limitation. Also supports an alternative that includes a restriction on piers in HOA served areas.	Growth Inducement
	Need to consider the appropriate baseline.	Approach to Environmental Analysis
	The EIS needs to include all potential effects including cumulative impacts, greenhouse gas emissions, and growth inducing impacts.	Cumulative, Air Quality, Growth Inducement
	The EIS needs to clearly develop and describe mitigation, including implementation, responsibility and timeline.	Approach to Environmental Analysis
	The program should protect the public trust easement between the high and low water line in California.	Description of Proposed Project
Washoe County Health District	Encourages infrastructure for clean water transportation, including charging stations for electric watercrafts.	Recreation, Water Quality, Air Quality
	Supports the use of clean dredging and construction equipment to reduce tailpipe emissions of nitrogen oxides, volatile organic compounds, and particulate matter.	Air quality, Water Quality
Group		
League to Save Lake Tahoe	The EIS must mandate that all mitigation measures relating to the Shoreline Plan directly reduce all adverse environmental effects resulting from boating to a less than significant level.	Water Quality, Air Quality, Recreation, Noise
	The EIS must include the Tahoe Keys in baseline calculations for existing boat slips and boat use.	Approach to Environmental Analysis
	MOUs between and among relevant agencies regarding enforcement must be executed and enforceable prior to implementation of the Shoreline Plan.	Public Health and Safety, Noise, Recreation
	The EIS must consider an alternative that would limit the number of boats on Lake Tahoe. Such limitation must be considered either based on time and/or geographic location.	Description of Proposed Project
Tahoe Area Sierra Club	The baseline year for the Shoreline plan should be 2017.	Approach to Environmental Analysis
	An alternative should be included that addresses lake fish decline and restores native fish.	Description of Proposed Project and Alternatives, Fisheries
	Environmental impacts of all potential activities related to the plan should be considered.	Cumulative
	Ferry terminals should be included in the analysis.	Cumulative, Transportation
	Proposed mitigation measures should include description of cost, monitoring and responsible agencies for implementation.	Description of Proposed Project and Alternatives

Summary of Comments Received on the NOP (Released on July 12 th , 2017)		
Commenter	Shoreline Comment	EIS Section
	Non-motorized recreation interests are not represented in the plan.	Recreation
	"Motor Free Mondays" should be considered in the plan to address noise, provide a peaceful recreation experience and reduce disruption for non-motorized recreation.	Recreation, Noise, Public Health and Safety, Description of Proposed Project and Alternatives
	Provisions for longer piers must evaluate impacts to non-motorized recreation.	Recreation, Public Health and Safety
	Nearshore water quality should be addressed.	Water Quality
	Provide clear definition of "Shoreline" vs "Shorezone".	Description of Proposed Project
Tahoe Water Suppliers Association	Concerned with zone of protection for water supply intakes. Suggests using Marina Best Management Practices to control debris, oil and AIS fragments, such as trash skimmer and/or water 'air gates'.	Water Quality
Friends of the West Shore	Evaluate environmental impacts, enforcement needs, and long-term funding of the proposed plan.	Water quality/ Air quality/ Regulation/ Economics
	Analyze the impacts of future shoreline development on related on-land impacts for example infrastructure associated with the proposed cross-lake ferry.	Land use
	The EIS should include a capacity analysis of level of infrastructure and boat use on the lake.	Water quality/recreation
	The EIS should include reduced development alternatives that are feasible.	Land use/ water quality
	The EIS should prioritize new public facilities be built in local areas, only if the facilities can be sufficiently mitigated such that no degradation to air and water quality occurs.	Recreation/Water quality/ Air quality
	Evaluate additional measures to support the increased demand for quiet and safe non-motorized recreation.	Recreation
	The EIS should be prepared to meet CEQA and NEPA requirements, so other agencies can rely upon the same information.	Water quality/Air quality
North Tahoe Preservation Alliance	The EIS should include the nearshore work plan and resource allocation plan.	Water Quality, Fisheries
	Clarify enforcement details.	Project Description
	Clarify verbiage in the plan such as "enhance," and the definition of "public".	Project Description
	Provide examples of the 80%/20% multi-use/single use pier allocation.	Project Description
	Revise the EIS to include baseline data on environmental thresholds, and how potential sites for ramps, marinas and piers can be rated to improve thresholds.	Approach to Environmental Analysis
	Evaluate alternatives that use a calculation of linear front footage as a basis for granting new structures and buoys.	Project Description
	Suggests the EIS include the effects of Aquatic Invasive Species and transportation plans.	Cumulative Impacts, Approach to Environmental Analysis
	Revise EIS to include structures in Tahoe Keys, as they have the same environmental impacts as structures on the lake.	Project Description
California Tahoe Conservancy	Clarifies understanding of project description included in NOP.	NA
Feldman McLaughlin Thiel LLP	The EIS should include incentives to achieve environmental gain related to reduction in sediment and retirement of pier development potential.	Water Quality, Scenic
Tahoe Lakefront Homeowners Association	TLOA supports the proposed alternative. The No Action alternative is not acceptable. Additional alternatives must respect private property rights.	Description of Proposed Project and Alternatives

Summary of Comments Received on the NOP (Released on July 12 th , 2017)		
Commenter	Shoreline Comment	EIS Section
	If the plan increases lateral access along the shoreline, impacts related to soil erosion, plants, vandalism and trespass on private property must be analyzed.	Soils, Vegetation, Public Health and Safety, Recreation
Lakeridge General Improvement District	Supports improved recreational access to the lake, and inquiries about permits for a new pier for HOAs.	Recreation, Project Description
Individuals		
Steve Smith	Consider enforcement of loud motor boats.	Noise
	Address shoreline protection for non-motorized recreators, specifically no wake zone buoys near high volume parks. Suggests boater education and enforcement of no wake zones.	Recreation, Public Health and Safety
	The views of non-motorized recreators have not been, and should be accounted for. Encourages organization of an interest group, with short public service messages regarding meetings and information.	Recreation
Ron Grassi	Suggests enforcement and removal of illegal buoys.	Scenic, Water quality, Recreation
	There is a need for more public marinas on the north shore, and the NOP should prioritize public pier applications over private. The NOP should decrease private piers to 40 and increase public piers to 100.	Description of Proposed Project and Alternatives, Recreation
	The EIS should be specific and contain a scientifically supported environmental analysis of increased motorized boat use.	Approach to Environmental Analysis
	Suggests that all motorized boats be checked at ramps and marinas for oil and gas leaks.	Water quality
Greg Wilson	Concerned with the buoy allotment regarding HOA's and Marinas. The plan should clearly explain how the allocation system would work.	Description of Proposed Project
Stephen Dolan	Concerned with contamination of SEZ along Incline Creek and Third Creek resulting from dog feces at Village Green. This is impacting the creek's water quality and fish populations as well as the nearshore turbidity.	Water quality, Recreation, Safety
	Concerned with Incline Village's proposal for a 'Water Carnival' and the potential to degrade water quality, as this event will take place on Village Green which is used as a dog park (this event took place during the scoping period).	Water quality, Recreation, Safety
Bertie Freeberg	Discuss right-of-way access to HOA piers and buoys.	Description of Proposed Project
Tomas Suk	Suggests most piers and buoys should be removed, and only a small number of public piers remain.	Description of Proposed Project
	Develop alternatives to ensure attainment of TRPA's noise threshold. Suggests "motor-free Mondays".	Alternatives, Noise, Recreation, Public Health and Safety
Debbie Kelly-Hogan	Concerned with parking and road erosion control measures and funding, and whether they are effective in supporting infrastructure during the busy seasons.	Transportation, Water Quality
Ron Gregg	Encourages prohibiting any further development along the shoreline, including buildings, docks and commercial development.	Land Use
Mindy & Boris Lokshin	Encourages boater education and enforcement of the 600ft no wake zone.	Recreation, Safety
	Suggests one "no motor day" per week, specifically limiting boats to remain under 10mph.	Noise, Recreation, Public Health and Safety
Judy Dowdy	Suggests rotating boat usage to protect water clarity, specifically limiting motorized boats to half of the week, and sailboats and non-motor boats on the other half.	Recreation, Water quality

Summary of Comments Received on the NOP (Released on July 12 th , 2017)		
Commenter	Shoreline Comment	EIS Section
Robert Lambie	Concerned with increased amounts of motorized boats on the lake. Suggests stringent regulation of new buoys, and removal of illegal buoys.	Recreation, Scenic
Harry King	Suggests limiting motorized boat access on Lake Tahoe to only commercial tour boats, and removing all gas pumps and banning refueling of boats and jet skis in the lake.	Recreation, Water Quality, Noise
	Suggests restricting any new, and removing all existing buoys and piers on the lake.	Recreation, Scenic
	Encourages the water master to limit the lake level to no higher than the natural level, as it degrades water quality	Water Quality
Tom Carter	Concerned with the number of buoys and piers on the lake, supports more stringent policies for new applications and enforcement.	Land Use, Scenic, Water Quality
Carol Mazerall	Concerned with the amount of legal and illegal buoys and piers on the lake, supports more stringent policies for new applications and enforcement.	Scenic, Water Quality
Norma Jean & David Bowers	Encourages prohibiting the development of more buoys and extended piers on the lake. These structures create "fences" both physically and visually.	Land use, Scenic, Recreation
Greg Lien	Concerned that the views of private lake users and owners are not represented in the proposal. Property values decrease significantly when homeowners are not able to construct a pier on their property.	Economics
	Encourages buoy permits to continue to be allocated to upland owners (in an association or similar).	Project Description
	Asks for more detailed analysis of the impacts of multiple use pier allocations versus new piers within subdivisions for upland users.	Approach to Environmental Analysis, Recreation
Stephen Alastuey	TRPA should reduce the number of new piers and other construction on the shoreline.	Scenic
	Public access along the shoreline should be maintained, and extended when possible.	Recreation, Land Use
	More private beaches, boats, piers and buoys distract from the areas natural beauty.	Scenic
	Water quality must not be compromised by relaxing any regulations.	Water Quality
Ellie Waller	The EIS should include a timeline for removal of illegal buoys.	Scenic, Description of Proposed Project
	The EIS should include a high-water lake level adaptation strategy.	Climate Change, Alternatives
	The EIS should include criteria for fair and reasonable access to the Lake and criteria defining environmental enhancement.	Recreation, Approach to Environmental Analysis
	The EIS should include specific policies/standards that address all types of recreation and develop achievable enforcement.	Recreation
	The EIS should include threshold standards, attainment status and provisions and timeline to ensure attainment.	All resource chapters that include TRPA thresholds
	The EIS should include visual simulation, diagrams and descriptions of structures of different lengths and analyze scenic differences during high and low water.	Scenic
	The EIS should analyze public safety related to floating vs hard structure extensions.	Public Health and Safety
	The EIS should analyze the potential spread of AIS on kayaks, inflatable paddleboards, etc.	Water Quality
	The EIS should include a scenic analysis of buoys by quadrant, with legal and illegal buoys, and buoys at buildout.	Scenic

Summary of Comments Received on the NOP (Released on July 12 th , 2017)		
Commenter	Shoreline Comment	EIS Section
	The EIS should analyze effects of new and existing dredging.	Water Quality
	The EIS should include both the 1987 fish habitat map and current map for reference.	Fisheries
	The Tahoe Keys herbicide plans and studies should be included.	Water Quality, Cumulative
	The EIS should include traffic studies with any new public piers.	Transportation
	The EIS should include a component that does not allow floating piers, which obstruct public access.	Recreation, Alternatives
	The EIS should include studies of rock removal in nearshore during low lake level.	Soils, Water Quality, Climate Change
	The EIS should include historical data on lake level and provide definition of low lake level numbers that cannot be adjusted.	Climate Change
	The EIS should include a parking analysis using current marinas and state parks capacity numbers. Provide information regarding transit to marinas and launches.	Transportation
	Nearshore threshold establishment and standards must include new dredging impacts.	Water Quality
	The EIS should include bathymetric studies to understand shallow areas as it relates to navigation.	Soils, Climate Change, Recreation, Public Health and Safety
	The EIS should study beach use along with boating use related to environmental impacts.	All resource chapters that include TRPA thresholds
	The EIS should address user conflicts related to use of the no wake zone and consider expanding the no wake zone lakeward.	Public Health and Safety
	The EIS should include a scenic analysis of fences at low water.	Scenic
	The EIS should include visual mass analysis of safety measures such as moorings.	Scenic
	The EIS should include and analyze the maximum length of piers.	Scenic
	The EIS must include and describe scenic BMP requirements.	Scenic
	The EIS should identify the similarities between the 2008 and 2017 Shorezone program.	Project Description
	The EIS should analyze marina pier extensions effects on scenic views.	Scenic
	The EIS analysis should include aerial imagery.	Scenic
	Mitigation for fish habitat decline should be analyzed.	Fisheries
	The EIS should include average boat trip information from marinas, including during longer boating seasons.	Air Quality
	The EIS should incorporate comments submitted (attached for reference) by the CA Attorney General in 2017, The CA Department of Fish and Game in 2007, Lahontan Regional Water Quality Control Board in 2007, the Sierra Club in 2007 and 2008, USFS in 2006, Lieutenant Governor in 2007, CA State Lands in 2004, Assemblyman Tim Leslie in 2005, NTWSA om 2005, CA State Resources Agency in 2007.	All resource chapters

Table 4: Summary of Comments Received Pre-Scoping

Summary of Comments Received in the Pre-Scoping Period (Prior to July 12 th , 2017)		
Commenter	Shoreline Comment	Section
Agency		
CA Attorney General	Encourage the RPIC and staff to reconsider this combination of alternatives, and to consider inclusion of a reasonable and viable reduced development alternative. Suggests an alternative similar to the prior EIS, that supported the 2008 Shorezone Ordinance. The alternative should emphasize multi-use structures by allowing only new private multi-use piers and buoys, reducing structures through 2:1 reduction ratio, and allowing new public multi-use structures.	Alternatives
North Tahoe Public Utility District	Concerned about boats sinking near water intakes due to weather. Suggests setting and enforcing a deadline for boats to be removed from the water, especially on buoys around water intakes.	Recreation, Water Quality
U.S. Forest Service- Lake Tahoe Basin Management Unit	Concerned with private buoy encroachments that affect the USFS public beaches and piers.	Recreation, Water Quality
Group		
League to Save Lake Tahoe	TRPA should re-establish a Governing Board Shorezone committee, submit funding requests to conduct a comprehensive environmental analysis, and develop and build consensus with stakeholders on a Shorezone Program development process.	Description of Proposed Project
	TRPA should identify policies for enforcement and compliance of current Shorezone regulations including identifying cataloging and removing illegally and non-permitted buoys, securing and finalizing MOUs necessary to remove illegal buoys, and begin to identify and collect boating data.	Description of Proposed Project
Lake Tahoe Water Trail	An educational campaign, possibly sponsored by marinas or USCG Lake Tahoe, could provide information for non-motorized recreationists on water safety and how to mitigate conflicts with motorized boats.	Public Health and Safety, Recreation
Tahoe Water Suppliers Association	Concerned with potential contamination from nearshore development, impacts from boating (especially buoy fields which are encroaching on intake infrastructure and fuel spills), AIS management issues in Tahoe and the Keys, and human water contact recreational bacterial/viral potential contamination.	Public Health and Safety, Recreation, Water Quality
Tahoe Basin Project	There is an interest in allowing for a floating science educational watercraft on Lake Tahoe.	Description of Proposed Project
Individuals		
Steve Smith	Concerned with noise from cigarette boats. Encourages testing for noise compliance with California State laws for Inland Waterways Noise before or after launch.	Public Health and Safety, Recreation, Noise
	Encourages enforcement and education for boaters regarding noise and no wake zones at high use state parks.	Public Health and Safety, Recreation
	High traffic State parks including Sugar Pine State Park, D.L. Bliss State Park and Secret Harbor should have a 1,200 ft no-wake-zone to protect non-motorized recreationists. Consider enforcement using smart buoys.	Description of Proposed Project and Alternatives, Public Health and Safety, Recreation
Rudd Davis	Ensure seaplane operations/landings are allowed in the Shoreline Plan.	Description of Proposed Project
Ellie Waller	Permits for recreational rentals on the beach should be addressed in the shoreline plan. It is not OK for concessions to block access and create scenic blight and private amenities, like Martis Camp Beach Shack (and Ritz Beach Pavilion soon), need to follow the scenic rules for signage, use of public lands, etc.	Description of Proposed Project, Recreation, Scenic
Judi Allen	Concerned about shoreline public access on beaches. The public should be able to pass on private land along the shoreline without restrictions like fences and gates.	Recreation

Summary of Comments Received in the Pre-Scoping Period (Prior to July 12 th , 2017)		
Commenter	Shoreline Comment	Section
Cindy Donaldson	Provide dog access	Recreation
Deb Howard	Will the shoreline plan examine storm water issues, such as leaky, outdated storm water conveyance pipes near the shoreline? Will the shoreline plan examine aquatic invasive species issues at marinas and will it include Fallen Leaf Lake (provided at a shoreline briefing)?	Project Description
Paul Palk	The Tahoe Keys POA denies all access to (what they call) is a private beach including the waterline. Is this legal, and has anyone challenged this? Are any attorneys willing to file lawsuits against the POA?	Recreation
Boris & Mindy Lokshin	Suggests a low speed day one day per week to accommodate small and non-motorized watercrafts.	Public Health and Safety, Recreation
Harold Spitzer	Consider an alternative that looks at the effect of boating related to waste and trash	Water Quality
	Boating in near shore waters can cause resuspension of sediment that effects fish habitat	Water Quality
	The EIS should review the TMDL analysis for shoreline erosion	Water Quality
	The EIS should consider a broader literature review to answer specific questions	Approach to Environmental Analysis
	The EIS should consider that boating emissions may be a smaller fraction of total emissions, yet they may have a greater effect due to location of the emission.	Air Quality
Arnold Finn	Recommends using "Blue Docks", an environmentally friendly design for piers.	Description of Proposed Project
Damon Spitzer	Interested in new regulations regarding lights on mooring buoys.	Scenic
Jim Phelan	Suggests that a calculation for visual mass should be defined, including which variables and surfaces are used. For example, lake level elevation, catwalk deck and boat lifts.	Description of Proposed Project
	Define the terms 'single use', 'multi-use', 'public', 'HOA', 'private commercial', and 'marina' as they relate to piers.	Description of Proposed Project
	Address the issue of temporary pier extensions which include the construction and removal of temporary pilings, and come up with lower impact suggested alternatives.	Description of Proposed Project, Alternatives
	Define what a concession is, and summarize the concerns over concessions. Consider operations of non-motorized concessions without a TRPA permit, and simultaneously require motorized concessions comply with TRPA mooring, fueling and servicing requirements. Personal watercrafts should use low impact devices such as a string line with a limit on number of watercraft allowances. Suggests existing concessions should be grandfathered into the proposal, given that they comply with established standards.	Description of Proposed Project
	Determine whether the scenic impact of concessions should be included in the EIS.	Approach to Environmental Analysis, Scenic
Input from Local Organizational Briefings	Concerned with enforcement of HOA buoy fields in the Shoreline Plan.	Description of Proposed Project
	Concerned with illegal buoys and the need for better enforcement.	Description of Proposed Project
	More signage for public lake access is needed.	Public Health and Safety, Recreation

Table 5: Summary of Comments Received at Governing Board Scoping Meeting

Summary of Comments Received at the Governing Board Meeting July 26 th , 2017	
Commenter	Oral Comment
Clem Shute, GB Member	He appreciated the process, a lingering issue is the distribution of piers around the lake.
Tim Chashman, GB Member	He is concerned about public safety with paddleboards and kayaks far from shore. Has there been any consideration about limiting paddlecraft to within the 600ft no-wake-zone? Joanne Marchetta: No, the shoreline plan is primarily focused on addressing structures and paddlecraft regulations have not been considered.
Jim Lawrence, GB Member	Jim shares Tim's concern and would support more education about risks for paddlecraft.
Larry Sevinson, GB Member	Larry suggested that paddle craft concessionaires should be providing education about safe operation of watercraft.
Mark Bruce, GB Member	As the co-chair of RPIC, Mark appreciated the process and effort of all involved.
Jim Lawrence, GB Member	Jim suggested providing education on appropriate watercraft operation to watercraft operators during AIS inspections.
Shelly Aldean, GB Member	When allowing property owners to move to a deeper buoy during low water conditions, consider allowing them to connect a holding buoy to the chain on the landward buoy. These holding buoys do not allow for mooring, but make moving buoy floats easier and more cost-effective for property owners. Brandy McMahon Responded: She will bring the suggestion to the next Steering Committee meeting.
Ellie Waller	She will be submitting written comment refer to them for more detail. She also requested a summary of policies endorsed by the RPIC. She mentioned other topics that will be addressed in her written comments: <ul style="list-style-type: none"> - Identifying boat ramps that could be converted to piers - Include stakeholder group representatives at EIS hearings - Signage Issues - Removing illegal buoys before allowing new ones - Identifying enforcement responsibilities - Conflicts with jet skis - Providing boater education in Sacramento, Reno, Bay Area and other places visitors come from - Presenting a summary of the Shoreline Plan to local jurisdictions
Greg Lien	He will be providing written comments with more details. He suggested getting very broad input during the development of the alternatives, and suggested that the plan clarify how regulations would address unusual situations such as very informal HOA's that don't own property, and littoral owners who have theoretic access to an HOA pier, but where the access is very far or inconvenient.
Bob Hassett, Tahoe Marinas Association	He is a member of the steering committee and is in full support of the process and proposed shoreline plan.
Steve Dolan	He was concerned about pier and buoy placement near streams and how this could affect resources including fisheries.
Darcie Collins, League to Save Lake Tahoe	She supported the process and noted that the proposed shoreline plan is a balance and the whole plan should be viewed as a whole, rather than focusing on specific elements.
Ed Mosier	Recommend that marinas look at technologies to allow water mixing and lower temperatures (to protect water quality and reduce AIS), such as solar powered pumps.
Don Mason	He noted that pier standards were mentioned but he wanted more information on what those standards are. Brandy McMahon responded: She will meet with him after the meeting to answer questions.
Madonna Dunbar	She recommended including measures to address water quality in marinas, such as the installation of bubble curtains to keep AIS within marinas. She noted that several water intakes have been damaged by the placement or movement of buoy blocks. She recommended increasing the zone of protection around water intakes and has been meeting with staff on this issue.

Table 6: Summary of Comments Received at APC Scoping Meeting

Summary of Comments Received at the APC Meeting August 9 th , 2017	
Commenter	Oral Comment
Kristina Hill, APC	How many new Marinas would be allowed? Brandy McMahon: No new Marinas, only restoring existing Marinas
Teresa McIning, APC	Transportation needs to be addressed in the EIS. Changes in recreation patterns would affect transportation. Specifically concerned with the effects of new public area development on transportation.
Zach Hymanson, APC	Is the Tahoe Keys part of the shoreline plan area? Joanne Marchetta: Tahoe Keys is a lagoon system that is built out. The shoreline plan lifts a fish habitat ban and addresses new structures. Focus of this area is on tackling the aquatic invasive species problem. New structures and standards in the plan don't apply to the keys. John Marshall: The Environmental impact assessment would consider boating and impacts from the keys.
Zach Hymanson, APC	There is a lot of opportunity to improve the environment at the Keys; will that be included in the plan? Joanne Marchetta: the EIS will include the existing programs in the existing conditions and we can consider opportunities for improvement.
Zach Hymanson, APC	Are the RPIC approved policies the same as the organizing principles? Brandy McMahon: We worked with the Steering Committee to develop policies. Some are general and some are specific. These are described in policy memos on the website.
Zach Hymanson, APC	How would monitoring programs be funded and who would do the monitoring? We should think about this so it doesn't become an unfunded mandate. Joanne Marchetta and John Marshall: Funding has not been decided yet. The Steering Committee hasn't addressed funding yet. Previously this was funded by fees. Adequate fee sources exist, so we don't anticipate needing additional appropriations. Past sources included buoy fees and other fees associated with boating. Monitoring and enforcement would likely be done by agencies.
Zach Hymanson, APC	Would no wake zone enforcement rely on existing enforcement mechanisms like local governments? There are major concerns over no-wake-zones. Brandy McMahon: TRPA enforces 600ft current no wake zone, there is interest in increased collaboration with other agencies to improve enforcement for environmental and safety reasons.
Eric Gueven, APC	How many new public ramps and piers and where would they be located? Brandy McMahon: 2 ramps locations have not been identified, but they would be deep water near clustered development. 10 new public piers and locations have not been identified.
Eric Gueven, APC	What is the length of public piers? Brandy McMahon: Piers will be reviewed on case by case
Eric Gueven, APC	How does the plan enforce unpermitted buoys? Brandy McMahon: TRPA has agreements with NDOW to identify and remove unpermitted buoys. We are working with CSLC to develop process for enforcement on the California side.
Jennifer Carr, APC	Have you been working with the Tahoe Water Suppliers' Association? What is the setback distance from water intakes? Brandy McMahon: Yes, we're working with them and will be notifying them when new pier proposals are submitted. The setback from intakes would be the same as in the 2008 plan.
Garth Alling, APC	Is there any consideration of avian species such as Osprey in the EIS? Doesn't have specific concerns but wants to make sure avian species are addressed and that there is a plan to evaluate how avian species are impacted by piers.
Bob Larson, APC	Excellent presentation and concise, comprehensive and thorough process.
Charlie Donahue, APC	Great work, nice to see it boiled down. Staff attended workshops and they heard that the public wanted a fair process and better enforcement. Conversations through this process has elevated enforcement for the States and they are moving forward now.

Summary of Comments Received at the APC Meeting August 9 th , 2017	
Commenter	Oral Comment
Peter Glick	1.3 Shoreline Plan concept 2 nd paragraph: breakwaters, jetties and sheet pile piers. Consider south shore lateral sand movement. When you install barriers and participate in dredging, it changes the lake and sand movement. With respect to the AIS, beach toys and non-motorized vessels need to be considered. There is no enforcement in effect for the 600ft. no-wake-zone. The police are not present on the lake on the California side. In the absence of enforcement, the no-wake-zone is meaningless. The amount of fish has declined since the beginning of the mosquito abatement projects. The removal of small bugs for tourism impacts fisheries.
Jim Phelan	Alternate for Steering Committee. The Steering Committee had to deal with a lot of minutia. Grateful for the process and the program is achievable. This is a positive solution to something we've needed to deal with for many years.
Jennifer Quashnick, Friends of the West Shore	Was involved in shoreline years ago and there is a lot of material. Will submit detailed comments. Concerned that the NOP doesn't mention Tahoe is an ONRW.
Jennifer Quashnick, Friends of the West Shore	Need a capacity evaluation of boating, what is the boat capacity of the lake? Need to look at air quality: ozone is a summer issue and boats contribute. Need to look at peak summer not just over the course of a year. GHG emission are higher than autos. FOWS will include a letter comparing auto to boat GHG emissions.
Jennifer Quashnick, Friends of the West Shore	Encourage to look at state of the lake report on moving AIS and at the recommendation on AIS mitigation. Prioritize public over private access and non-motorized recreation. Need more to emphasize non-motorized recreation such as increase no-wake-zone to 1000ft in specific areas. Start with the Alternative 5 from 2008 EIS and modify. No-wake-zone is not enforced now. Enforcement is a must, the beach experience is not as pleasant as it once was.
Ed Mosier	Marinas are in the plan and create the conditions for AIS. Marinas and those using them should be responsible for the cost of controlling AIS. The state and federal government shouldn't have to pay. We can mitigate impacts of marinas.
Ed Mosier	Shoreline development has problems, such as Edgewood redevelopment. Water table is high near the lake. For scenic and environmental impacts, how can we allow development rights on the lake? Would encourage more sharing of piers. Allow 1 new pier for every 2 removed for shared use.
Ed Mosier	There are 4 or 5 by Edgewood that never have boats. Retire existing piers and promote shared use. Use fees for new piers to compensate property owners who retire them.
Ed Mosier	Require Marinas to install water circulation to reduce algae and AIS. Examples include pumps and revolving doors.
Zach Hymanson, APC	This is a tough issue and I would like to compliment staff and leadership. In response to Peter Glick: Fisheries analysis in Tahoe is tricky because most species are introduced.
Zach Hymanson, APC	Reach out to experts to better analyze the impacts and benefits of fisheries, there are new approaches beyond what has always been done in Tahoe. Encourage consultants to research the status of fisheries in the Basin and how the plan will impact them.
Kristina Hill, APC	Why is Sand Harbor not identified as a public boat ramp on the map? Brandy McMahon and Rebecca Cremeen: It's a map error, we will update the map to include Sand Harbor.

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



Tahoe Regional Planning Agency
P.O. Box 5310
128 Market Street
Stateline, NV 89449
Contact: Rebecca Cremeen
Phone: (775) 589-5214

September, 2017



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

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
128 Market Street
Stateline, NV 89449
Contact: Rebecca Cremeen
Phone: (775) 589-5214
Email: rcremeen@trpa.org

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

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.

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 9th 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 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. This notice is also available at: www.shorelineplan.org



**TAHOE
REGIONAL
PLANNING
AGENCY**

SHORELINE PLAN PROJECT AREA

LAKE TAHOE REGION



0 1 2
Miles

Appendix B:

Scoping Comments Received



Tahoe Regional Planning Agency
P.O. Box 5310
128 Market Street
Stateline, NV 89449
Contact: Rebecca Cremeen
Phone: (775) 589-5214

September, 2017

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Section I. Comments on the Notice of Preparation (Scoping Period)

1.1 Agencies



DEPARTMENT OF PARKS AND RECREATION
Sierra District
P.O. Box 266
Tahoma, CA 96412

Lisa Ann L. Mangat, Director

August 16, 2017

Ms. Rebecca Cremeen
Associate Planner
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

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

The California Department of Parks and Recreation (DPR) appreciates the opportunity to provide scope and content comments related to the subject Lake Tahoe Shoreline Plan EIS. Currently DPR has six public use piers, one boarding float and one motorized boat ramp on Lake Tahoe. We also maintain 24 boat mooring buoys; two historic anchors that have had boat mooring buoys in the recent past; and three historic boat houses, two of which have marine rails into the lake.

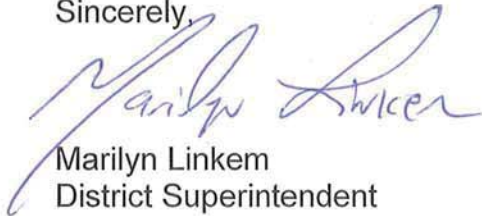
DPR supports the Project Objectives of providing a fair and reasonable system of access, ensuring public safety and safe navigation as well as addressing changing lake level conditions and respectfully submit the following comments:

1. The Shoreline Plan addresses boating and lake access structures as well as low lake level adaptation but is not clear on requirements for public piers regarding overall pier length or other related issues for piers not located at marinas. The NOP is not clear on this issue and DPR contends that the design and regulations relating to public piers needs to be addressed on a case-by-case basis. The shoreline of Lake Tahoe contains significantly different bathymetry demanding a variety of solutions to provide safe and reliable boating access. This approach is consistent with the Low Lake Level Adaptation of a Phase 2 condition as mentioned in Section 1.5 ALTERNATIVES of the NOP.
2. The NOP is also unclear on the subject of the requirement for mitigation in the event a public motorized boat ramp is removed.
3. The reference within the NOP for two additional public boat ramps is unclear as to whether it is specific to motorized boat ramps or non-motorized "car top" launching facilities.

4. The NOP is unclear regarding how public safety and operations mooring buoys will be allocated. In the future, DPR would like to install mooring buoys for DPR only authorized boats for public safety and operations for our Lake accessible

Clarification on the four above items in the forthcoming draft document will be very helpful. Again, thank you for the opportunity to comment on the Shoreline Plan NOP and we look forward to participating in this extremely important planning element for the Lake.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marilyn Linkem". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Marilyn Linkem
District Superintendent

CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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August 16, 2017

File Ref: SCH # 2017072020

Rebecca Cremeen
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Subject: Notice of Preparation (NOP) for an Environmental Impact Statement (EIS) for the Shoreline Plan, El Dorado, Placer, Douglas, and Washoe Counties, and Carson City

Dear Ms. Cremeen:

The California State Lands Commission (Commission) staff has reviewed the subject NOP for an EIS for the proposed Shoreline Plan (Project), which is being prepared by the Tahoe Regional Planning Agency (TRPA). The TRPA, as the public agency proposing to carry out the Project, is the lead agency pursuant to Articles 4 and 6 of the TRPA Rules of Procedure. The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign land and their accompanying Public Trust resources or uses.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all state ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine, which requires the state to protect the public's interest in these lands.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited

to waterborne commerce, navigation, fisheries, recreation, public access, habitat preservation, and open space.

The State of California owns the bed of Lake Tahoe below the elevation of 6,223 feet Lake Tahoe Datum (LTD), and protects and advocates for the public's interests and rights in the state-owned Public Trust easement located between elevations 6,228.75 feet and 6,223 feet LTD (the high and low-water marks respectively) (*State of California v. Superior Court (Fogerty)* (1981) 29 Cal.3d 240; *Fogerty v. The State of California* (1986) 187 Cal.App.3d 244). The Commission has leasing authority over the bed of Lake Tahoe waterward of elevation 6,223 feet LTD, including commercial and recreational structures. The Commission's leasing authority is contained in Public Resources Code, Division 6, Part 2, sections 6216; 6301; 6501.1; and 6503.5, along with regulations found in California Code of Regulations, title 2, section 2000 et seq.

Project Description

TRPA's proposed update to the shorezone ordinance chapters of its Code of Ordinances is subject to the preparation of an EIS. The ordinance update process has been labeled the Shoreline Plan. The shorezone ordinances govern the regulation of development standards, permissible uses, and mitigation programs for the shorezone and lakezone of Lake Tahoe, on both the California and Nevada sides of the lake. Pursuant to the Project Description, Commission staff understands that the Shoreline Plan will include five policy areas that focus on boating, public access, marinas, piers, and low lake level adaptation.

Environmental Review

Commission staff requests that TRPA consider the following comments when preparing the EIS.

Alternatives

1. The NOP states that the EIS will evaluate a reasonable range of project alternatives, including the Proposed Alternative (the Project) and a No Project Alternative, which is essentially a continuation of the 1987 Regional Plan. The NOP further notes the EIS will evaluate two to three additional alternatives that either avoid or mitigate impacts to environmental thresholds. Commission staff encourages TRPA to include a reduced development alternative as one of the alternatives fully evaluated in the EIS.

Recreation and Public Access

2. Reduced Automobile Dependence for Public Access: During the peak summer recreation season (Peak Season), primarily between July 4 and Labor Day weekend, one of the greatest challenges for public access to Lake Tahoe's beaches and shoreline is limited parking supply, which also limits recreation uses that may be automobile dependent (stand-up paddleboards, kayaks, canoes, etc.). During the Peak Season, public demand for automobile access to Lake Tahoe's shoreline will always exceed available parking capacity; therefore, other measures must be

explored to enhance public access to the lake that are not automobile dependent. Commission staff encourages TRPA to explore such measures and to consider support facilities that accomplish this goal as permissible uses.

Secured storage units for non-motorized watercraft (paddle boards, kayaks, etc.) provide an opportunity for local residents to access nearby public access sites by walking or riding a bike, and enjoy non-motorized watercraft uses without use of an automobile for watercraft transport. Watercraft storage units could also generate revenue from public use. Watercraft storage units would also benefit the Tahoe Keepers Program for prevention of aquatic invasive species, by promoting use of watercraft that is only used in Lake Tahoe.

3. Lateral Access: Those structures on the California side of the lake that extend below elevation 6,228.75 LTD and across the Public Trust easement onto lands subject to the Commission's leasing jurisdiction should provide for lateral passage of the public over, under, or around such structures, particularly piers. Through negotiations with the applicant or lessee, this requirement can take the form of stairs, ladders, or other design features for piers, or upland access around the pier. Signage is sometimes used to direct upland public access around a pier. In addition, lessees are not allowed to store any personal items within the Public Trust easement that may impair the public uses of access, navigation, fishing, swimming, and lake-related recreational uses.

TRPA ordinances lakeward of the high-water mark must allow for these design features on piers and other structures sited within the Public Trust easement, including placement of signs to direct lateral public access. For Chapter 84 of the Code of Ordinances, Development Standards Lakeward of High Water Line, TRPA is encouraged to consider the inclusion of these types of design features as permissible accessory structures for piers. For Chapter 85, Development Standards in the Backshore (or other appropriate Code chapter), the placement of signs must also be allowed to direct lateral public access. Other Code considerations include coordination with scenic assessment requirements, and qualified exempt and exempt activities. TRPA is encouraged to work with Commission staff to develop Code language for these uses. With minimum visible mass necessary, Commission staff encourages these uses to be exempt from scenic assessment requirements. If necessary, a maximum visible mass threshold could be developed for exemption from scenic assessment requirements. Similar to other types of signs that are allowed by TRPA Code in the foreshore and backshore as an exempt activity (e.g., Tahoe yellow cross protection signs, etc.), signs of appropriate size and color for lateral public access should also be allowed as an exempt or qualified exempt activity.

In addition to allowing accessory structures to facilitate public access on the California side of the Lake, TRPA must also ensure that structures do not adversely affect public access on Public Trust lands on the California side of the Lake. Further, the U.S. District Court ruled that the EIS for the 2008 Shorezone Ordinances did not adequately explain how TRPA would ensure that new structures would not adversely affect public access, prior to authorizing a new structure. TRPA is currently working with Commission staff to develop a process for ensuring public access and

appropriate mitigation for new and existing structures located within the Public Trust easement or on Public Trust lands.

Low Lake Level Adaptation

4. Boating Facility Challenges: Climate change, in the form of prolonged drought and low lake levels, has and will continue to create many challenges for boating facilities, and for public agencies with permitting and leasing authority for boating facilities. These challenges have resulted in increased public demand for the siting of boating facilities further out in the lake, such as buoy relocations, pier extensions, boat ramp extensions, temporary structures, and requests for new dredging from marinas. The prospect of more frequent and prolonged periods of drought and low lake levels, presents TRPA with the challenge of considering further lakeward extension for multiple-use boating facilities, or to hold the line on maximum allowable distance from shoreline. This includes considering deeper dredging elevations for marinas, or to continue with maintenance dredging as the norm for marinas. In comparison with the current shorezone ordinances, the Shoreline Plan presents an opportunity for regulatory adaptation for these issues in balance with threshold maintenance and attainment. TRPA is encouraged to further evaluate these issues within the EIS.

Buoy Permitting, Registration, Enforcement, and Location Standards

5. Buoy Location Standards: Commission staff encourages TRPA to consider no placement of single use buoys, temporary buoys, or buoy anchors beyond the no wake zone (600 feet from shoreline), in order to provide for safe navigation and limit impacts to topline fishing. If marina and homeowner association buoy fields are allowed to extend beyond the no wake zone, the EIS must include mitigation measures for impacts to navigation and fishing.
6. Buoy Permitting, Registration, and Enforcement Program: In the interest of enforcement of unauthorized buoys, TRPA is encouraged to re-adopt a permitting and registration program for buoys. This is necessary for field identification and to facilitate a process for legally existing buoys. This also ensures that buoys are authorized pursuant to TRPA and Commission requirements, and are contributing funds to the Lake Tahoe Science and Lake Improvement Account. Since buoy permitting and registration provide a foundation for enforcement, the EIS must provide a legally defensible analysis to support all parameters of buoy development rights and regulations. For a defensible baseline, the analysis must start by explaining the process for determining the number of existing buoys on Lake Tahoe. The EIS must explain how this information will be used to determine maximum allocations for existing and new buoys, and for development of criteria for legally existing buoys. In consideration of all moorings and associated boating activity, a comprehensive mitigation program must be developed to offset boating impacts and to support a buoy permitting program. Specifically, the mitigation program should prioritize enforcement of unauthorized buoys as a prerequisite requirement, before the permitting and registration program is allowed to proceed with authorization for new additional buoys. There must also be a commitment for long-term enforcement of unauthorized buoys. Through the EIS analysis for buoys, TRPA is encouraged to work with all agencies that require authorization for buoys, and other relevant

stakeholders with potential to contribute resources and funding assistance, to develop alternative approaches for buoy enforcement for a long-term, lake wide enforcement program. The EIS analysis for these parameters will serve as the foundation to support a successful permitting, registration, and enforcement program for buoys.

New Pier Allocations

7. Prioritization of Multiple Use and Public Piers: Commission staff encourages TRPA to develop a competitive allocation process for new piers that incentivizes multiple use piers over single use piers; in particular, multiple use piers that allow public use. The 2008 Shorezone Ordinances required applications for new piers to be scored and ranked based on the greatest level of reduced development potential and retirement of linear lake frontage for new pier development. This created a competitive application process that allowed multiple use pier applications to out-compete applications for single use piers, for selection with annual application processing. Commission staff encourages a process that prioritizes multiple-use piers over single-use piers. This type of allocation process would serve to reduce the development potential for new piers on lakefront properties and associated impediments with public access and uses on Public Trust lands, and increase public access to Lake Tahoe. Some amount of new pier allocations must also be reserved exclusively for public use piers.

Thank you for the opportunity to comment on the NOP for the Shoreline Plan EIS. As a trustee agency, Commission staff requests that you consult with us on this Project and keep us advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the EIS is being prepared.

Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via e-mail at Jason.Ramos@slc.ca.gov. For questions concerning Commission land management and leasing jurisdiction, please contact Ninette Lee, Regional Land Manager, at (916) 574-1869 or via e-mail at Ninette.Lee@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
J. Lucchesi, Commission
J. Ramos, Commission
N. Lee, Commission
W. Crunk, Commission
J. TuckerMohl, Dept. of Justice.



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August 15, 2017

Sent via Electronic Mail

Rebecca Cremeen
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449
E-mail: rcreeeen@trpa.org

RE: Notice of Preparation of Environmental Impact Statement (EIS) for the Lake Tahoe
Shoreline Plan, SCH # 2017072020

Dear Ms. Cremeen:

The California Attorney General's Office has reviewed the Tahoe Regional Planning Agency's (TRPA) Notice of Preparation (NOP) for the forthcoming Lake Tahoe Shoreline Plan EIS and respectfully submits the following comments. The Attorney General submits these comments pursuant to his independent authority under the California Constitution, common law, and statutes to represent the public interest. Along with other state agencies, the Attorney General has the power to protect the natural resources of the State from pollution, impairment, or destruction. (See Cal. Const. Art. V, § 13; Cal. Gov. Code §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office. These comments build on prior comments our office has made before TRPA's Regional Plan Implementation Committee on March 22, 2017, April 25, 2017 (via letter), May 24, 2017, and June 27, 2017.

California Attorney General and Lake Tahoe:

The California Attorney General has a longstanding interest in the protection of Lake Tahoe as a state and national treasure. The Attorney General's interest dates back over four decades (see, e.g., *California ex rel. Younger v. Tahoe Regional Planning Agency* (9th Cir. 1975) 516 F.2d 215), and includes more recently our involvement in TRPA's prior amendments to its shorezone ordinances in 2008. We acknowledge the efforts TRPA has made to convene a Shoreline Steering Committee (including California state agencies Lahontan Regional Water Quality Control Board and California State Lands Commission) to develop the Proposed Alternative in

the forthcoming Shoreline Plan EIS. We offer the following comments in an effort to facilitate your development of a robust and defensible Shoreline Plan EIS. We request that you consider these comments, and address them in the course of developing the EIS.

The bi-state Compact (P.L. 96-551, 94 Stat. 3233) declares that “[i]n order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.” (Compact, Art. I, § a, subd. (10).) The Compact requires TRPA to regulate activities within the Lake Tahoe Region which may have an impact on the environment, and to regulate them so that the environmental thresholds adopted under the Compact are achieved and maintained. The California Attorney General has been an active participant in making sure that TRPA achieves and maintains those environmental thresholds, including with respect to TRPA’s review and approval of projects and activities located along the Lake Tahoe shoreline.

The Proposed Alternative:

We understand that the Proposed Alternative will include numerical caps on shoreline structures. The Proposed Alternative allows 138 new piers to be located at Lake Tahoe (128 of which are to be private), over and above the approximately 762 piers currently at the lake, for a cap of approximately 900 piers. The Proposed Alternative also permits approximately 1,430 new buoys over the current total of approximately 4,886 authorized buoys moored in Lake Tahoe, for a cap of about 6,316 total buoys. Finally, the Proposed Alternative permits two additional public boat ramps for a total of eight. These caps are consistent with the caps developed in the course of the 2008 shorezone ordinance amendment process (although fewer public boat ramps are contemplated in the current plan). As was the case with the 2008 program, the development permitted under these caps represents a considerable increase over the number of current man-made structures located at Lake Tahoe. It is the task of the forthcoming EIS to evaluate whether TRPA may allow these new structures to be permanently located at Lake Tahoe in a manner that allows it to meet its obligation to achieve and maintain the applicable environmental thresholds, consistent with the Compact’s mandate to insure an equilibrium between manmade structures and the region’s singular natural endowment.

There are several aspects of the Proposed Alternative that our office has focused on, specifically with respect to whether implementation of the Proposed Alternative will allow TRPA to achieve and maintain its environmental thresholds. Those specific aspects include:

- (1) Are the caps on shoreline structures appropriate for Lake Tahoe, in light of the full scope of the Proposed Alternative (including aspects that differ from the shorezone program proposed in 2008 such as the lack of a pier density limitation)? What mechanisms are available to insure an appropriate level of total “build-out” for Lake Tahoe?
- (2) Does the Proposed Alternative provide sufficient public access to Lake Tahoe, through means that are truly public? Could there be more public boat ramps, achieved through a tradeoff with fewer private access structures?

- (3) Does the Proposed Alternative appropriately balance different forms of recreation on and around Lake Tahoe, including lateral public access along the lakeshore (discussed in more detail below), and also nearshore and non-motorized watercraft?
- (4) Does the Proposed Alternative adequately incentivize/prioritize “true” multi-use piers (i.e., piers that retire development on more than one occupied littoral parcel), and adequately consider other potential methods to consolidate and/or reduce development pressure and potential at the shoreline at Lake Tahoe?
- (5) Does the Proposed Alternative appropriately limit new buoy fields, and appropriately manage the placement of new piers so as to avoid (i) siting piers in undeveloped areas and (ii) inappropriate clustering of piers in a small area?

The EIS Process:

As TRPA staff develops the EIS, our office wishes to note several high-level issues that we perceive as being crucial to the development of a robust and defensible environmental document in the context of this planning process. We first note several “big picture” issues along with specific areas of focus that we believe the EIS should address, and then briefly discuss some considerations related to required EIS elements such as alternatives, environmental baseline, cumulative impacts and mitigation.

(1) Big Picture Issues: The Proposed Alternative overall is less prescriptive and more flexible than prior iterations of shoreline planning efforts, particularly with regard to where piers may be located. TRPA’s 2008 effort to amend its shorezone ordinances, as referenced above, included protections such as a pier density limitation that, in our office’s view, had the potential to be effective in minimizing impacts associated with piers such as scenic and recreational impacts. The current Proposed Alternative relies on a quadrant allocation system rather than a density limitation, which provides greater flexibility but offers less predictability as far as where piers will ultimately be located. The EIS will need to analyze the different scenarios that this approach could allow, including a worst-case scenario that involves piers clustered closely together and causes a variety of impacts. We would strongly advocate for the EIS to include visual depictions of the potential scenarios for the location of piers.

The Proposed Alternative is also more flexible than the prior 2008 planning effort in that it includes certain low-lake level adaptation measures. Consideration of such measures is important, but must not serve to undermine planning strategies and TRPA’s ability to achieve and maintain the environmental thresholds. We encourage TRPA to consider reasonable and enforceable standards to insure low lake level adaptations are constrained to what is necessary for adaptation, as opposed to becoming the “exceptions that swallow the rule.” Enforcement challenges that are introduced by low lake level adaptation should be addressed in a realistic fashion. And, as with the inherent flexibility afforded by the quadrant system for locating piers, the EIS will need to analyze the different scenarios that could play out under low lake-level adaptation strategies, including worst-case scenarios involving uncertainty about enforcement capabilities.

(2) Specific Areas of Focus: We also wish to raise several areas of focus associated with the impact analysis and the mitigation that TRPA should carefully consider in the course of developing its EIS, specifically:

- (1) Recreational and scenic impacts associated with removing restrictions on pier density as contemplated in the Proposed Alternative, and the availability of mitigation to effectively reduce any impacts if possible.
- (2) Environmental impacts associated with new dredging permitted under the Proposed Alternative, opportunities to impose reasonable limits on new dredging, and the availability of mitigation to reduce impacts.
- (3) Water quality and noise issues attributable to increased boating associated with new shoreline structures and shoreline development in the Proposed Alternative.
- (4) Thorough evaluation of overall scenic impacts associated with the Proposed Alternative, and a critical analysis of the adequacy of current measures for scenic mitigation.
- (5) Opportunity for adaptive management that allows robust check-ins as the implementation of the shoreline program proceeds.

(3) Required EIS Elements: While it is beyond the scope of this letter to get into significant detail on required elements of the forthcoming draft EIS until it is actually prepared and released, we briefly address issues of alternatives, the environmental baseline, cumulative impacts, and mitigation. We offer these general comments on these topics, and anticipate providing more detailed comments when TRPA releases the draft EIS.

- **Alternatives.** The NOP does not specify precisely what alternatives the EIS will study. The NOP identifies a Proposed Alternative and a No Project Alternative, and states that “2-3 additional alternatives” will be studied. TRPA is required to analyze a range of reasonable alternatives in its EIS. We strongly encourage TRPA to include a reasonable and viable reduced development alternative. Please see Attachment A, our April 25, 2017 letter to TRPA’s Regional Plan Implementation Committee, on this topic.

We note further that the NOP mentions several concepts that could be included among the alternatives, including density limits for piers, or prohibiting new piers in areas served by or eligible to be served by a homeowners’ association (HOA). Our office believes that it is essential that a density limitation concept be included in the range of alternatives, whether as part of a reduced development alternative, or as an alternative that more closely resembles the Preferred Alternative in the EIS for the 2008 shorezone ordinance amendments. We would also support including an alternative that includes a restriction on piers in HOA-served areas.

- **Baseline:** It will be important for TRPA to carefully consider the appropriate baseline for the impacts it analyzes. (See, e.g., *League to Save Lake Tahoe, et al. v. TRPA* (E.D.Cal. 2010) 739 F.Supp.2d 1260 [J. Karlton decision identifying a flawed baseline in the prior EIS for TRPA's 2008 shorezone development program].)
- **Cumulative Impacts:** The bi-State Compact, as well as NEPA and CEQA, requires all significant environmental impacts, including cumulative impacts, to be analyzed. The EIS needs to include an analysis of potential cumulative effects, including impacts related to greenhouse gas emissions. (See 14 Cal. Code Regs. § 15064.4.) The Compact also specifically references that the EIS must include an analysis of any growth-inducing impact of the project under study. (Compact, Art. VII, § a, subd. 2(G).)
- **Mitigation:** TRPA will need to carefully evaluate mitigation to address the impacts of the shoreline program, including for the areas of focus identified above. (Compact, Art. VII, § a, subd. 2(D).) The EIS will need to clearly describe any mitigation measures that will be implemented, analyze the degree to which such mitigation measures reduce impacts to a less than significant level, identify who will be implementing the mitigation measures, and provide a timeline within which such mitigation measures will be implemented. CEQA Guidelines, section 15126.4(2) requires that "mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." While it is not possible to fully evaluate mitigation in advance of reviewing the draft EIS and the identified impacts, it would be reasonable to expect that the Proposed Alternative could cause recreational, scenic, and noise impacts, as well as potentially water quality impacts. Again, TRPA will need to carefully develop mitigation for any such impacts, consistent with applicable requirements. (See, e.g., *League to Save Lake Tahoe, et al. v. TRPA* (E.D.Cal. 2010) 739 F.Supp.2d 1260 [J. Karlton decision finding inadequate mitigation in the prior EIS for TRPA's 2008 shorezone development program].)

Public Trust Easement:

Finally, we would like to communicate our office's high degree of interest in the shoreline program's efforts to protect the public's right to access the public trust easement area between the high and low water line along the California side of Lake Tahoe. This is an area of great importance to the California Attorney General. The public is legally entitled to access the public trust easement area in California. (See, e.g., *State of California v. Superior Court (Lyon)* (1981) 29 Cal.3d 210 [public easement exists over land lying between the high and low water lines on navigable waters in California]; *Fogerty v. State of California* (1986) 187 Cal.App.3d 224 (*Fogerty II*) [public trust easement in Lake Tahoe applies between 6,223 feet above sea level to 6,228.75 feet above sea level]; *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 436-47 [public trust doctrine creates an affirmative duty for the State of California to protect and preserve the public trust].)

The public's rights will unquestionably be burdened by the development of new piers that cut across the public trust easement area along the California side, and it is up to TRPA to meet its obligation under the Compact to "avoid impacting recreational access, including impacts to the rights granted by the California public trust." (*League to Save Lake Tahoe, et al. v. TRPA* (E.D.Cal. 2010) 739 F.Supp.2d 1260, 1287 [J. Karlton decision finding that TRPA's adopted 2008 shorezone ordinances contained no protections for the public trust easement on the California side, nor did TRPA consider the effectiveness of proposed mitigation measures to protect the public trust].)

By way of background, the staff proposed version of TRPA's 2008 shoreline plan (which was ultimately not approved in such form), included language in TRPA's ordinances requiring that new or relocated piers on the California side of Lake Tahoe not "unreasonably interfere with legal public access" (subject to specific limitations in the event of species or cultural resource issues, or safety). Our office believed at the time, and continues to believe, that including such specific language in the ordinances provided the needed level of certainty that would allow TRPA to conclude that the impacts of its shoreline program on the public's access rights along the California side of Lake Tahoe could be mitigated.

We understand that TRPA does not intend to seek to amend its ordinances to include specific language requiring that new piers not interfere with legal public access, and rather intends to address the issue by developing a Memorandum of Understanding (MOU) with the California State Lands Commission. We understand that TRPA's ordinances would require that such an MOU to be in place before TRPA could issue pier permits, and that such an MOU would require the Commission to determine what level of public trust protection would be appropriate for a given new or relocated pier structure, and to provide specific design requirements to TRPA; TRPA would then directly incorporate such design requirements into the pier permit it issues.

Our office believes that the MOU approach could *potentially* satisfy the requirement to avoid impairing legal, lateral public access rights along the California side of Lake Tahoe. However, we are expressly reserving such judgment until we have an opportunity to review the final language of the MOU.

Thank you for your attention to this matter, and we look forward to further engagement with you. We are more than happy to meet with you and offer clarification on any of the comments in this letter.

Sincerely,



JESSICA E. TUCKER-MOHL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

August 15, 2017

Page 7

Enclosure

cc: Joanne Marchetta, Tahoe Regional Planning Agency
John Marshall, Tahoe Regional Planning Agency
Todd Ferrara, California Natural Resources Agency
Jennifer Lucchesi, California State Lands Commission

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ATTACHMENT A



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April 25, 2017

Sent via Electronic Mail

Tahoe Regional Planning Agency
Regional Plan Implementation Committee
P.O. Box 5310
Stateline, NV 89449

RE: Lake Tahoe Shoreline Plan Environmental Impact Statement – Working Session on
Conceptual Scoping of Alternatives, Item #V.A on Agenda for April 25, 2017 Meeting

We make these comments on behalf of the Attorney General in his independent capacity, to facilitate your development of a robust and defensible Shoreline Plan Environmental Impact Statement (EIS) that allows for informed decision-making and fosters public participation.

Under NEPA and CEQA, it is important to analyze a range of reasonable alternatives. For purposes of the EIS, we would hope to see an analysis of a range of viable policy alternatives, including a reduced development alternative. We have reviewed the five conceptual alternatives listed in the staff report for this Item, including (1) Proposed Alternative; (2) Maximize Access/Development; (3) Public Access; (4) Go Slower; and (5) No Project. From the brief descriptions included, none seem to represent a viable reduced development alternative that would yield a meaningful comparison with the Proposed Alternative.

While Option (3), Public Access, may sound like a reasonable reduced development alternative, the brief description in the staff report suggests that it would only allow development of public structures and not *any* private structures. Although we strongly support the concept of public access, Option (3) as formulated seems to represent an extreme form of reduced development that would likely not be a viable policy option. From its brief description, Option (4), Go Slower, seems to include the same level of private development as the Proposed Alternative but simply implemented more slowly. While there could certainly be benefit to a measured approach that provides robust checks on the level of impacts and planned opportunities to scale back development, the Go Slower approach does not necessarily represent a different level of development for purposes of the analysis. And finally, it is important to note that Option (5), the No Project Alternative, is not a “no development” alternative; rather, it would allow development pursuant to the 1987 Shoreline Ordinances, which are now known to reflect outdated science on fish habitat. In order to better inform the public and the decision makers and to insure the legal defensibility of the environmental analysis, we would encourage the RPIC and

staff to reconsider this combination of alternatives and, in particular, to consider inclusion of a reasonable and viable reduced development alternative.

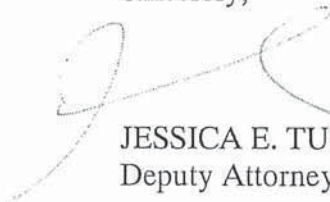
We note that the prior EIS that supported the 2008 Shorezone Ordinance Amendments relied on a robust alternatives analysis, including what was referred to as its “reduced development alternative” (or “Alternative 5”) We enclose as **Exhibit A** a one-page description of the reduced development alternative from the prior EIS. This prior reduced development alternative, or at least certain of its elements, could be relevant to consider for inclusion in the forthcoming EIS, including, e.g.,

- Emphasis on multi-use structures by allowing only new private multi-use piers and buoys;
- Emphasis on reducing structures through 2:1 reduction ratio; and
- Allowance of new public multi-use structures.

Further, we encourage the RPIC to consider including the density restrictions that were included in the 2008 Shorezone Ordinance Amendments, but which may not be part of the presently Proposed Alternative, to be included in one of the alternatives to be analyzed.

Thank you for your attention to this matter, and we look forward to further engagement with you.

Sincerely,



JESSICA E. TUCKER-MOHL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Enclosure

cc: Joanne Marchetta, Tahoe Regional Planning Agency
John Marshall, Tahoe Regional Planning Agency
Todd Ferrara, California Natural Resources Agency
Jennifer Lucchesi, California State Lands Commission

32854876.doc

Exhibit A

ALTERNATIVE 5 – REDUCED DEVELOPMENT ALTERNATIVE

Based on the Fish Study recommendations, TRPA would remove the prohibition on locating structures in prime fish habitat. However, in order to address threshold degradation, this alternative would only allow new private and quasi-public multiple-use structures where there is a net reduction in total permitted structure numbers (2 to 1 reduction) and new public structures where there is no increase in total permitted structure numbers (1 to 1 reduction).

1. **New Private Single Use** – TRPA would not permit new private single use piers, buoys, boat ramps, slips or floating docks.
2. **New Private and Quasi-Public Multiple-Use Structures** – TRPA would permit new piers, buoys, or floating docks only when the reduction ratio is 2 to 1. For example, for every new pier constructed two piers would have to be removed. In addition, a pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 2:1 ratio. No new slips would be permitted.
3. **New Public Structures** – New public multiple-use structures that are deed restricted for public use would be permitted, provided that for every new structure built an equivalent type of structure is removed. A pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 1:1 ratio.
4. **Repairs** – All existing structures could be maintained or repaired
5. **Modifications and Expansions** – Expansions of the existing single-use structures would not be permitted.

Modifications of existing single-use structures can be permitted when the structure is not expanded and the modification assists in bringing the structure into compliance with the proposed Shorezone Ordinances, does not impact any one threshold standard, and if the structure improves the ability to attain or maintain one of the threshold standards.

Private and quasi-public multiple-use structures would be permitted to modify or expand under the standards set forth in the proposed Shorezone Ordinances. Expansions and modifications of multiple-use structures would be permitted in prime fish habitat areas if there is a decrease in the extent to which the structure does not comply with the development standards, it does not impact any one threshold standard, and the structure improves the ability to attain or maintain one of the threshold standards.

7. **Other Structures** – New or existing marinas, jetties, groin walls, breakwaters, or fences are permitted under the standards set forth in the Code, Chapter 52, Existing Structures, and Chapter 54, Development Standards Lakeward of High Water. With the exception of fences, these standards require proposed projects to be evaluated through an EA or EIS to address thresholds and other Regional Plan issues.

Buildout Conditions

Table 2-6 and Chart 2-5 summarize the projected buildout numbers for piers, buoys, ramps, floating docks, and slips with Alternative 5. No maps are presented for Alternative 5. Specific, geographic locations where we could expect to see removal of Shorezone structures are highly speculative.

July 28, 2017

Rebecca Cremeen
Associate Planner
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Subject: Draft Environmental Impact Statement (EIS) for the Lake Tahoe Shoreline Plan

Dear Ms. Cremeen:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the Lake Tahoe Shoreline Plan. The Washoe County Health District, Air Quality Management Division (AQMD) supports:

1. Planning for infrastructure that contributes to improving air quality such as charging stations for electric watercraft.
2. Use of “clean” dredging and construction equipment to reduce tailpipe emissions of nitrogen oxides, volatile organic compounds, and particulate matter.

While all areas of the county currently meet the federal health-based air quality standards, portions of southern Washoe County have previously violated the ozone, carbon monoxide, and particulate matter standards. Controls strategies such as the inspection and maintenance (smog check) program, woodstove program, and diesel engine emissions standards have contributed to reducing air pollutant emissions and improving air quality. The AQMD is currently participating in the Environmental Protection Agency’s Ozone Advance program. Ozone Advance is a voluntary program to ensure that the air we breathe is healthy. Details of the program and AQMD’s Path Forward can be found at the Ozone Advance link (<https://www.epa.gov/advance/program-participants-washoe-county-nv>) and may contain additional control strategies that would benefit the Lake Tahoe Shoreline Plan.

Feel free to contact Mr. Daniel Inouye or me at (775) 784-7200 if you have any questions.

Sincerely,



Charlene Albee, Director
Air Quality Management Division

Section I. Comments on the Notice of Preparation (Scoping Period)

1.2 Organizations



Tahoe Regional Planning Agency
Attn: Rebecca Cremeen
128 Market Street
Stateline, NV 89449
rcremeen@trpa.org

August 16, 2017

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

Dear Ms. Cremeen:

The Sierra Club, Tahoe Area Group (SCTAG) thanks the TRPA for the opportunity to comment on the 2018 NOP for the next Lake Tahoe Shoreline Plan. We appreciate the enormous amount of work of the staff to keep track of the multiple activities of the selected committees. Considering the amount of input from the committees, the product provides an interesting assessment of the process. Thank you for that. Further, to produce a product that is, for the brochure and the website, very well-designed is helpful for viewing the overall intent. Both the art work and the fonts are impressive. We look forward to working with you on the alternatives for the draft plan.

The Tahoe Area Group of the Sierra Club has a long-term interest in the shorezone, including two successful lawsuits challenging the TRPA's 2008 Shorezone Plan.

The Sierra Club represents the environmental interests of more than 1 million people in the United States. In the words of Michael Donahoe, previous Chair of the Tahoe Area Group, "The rights of the majority need to be taken into account. Tahoe is a national treasure. It has been for a millenia. Its a place all Americans can come to nourish their spirits, refresh their souls." As John Muir, the founder of the Sierra club, put it, "Everybody needs beauty as well as bread, places to play in and pray in, where Nature may heal and cheer and give strength to body and soul. Tahoe is just such a place. "

The Sierra Club is concerned that the proposed shoreline plan favors the pro-development interests of the approximate 1,600 private shoreline owners and businesses over that of the national public which surveys show, prefers environmental restoration and protection for Lake Tahoe

The current planning process has been less transparent, due to the carefully selected steering committee and failure to provide timely minutes to the public, than that decade-old one (which led to the 2008 Ordinances,) and has produced recommended plan elements that deliver considerably greater and more impacts than the 2008 Ordinances. such as a new piers, longer, wider, and allows two boat hoists instead of none, with the potential ancillary scenic impact of two boats increasing the mass of the view of the piers. The TRPA will be challenged to develop two more alternatives for this new growth plan, Even the exisiting situation has been altered since the 2008 Plan by various approvals, re-interpretations, and additional projects for governmental services. The increased growth activities have

added to the 2008 existing situation as of those court decisions. and added impacts cumulatively over the nine years. through considerable new environmentally damaging work. There are now more boats, many more buoys, , wider boat launch areas, more dredging and , and in general, more activity and more degradation than at the date of the 2008 Plan. And we now know from the State of the Lake report that boats have been distributing the aquatic weeds around the lake in their propellers - the props tangle in the weeds, catch a few and take with them around to new weed-free sites and drop the weed fragments from their props into the lake, where they soon find an accommodating spot to root and grow into further ugliness in the lake. Once there are weeds, the algae follows, coating the rocks, floating along the shoreline in lengthy floating, stringy, greenish yellow, spreading scum.

It is important to note that, while clarity in the center of the lake has generally improved compared to the 90s, the shoreline has grown increasingly ugly, due to muddy sediment in the water that is stirred up by wind waves and boat-waves, that is so nutrient-rich that algae and aquatic plants are rapidly spreading along beaches and clinging to rocks, piers and buoy chains, and that the general shoreline scene is far less appealing now than ten years ago when the City of South Lake Tahoe first raised the specter of a dirty shoreline that would drive tourists away. NOP should be very clear about the state of the nearshore and shoreline in terms of this plan. Will the Shoreline Plan clean up the Shoreline? If so how? What current adverse impacts will be removed?

Since there is no such thing as a perfect project with not one adverse impact, it is obvious that every project eventually, no matter how careful, has added adverse impacts to the lake - via erosion of soils, via air pollutants, especially NOx from auto and boat exhaust, loss of vegetation and its role in protecting the lake, the decline of native fish, the added hard coverage from the proliferation of addition of parking spaces to serve the lakeside facilities and public beaches and viewing areas, the increased overall noise from all the added motors on the lake, the loss of scenic views of a protected shoreline, and the loss of safe areas for non-motorized boating recreation through failure to enforce protections - all of which, over nine years have caused cumulative, but uncounted impacts on the lake and its ecosystem. Thus, the true baseline begins before 2017 as the impacts added since 2008 were caused by projects approved by the agencies but without an accounting of the cumulative impacts. There are also illegal uses in the same baseline area that have not been enforced by the same agencies.

The NOP should acknowledge that this Shoreline Plan did not begin with the advent of the committees appointed by TRPA to develop a plan. The plan was developed as a result of the 2008 decision by the Ninth Circuit Court. It violates CEQA to segment a project, especially one with a nine-year gap, such as this one. An alternative that reflects the proper baseline as described above is needed.

One of the more interesting elements of this plan is, in order to escape an old TRPA rule that limited piers in fish spawning and prime fish habitat areas, it finds that the native fish have now almost all gone away, so that its OK to put piers in those areas formerly used by fish. The environmental policy appears to not consider native fish and not make an effort to protect or restore them. The NOP should add the lake fish puzzle to their environmental list of problems that should be answered by the EIR/S. An NOP alternative that addresses and includes the documented lake fish decline is needed and a plan element to restore native fish (a threshold standard) is required.

But, the preferred alternative of the growth-oriented Shoreline Plan, described for the NOP in the Shoreline Process document, prioritizes a Key Issues list that names recreation access, not environmental improvement, as the leading priority. Note that the first tier on the Key Issues list is more piers, marinas, and motorized boating. The second tier priority is of recreation access, followed by marinas and boating. The Sierra Club recommends that the NOP emphasize, as its goal for all issues, to clearly describe environmental benefits and impacts for all policies, for all activities, for all facilities, for all construction actions, including dredging, constructing new and relocating and expanding some launching ramps, pier-building, marina expansion, new parking for all the above. The NOP should not fail to highlight the environmental benefits and impacts of the growth represented by all of these additions that are already greater than the 2008 Plan and its Alternative 4. But the biggest shocker for a lake that is desperately in need of more protection, not less, the list of Probable Environmental Effects (Section 1.6) is heartbreaking.

In addition, and, immediately related on both the shorezone land and the in the water, are the proposed ferry terminals. which under CEQA rules cannot be segmented from the TRPA's Shoreline Plan. The link of the ferry terminals, on the shoreline, to Lake Tahoe is irrefutable. To claim that the ferry terminals are a transportation issue and therefore not a shoreline and lake issue is unconscionable. The Environmental document must not segment the two. In addition, it is important that the public is provided the clear descriptions of environmental benefits or adverse impacts to the national interests in the once clear lake. In addition, it will be important to understand the impacts of streamlining the TRPA approval process. As our grandmothers used to say, "haste makes waste." Also, streamlining has the connotation of reducing or re-interpreting the environmental rules for faster approvals. The Draft Plan should clarify the definition, process and public notification for streamlining actions that impact the ecosystem.

Given the listed extent of the new disturbances proposed in the Shoreline Plan, it is very important that every impact in the EIR/S is described in both technical detail and general terms for the laymen, who clearly were not invited to the Shoreline Planning process, and who may not understand technical details that require insider-knowledge and thus are are not clear to the average Tahoe visitor or resident.

The goal of the NOP must be to establish an overarching proof of the "protection" that is highlighted in the Shoreline Planning process and the brochure. Describing a technical document "finding" in simplified and biased language must be avoided at all times.

In addition, all proposed mitigation measures must be demonstrated to mitigate in a very short time, in order to protect the lake's fragile environment. Mitigation measures that cannot be certified to protect the environment within the same building season must not be permitted. The NOP must include that the mitigation measures to be proposed in the EIR/S will be functional within one year of construction. The process of creating "pots" to set aside money for a day in the future to finally provide mitigation is not acceptable. Either mitigate or set the project aside until mitigation can be certified to be doable and functional within the building season. The NOP needs to be very clear about mitigation - its potential, its fallibility, its costs, who bears the costs, who enforces the installation, who monitors it for functionality and effectiveness, and the penalties for failure.

Given the substantial emphasis in number of words and pages regarding the motorized recreation - piers, buoys, marinas, launch ramps for autos and trucks, and more, the little attention to non-motorized is of great concern. Also the comparison of the high level of emphasis on motorized

recreation access and the slight effort on non-motorized recreation is of great concern. The lake belongs to all, and motor boats can access the entire lake with ease, but the non-motorized recreation access is limited to a narrow boundary along the shoreline, and is not protected from the motorized recreating public. There is currently an un-enforced 600 foot boundary to protect the non motorized, but a simple walk along the lake will reveal that big, fast motorboats dominate the area from about 200-300 feet from the beach or coves out into the lake. Thus, while the plan offers a 600 foot, 5mph boundary, the lack of enforcement reduces it by more than 50%. In addition, the document does not suggest any increase in enforcement with the adoption of this Shoreline Plan. The not-balanced Stakeholder Committee clearly did not represent the nonmotorized community in terms of the stated policy of "fair and equal". Beach-goers, swimmers, tubers, kayakers, sailboards and paddle boats are thrown a bit of help with places to store boats, and more businesses on the beach. But where is the beach carrying capacity? At what point does the crowdedness on beaches impact the quality of the recreation experience? There is not a word about that, and, in fact current efforts do not increase the amount of beach, nor is there any suggestion that more beach should be acquired, but on the land there is an ongoing increase in parking for beaches. The NOP should raise the issue of the quality of the recreation experience from the beach-going public's point of view.

Further the Plan does not emphasize the issue of noise impacts from noisy boats on the majority of the public in the areas near the lake in any significant manner. The Tahoe Area Group of the Sierra Club has a strong suggestion to improve that oversight in the form of a resolution to the Governing Board, to the NOP process and the environmental document, and that is to adopt a "Motor Free Monday" for motorized boats and helicopters flying over the lake. The Resolution states

MOTOR-FREE MONDAYS

A RESOLUTION BY THE TAHOE AREA GROUP TO THE TAHOE REGIONAL PLANNING AGENCY (TRPA) REQUESTING AN ACTION TO DECLARE A NEW SHORELINE MANAGEMENT POLICY TO ESTABLISH MOTOR-FREE MONDAYS ON LAKE TAHOE.

ISSUE TO BE ADDRESSED: The ongoing proliferation of loud motorized watercraft and tourism helicopter overflights at Lake Tahoe has created excessive noise that adversely impacts the ability of the residents and visitors alike to enjoy peace and quiet when enjoying the famous Lake Tahoe.

BACKGROUND: Non-motorized water recreational activities, such as swimming, wading, rafting, kayaking, paddle-boarding, tubing/floating, and sailing have increased in popularity in the Lake Tahoe Region, have become a significant element of the local economy, and would be significantly enhanced by designating a special day when these activities may be enjoyed without the disturbing noise from motorized watercraft and tourist helicopters, and without the disruptive "wakes" created by motorboats.

HISTORY: CONGRESS HAS DECLARED (Public Law 96-551, the Bi-State Compact, as amended, which created the Tahoe Regional Planning Agency) that the control of noise is necessary to maintain the recreational and natural values of the Lake Tahoe Region. Further, the Tahoe Regional Planning Agency has adopted environmental standards (i.e., "thresholds") for recreation that require, in part, that noise at Lake Tahoe be minimized. The TRPA threshold standards ("thresholds") for recreation also require, in part, that high-quality recreation experiences at Lake Tahoe be preserved and enhanced. In 2007, an

extensive statewide survey by the Tahoe Regional Planning Agency found broad public support to keep the Lake Tahoe Region a rural and wild place. Congress also designated Lake Tahoe an Outstanding National Resource Water (ONRW). Scientific research has demonstrated clearly that quiet contact with nature provides a range of human health benefits.

The members of the Tahoe Area Group of the Sierra Club have experienced the increasing urbanization of Lake Tahoe and the consequent addition in the increase in the sense of noise. It is time to restore , for one day a week, Lake Tahoe's once-fabled quiet on the lake area by designating one day per week when visitors and residents alike may :

1. Enjoy the Lake and its beaches free of the disturbing noise of motorboats and sightseeing helicopters,

2. Enjoy quiet and wake-free recreational activities at the lake,

3. Have a normal conversation on Lake Tahoe's beaches without being drowned out by the noise of motorized watercraft and aircraft,

4. Hear the songs of the birds, the waves lapping the shores, the breezes rustling through the pines, the raindrops patting on the water, and the quaking of aspen leaves.

On behalf of millions of visitors and residents at Tahoe and in order to provide better opportunities for quiet contact with nature and quiet and wake-free recreational opportunities on the waters and beaches of Lake Tahoe, the Sierra Club's Tahoe Area Group (TAG) urges local businesses, public agencies, non-profit organizations, and citizens to declare and promote a proposal for a one-day a week

NOP DEFINITION ISSUES

For a number of the terms used in the NOP and likely in the Proposed Alternative, it is difficult to discern the intended meaning. It will be important for the NOP describe the full meaning of the words in the context in which they are used. For example, the word enhance, which is used liberally throughout the Brochure, website and NOP. In the context of building a new pier in former prime fish habitat, what does "enhance" mean? In the context of expanding a buoy field, what does the word "enhance" mean?

FAIR and EQUAL is a phrase that appears often. The intent is not at all clear. There does not appear to be anything fair or equal about the increase in numbers of boats on the lake due to the new projects to facilitate more boats, when there is no increase in more beaches. There is a need for an explanation of how longer piers will be fair and equal to non-motorized boaters when there is no plan to provide much greater enforceable safety and high quality recreation experience protections even though the non-motorized are pushed further out into the lake and into the boat traffic.

It will be important, given the odd use of these words, for the NOP to establish the criteria, the intent, the rating system, the screen, and whatever else was used to select such words that do not seem to relate well to the issues.

SHOREZONE VS SHORELINE The description of the Plan, as a SHORELINE plan, as if it were only focused on the line between the lake and the shore, is quite misleading. Until last year, the word used to describe the shoreline, the water within a certain distance of the shoreline, and the upland within a certain distance of the shoreline was an ecosystem term "SHOREZONE" That word took in the area (zone) that uses that impacted the lake were a part of the ecosystem.. The NOP should describe how this plan addresses recreation facilities up to 400 into the lake from the shoreline, and wave action up to 600 feet from the shoreline, but there are only a few activities that extend onto the former zone-area on the landside of the lake. Its very curious and supposedly there is a scientific explanation from the authors. Please review this issue and tell the public what the words mean and what results come from the different use.

To summarize the NOP issues raised but without details:

Shoreline vs Shoreone etymology description

Will Water Clarity in the Nearshore waters be benefited or adversely impacted?

Selection of accurate baseline date/Alterntive 4 of 2008 Shorezone Plan

Alternative that addresses restoration of native fish

Total estimated Growth permitted by new Plan

Importance of functioning, effective mitigation measures

Emphasis of Motorized Boating (marinas, buoys,piers) over High Quality non motorized Recreation in Brochure, NOP and intro to Shoreline Plan

Motor Free Mondays, noise threshold

List of words that should be explained (not complete)

Again, thank you for the opportunity to comment. I am available to respond to questions, concerns, issues that you need clarification, etc. I can be reached at 530-541-5752 or leave message on my phone.

Very truly yours,



Laurel Ames,
Chair, Conservation Committee
Tahoe Area Group, Sierra Club.

From: Dunbar, Madonna [mailto:madonna_dunbar@ivgid.org]
Sent: Friday, July 28, 2017 3:07 PM
To: Brandy McMahon <bcmcmahon@trpa.org>
Subject: comments on Shoreline Plan

Hi – I wanted to check in – I am unable to find a link to the language being proposed in the Shoreline Plan. Can you send it or provide a link? Did the zone of protection around the water intakes increase to the requested 1320 foot? I would like to see that language to review it; the idea is water suppliers would be notified of projects within that zone, the entire stricture not just the intake mouth.

The other item is I mentioned at the TRPA meeting are possible Marina BMPs to control debris, oil and AIS fragments.

One mitigation that has potential is a trash skimmer : http://www.marina-accessories.com/index.php?dispatch=news.view&news_id=32

Another product is a water 'air gate': <http://www.vertexwaterfeatures.com/airgate-technology-for-canals-and-marinas>

Thanks, Brandy!

Madonna Dunbar, MFA/BFA
Resource Conservationist, IVGID Waste Not Program/Public Works
Executive Director, Tahoe Water Suppliers Association
AWWA Water Efficiency Practitioner, Level 1

P: 775-832-1212
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Websites:

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1220 Sweetwater Road, Incline Village, NV, 89451



Tahoe Regional Planning Agency
Attn: Rebecca Cremeen
128 Market Street
Stateline, NV 89449
rcremeen@trpa.org

August 14, 2017

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

Dear Ms. Cremeen:

The Friends of the West Shore appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Statement (EIS) for the Lake Tahoe Shoreline Plan (NOP). The Friends of the West Shore (FOWS) works toward the preservation, protection, and conservation of the West Shore, our watersheds, wildlife, and rural quality of life, for today and future generations. FOWS represents community interests from Tahoma to Tahoe City.

As a federally-designated Outstanding National Resource Water (ONRW) - a key fact missing from the NOP - the unique and irreplaceable natural values of Lake Tahoe must be protected. FOWS is concerned that new shoreline structures and associated increased motorized watercraft use will negatively impact the lake. We offer the following comments and recommendations for consideration in the draft EIS (detailed comments follow).

- The DEIS needs to adequately evaluate the environmental impacts of the proposed plan and alternatives, which include the specific recommendations throughout these comments, as well as identify enforcement needs and ensure adequate long-term funding;
- The DEIS must not segment the impacts of future shoreline development and related on-land impacts (e.g. infrastructure and parking associated with the proposed cross-lake ferry, new and/or expanded marinas and boat ramps, etc., must be analyzed);
- The DEIS must also include a capacity analysis to assess what level of infrastructure and boat use the lake can handle while still achieving and maintaining environmental thresholds (as well as the ONRW nondegradation standard);
- The DEIS should include a reduced development alternative that is feasible, which begins with the framework identified in “Alternative 5” in the 2004 DEIS (attached), while also maintaining the density limitations included in the 2008 Ordinances;
- If, based on rigorous analysis, *any* new facilities (e.g. boat ramps, piers, etc.) can be sufficiently mitigated such that no degradation to air and water quality (and other thresholds) occurs, priority should be provided to additional *public* facilities in local areas less served by such facilities;
- The DEIS should evaluate additional measures to support the increased demand for quiet and safe non-motorized recreation; and
- The DEIS should be prepared so it can also meet CEQA and NEPA requirements, thereby allowing other agencies to rely upon the same information to support associated regulatory changes.

We hope these comments will assist the TRPA in evaluating the benefits and impacts of the proposed plan, identifying alternatives, and adequately mitigating all potential impacts. Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net if you have any questions.

Sincerely,



Susan Gearhart,
President



Jennifer Quashnick,
Conservation Consultant

Attachments: Excerpts from 2004 Shorezone Ordinance DEIS summarizing Alternatives 4 and 5
8/31/2005 Letter from Attorney Marsha Burch
9/24/2008 Tahoe Area Sierra Club letter regarding GHG emissions

Outstanding National Resource Water and threshold requirements:

The NOP fails to even mention Lake Tahoe’s special status as a federally-designated Outstanding National Resource Water (ONRW) – a designation that affords Lake Tahoe special legal protection prohibiting the degradation of water quality. Therefore, **any alternatives which result in degradation of Lake Tahoe will not comply with this federal designation and would not be feasible.**

TRPA staff previously acknowledged that allowing additional development in the shoreline is a purely *political* decision.¹ There is no right under the federal Clean Water Act (CWA) to allow degradation based on *political* considerations. Additional details regarding the CWA’s legal requirements are provided in the attached letter from Attorney Marsha Burch.² The failure to identify this designation in the NOP precludes the public from having the information necessary to consider the proposed project and alternatives and comment on the potential impacts to the ONRW. Further, TRPA’s thresholds do not include exemptions for political considerations.

- The DEIS must clearly identify Lake Tahoe’s ONRW status and associated requirements, and explain how the proposed project and alternatives will comply with the ONRW protection. Alternatives which do not comply with this designation will not be legally feasible, and therefore should not be analyzed in the DEIS as they would represent alternatives that could not possibly be approved.
- The DEIS needs to clearly explain the need and rationale for adding more boats and shoreline structures, and how these additional structures will help *protect* Lake Tahoe.
- The DEIS must also include sufficient details to ensure that the new shoreline ordinances will actually achieve the thresholds. As stated in the 2010 U.S. District Court ruling, it is not sufficient to conclude the amendments will simply “not aggravate” the problems.³

Goal of Shoreline Plan:

The NOP states the goal of the plan is “*to enhance the recreational experience along Lake Tahoe’s shores while protecting the environment and responsibly planning for future conditions.*” (p. 2). FOWS believes the **primary** goal should be to protect the environment, and recreational uses should only be allowed within that framework.

Enforcement:

The restrictions and proposed mitigation measures that will be required by the proposed plan will be meaningless without rigorous long-term enforcement.

- The DEIS must lay out the required enforcement and identify how adequate resources will be ensured.

¹ See discussion related to 5/22/2008 workshop in 7/3/2008 TASC comments to TRPA, p. 8.

² Submitted on behalf of the Tahoe Area Sierra Club regarding previous environmental documents 8/31/2005, p. 5-6.

³ “More fundamentally, however, TRPA misunderstands the nature of the obligation to achieve and maintain the thresholds. It is not enough to show that the Amendments do not make the problem worse. TRPA must ensure that the ordinances, as amended, implement the regional plan in a way that will actually achieve the thresholds. With regard to thresholds not presently in attainment, TRPA’s finding that the Amendments will not aggravate the problem is inadequate.” (Judge Karlton, U.S. District Court ruling, 2010, p. 11).

Private/public recreational uses:

The plan should carefully examine the distinction between public and private uses, including how many people experience the shoreline from public areas versus private lakefronts.

- The DEIS needs to examine and discuss the impacts to both public and private recreational use.

Further, the proposed plan substantially favors additional private development over public development (e.g. 128 new private piers versus just 10 new public piers).

- The DEIS should include an alternative which substantially favors new public facilities over new private facilities. This alternative could draw from portions of the Alternative 4 included in the 2004 EIS.⁴

Total motorized watercraft use:

The proposed plan will increase motorized watercraft (MWC) use on Lake Tahoe. In addition to addressing the questions included in the “Policy Topic: Boating Facilities” paper regarding boat impacts (p. 6⁵), the following also needs to be addressed:

- The DEIS must use 2017 data for the baseline year. Information on boat use for the summer season will be available in time for use in the DEIS. The 2015 data relied upon in the January 18, 2017 “Preliminary Approach for Estimating Watercraft Use and Emissions” memo (hereafter the “Watercraft Emissions Memo”)⁶ are outdated and do not reflect the recent increases in boat use from higher visitation associated with economic recovery, increased use on Lake Tahoe during drought years when other water bodies could not support motorized watercraft (MWC) demand, and the increased water levels from the significant precipitation experienced in 2017 to date (which have also allowed the opening of boat access facilities that were closed in previous years, such as the boat ramp by El Dorado beach in South Lake Tahoe,⁷ thereby increasing boat use on Lake Tahoe). CEQA requires existing conditions be based on the year the NOP was released.⁸
 - If it is not possible to use 2017 data, then the DEIS must clearly explain why not and use 2016 data as the baseline. However, if 2016 is selected, the analysis of future impacts must incorporate the increased boat use in 2017 into the estimate of the future impacts from maximum boat usage.
- The DEIS must also address the potential boat use associated with maximum use/capacity of boating facilities under existing conditions (which would represent the maximum boat use under the No Action alternative) and the proposed project and alternatives.
- The capacity analysis must include impacts to air and water quality, noise, non-motorized recreation, public health and safety, scenic resources (with boats attached to piers, on boat lifts, buoys, etc., as well as when in-use/floating boats crowd an area such as Emerald Bay), fisheries, nearshore clarity, and the spread of AIS.
- The DEIS should include significance criteria which effectively evaluate impacts to local areas (i.e. criteria need to assess the significance of impacts such as water and air quality, noise, and scenic resources to local nearshore areas rather than simply viewing impacts on a regional lake-wide basis).

⁴ Lake Tahoe Shorezone Ordinance Amendments Draft EIS – July 2004, p. 2-41 (excerpt attached).

⁵ <http://shorelineplan.org/wp-content/uploads/2017/05/02-Boating-Facility-Issues-v9-3-14-17-no-tracks.pdf>

⁶ “Preliminary Approach for Estimating Watercraft Use and Emissions.” http://shorelineplan.org/wp-content/uploads/2016/07/Watercraft-Use-and-Emissions-Memo_1_18_17_to-JFF.pdf

⁷ <http://www.cityofslt.us/index.aspx?nid=296>

⁸ 15126.6(e)(2)

Air and water pollution from motorized watercraft:

Air quality (ozone and particulate matter⁹) and water quality standards¹⁰ in the Basin are not being met. The proposed shoreline plan will increase the total number of boat-associated structures on the lake (e.g. piers, ramps, buoys, etc.). The 2016 “02 Policy Topic: Boating Facilities” document states the following: *“There is a perception by many that boat use, specifically gas-powered motors, has a negative correlation to water and air quality.”* (p. 2). This is not a “perception” - it is a fact. There is no question that motorized watercraft (MWC) emit air and water pollution.

- The DEIS must examine the impacts to air and water quality from MWC based on the typical boating season (May 1 through September 30¹¹), and peak boating season (July and early August¹²) where the highest concentration of harmful pollutants will occur. The DEIS must evaluate these emissions *per day* over the boating season (not simply averaged out over the year). This is especially important with regards to concentrated air pollution where daily emissions of NOx and ROG may contribute to ozone formation during the summer months.
- The DEIS needs to identify a comprehensive monitoring and inspection program which will ensure boating requirements and mitigations are met (for example, where proper tuning is relied upon to meet air quality standards, the inspection of boats for oil and gas leaks is necessary for water quality standards, and where the prohibition of post-manufacturer modification of mufflers must be enforced to ensure noise standards are met). Previous documents, including those related to the lawsuit on the 2008 ordinances and associated court rulings, provide substantial guidance for performing a proper EIS analysis.

Low Lake Level adaptation and dredging:

The NOP states that pier extensions up to 15’ may be allowed during low water years (p. 4), however it is unclear what these extensions will be (e.g. floating platforms)?

- The DEIS must clarify what will be allowed and analyze any associated impacts.

FOWS appreciates the inclusion of a phased approach for low lake adaptation, including the recognition that at some point access just may not be possible (p. 5). However, future phases allowing additional activities cannot result in significant environmental harm.

- The DEIS needs to provide the information supporting the phased approach and associated selection points, and analyze the potential environmental impacts associated with each phase. Alternatives should also examine phases based on more conservative (protective) water levels.

FOWS appreciates the identification of research needs associated with dredging included in the “06 Policy Topic: Low Lake Level Adaptation” Memo (p. 3). The proposed project will allow new dredging at specified facilities (p. 6) whereas only maintenance dredging is currently allowed.

- The DEIS must clearly analyze the potential impacts of dredging and comprehensively examine the tradeoffs between dredging and not dredging, as noted in the cited policy topic document.
- If dredging will be limited to fewer facilities (i.e. if environmental impacts are significant and the dredging must be reduced), FOWS recommends that priority be given to public access facilities.

⁹ See California state designations for ozone and PM10 (resp.): https://www.arb.ca.gov/desig/adm/2015/state_o3.pdf and https://www.arb.ca.gov/desig/adm/2015/state_pm10.pdf

¹⁰ TRPA 2015 Threshold Evaluation Report;

http://www.trpa.org/wp-content/uploads/10_Ch4_WaterQuality_FINAL_9_30_2016.pdf

¹¹ Watercraft Emissions Memo, p. 4.

¹² “Marina owners and boaters report that the boating season is primarily in July and early August, ending when students return to school in mid-August.” 04 Policy Topic: Marinas (p. 1).

Climate Change Adaptation and Greenhouse Gas Emissions:

The NOP does not discuss Greenhouse Gas (GHG) emissions from MWC in the “Probably Environmental Effects” section. Notably, MWC emissions of GHG are far greater per hour of use than motor vehicles.¹³

- The DEIS must evaluate baseline and future GHG emissions for each alternative.

The NOP also does not address the potential impacts of climate change on the shoreline, including but not limited to an extended boating season, boat use in shallower conditions, impacts of warming nearshore areas, proliferation of invasive species, and likely increase in visitors using MWC on Lake Tahoe as a result of warmer temperatures and lower lake/reservoir levels in other areas.

- The DEIS must examine the impacts of climate change and identify how the shoreline plan will address and adapt to changing conditions.
- The DEIS should also examine trends during the recent historic 5-year drought. Observations suggested many visitors who may otherwise have operated their MWC on lower elevation lakes (e.g. Folsom Lake) where water was extremely low were instead bringing them to Lake Tahoe.

Impacts to nearshore clarity

According to the 2017 State of the Lake Report (SOTL Report)¹⁴ by the Tahoe Environmental Research Center (TERC), the turbidity values in the nearshore are heavily affected by waves (p. 6-15).

- Since boating activity creates waves on the lake, the DEIS needs to analyze the impacts of existing and potential boat use on nearshore clarity.

Spread of Aquatic Invasive Species:

The 2017 SOTL Report discusses the implications of boat use on the spread of aquatic invasive species (AIS) like Asian Clams (p. 6-17), which are tied to higher concentrations of algae growth. Researchers have identified MWC usage as the most likely reason for new populations of Asian Clams appearing in other parts of the lake, and have proposed two regulatory actions that would significantly reduce this impact.¹⁵ Previous reports have also identified boat use in the Tahoe Keys lagoon as a key contributor to the spread of invasive plants into the lake.¹⁶ Although the NOP considers AIS to be “outside of the scope of the shoreline plan” (p. 3), the DEIS cannot assess the impacts of boating without addressing impacts to AIS within the lake.

- The DEIS must evaluate the role of MWC in spreading AIS and address solutions necessary to prevent ongoing/future AIS spread.
- The proposed plan should incorporate the suggestions included in the 2017 SOTL Report.
- Given the significant threat posed by quagga/zebra mussel infestation to Lake Tahoe, and the opportunity afforded by the shoreline plan, we recommend the plan require the use of mussel-sniffing dogs as a part of the AIS boat inspection program as they have proven to be successful

¹³ See attached TASC letter, 9/24/2008.

¹⁴ <http://terc.ucdavis.edu/stateofthelake/index.html>

¹⁵ “Two obvious actions can prevent this accelerated spread from occurring. First, all filling and emptying of ballast tanks should take place at least one mile from shore. The deep waters there are less likely to contain veligers, and any would invariably sink to the cold depths where they cannot reproduce. Secondly, it would be extremely prudent to require that all ballast tanks be equipped with filters that can effectively remove all particulate material.” (p. 6-17)

¹⁶ Integrated Management Plan for Aquatic Weeds For The Tahoe Keys Lagoons. 2016.

https://uploads.strikinglycdn.com/files/f86b9f68-b417-4fdb-905a-c44f4c912e29/FINAL_TKPOA%20IMP%20_May%2031%202016.pdf

and been incorporated into other inspection programs (including qualification by the California Department of Fish and Wildlife¹⁷).¹⁸

Additional boat ramps:

The NOP explains that the proposed plan would allow up to two more boat ramps (p. 5). The Watercraft Emissions report (cited earlier) discusses potential methods for estimating the impact of additional boat use associated with the new ramps.

- The DEIS needs to analyze the maximum potential increase in boat usage associated with two new boat ramps and related air, water, noise, GHG, and other emissions.
- Estimated boat usage must incorporate boat use by residents and visitors, including the anticipated increases in MWC use that will come with increased populations in northern California and Nevada.
- If new ramps can be sufficiently mitigated such that no degradation to air and water quality (and other thresholds) occurs, priority should be provided to additional *public* facilities on the northern section of the lake as most existing launch facilities are located on the southern end of the lake.

Buoys:

The NOP includes recommendations regarding existing and additional buoys, however does not discuss what will be done with the illegal buoys currently on the lake.

- The DEIS must assess the number of illegal buoys on the lake and specify how they will be removed (including the timeline for doing so). Removal must occur *prior to* the issuance of any new buoys to prevent additional impacts from expanded boat capacity.
- While the 2012 appellate court's ruling left the decision of how buoys would be addressed in baseline conditions to the deference of TRPA,¹⁹ illegal buoys must be analyzed and removed/mitigated. This can be done by either excluding illegal buoys from the baseline, or accounting for the impacts of the illegal buoys in the impact assessments in some way.

Monitoring, Mitigation, and Adaptive Management:

Technical inadequacies with the impact analysis and mitigation measures (identified in the previous lawsuit brought by the TASC and League to Save Lake Tahoe) played a significant role in the 2010 U.S. District Court ruling (Judge Karlton) that overturned the 2008 Shorezone Ordinances.

- The DEIS must correctly analyze and identify mitigation measures and ensure they meet the requirements identified by Judge Karlton in the U.S. District Court's 2010 ruling.

The NOP notes reviews every four years (Threshold Evaluation), five years (allocation of buoys), and eight years (pier and buoy permitting report), but does not explain the distinction nor how the separation of time periods will provide adequate ongoing information to support timely adaptive management.

- We recommend the proposed plan include a pier and buoy permitting report and buoy allocation report **every four years** to be performed in conjunction with the threshold evaluation and any subsequent regional plan amendments that may be deemed necessary to address threshold conditions.

¹⁷ www.musseldogs.info

¹⁸ <https://www.csmonitor.com/Environment/2016/1113/How-dogs-sniff-out-invasive-species-of-mussel-in-Montana;>
[http://dontmoveamussel.com/wp-content/uploads/Labor-Day-Mussel-Dog-Inspection-MEDIA-ADVISORY-](http://dontmoveamussel.com/wp-content/uploads/Labor-Day-Mussel-Dog-Inspection-MEDIA-ADVISORY-082312.pdf)
[https://lakepowellchronicle.com/article/dogs-learn-to-sniff-out-quagga-mussels-at-lake-powell;](https://lakepowellchronicle.com/article/dogs-learn-to-sniff-out-quagga-mussels-at-lake-powell)
<http://www.sfgate.com/sports/article/Crustacean-sniffing-dogs-fight-invaders-for-Fish-3221513.php>

¹⁹ <http://www.trpa.org/wp-content/uploads/Appellate-Court-Ruling-on-2008-Shorezone-EIS.pdf>

- If staff resources do not allow this comprehensive review during the same time period, the DEIS could require that these reports be released no more than six months after the final Threshold Evaluation report is issued, to ensure timely information is available for the consideration of plan amendments that may be necessary to meet thresholds.

The NOP does not include any reference to an ongoing monitoring program.

- To ensure sufficient mitigation and adaptive management, the DEIS must specify a robust monitoring program as well as how it will be funded.
- New development which relies on mitigation and monitoring results should not be permitted until the program is fully implemented.

Non-motorized recreation:

The NOP gives little more than cursory reference to supporting non-motorized recreation. Given the increasing popularity of non-motorized recreation (e.g. kayaking, SUPs, etc.) and the negative impacts to safety and the recreational experience from nearby MWC, the proposed plan should emphasize and expand protections for non-motorized recreation activities.

- The DEIS must include sufficient measures and significance criteria that can be used to assess the impacts and benefits of the plan alternatives specifically on non-motorized recreation uses.
- The DEIS should examine the concept of a “Motor-free Monday”²⁰ and other provisions (e.g. increasing the No-Wake Zone and decreasing the speed limit for MWC in areas of higher non-motorized recreational use) to meet the increased demand for quiet, smoother, and safer conditions by non-motorized recreationalists;
 - For example, Mr. Steven Smith suggested three specific locations be designated as “quiet zones,” such that a 1,200 foot No-Wake Zone and 5 mph speed limit would apply, where demand for non-motorized recreation is especially high (e.g. Sugar Pine Point State Park, Bliss State Park, and Secret Harbor).²¹ We recommend expanding this proposal to include other areas of the lake where non-motorized recreation is also in high demand.

Other comments:

- The NOP excludes analysis of upland uses/structures (p. 3), however the DEIS must analyze the impacts of upland development necessary to accommodate new/modified shoreline structures (i.e. expanded use of marinas, ramps, and/or new facilities will necessitate additional on-land parking). Failure to analyze these impacts will result in improper segmentation of the plan’s impacts.
- The NOP excludes analysis of the proposed cross-lake ferry, which will create significant impacts, including disturbance associated with the construction/expansion and ongoing maintenance (e.g. dredging) of the facilities, additional air, water, and noise pollution emitted by the ferries, and associated on-land impacts (e.g. more driving to ferry boarding sites, need for increased parking and associated coverage impacts, etc.). The cross-lake ferry must be included in the DEIS analysis of reasonably foreseeable projects, at a minimum. If the proposed shoreline plan would facilitate the cross-lake ferry in any way, the DEIS must fully analyze the associated impacts.

²⁰ Recommended by the Sierra Club, Tahoe Area Group.

²¹ Letter dated 7/28/2016. http://shorelineplan.org/wp-content/uploads/2017/06/Shoreline-Plan-Public-Comment-Summary-6_13_2017.pdf (p. 6).

Recommendations:

In sum, we recommend the following:

- The DEIS needs to adequately evaluate the environmental impacts of the proposed plan and alternatives, which include the specific recommendations throughout these comments, as well as identify enforcement needs and ensure adequate long-term funding;
- The DEIS must not segment the impacts of future shoreline development and related on-land impacts (e.g. infrastructure and parking associated with the proposed cross-lake ferry, new and/or expanded marinas and boat ramps, etc.)
- The DEIS must also include a capacity analysis to assess what level of infrastructure and boat use the lake can handle while still achieving and maintaining environmental thresholds (as well as the ONRW nondegradation standard);
- The DEIS should include a reduced development alternative that is feasible, which begins with the framework identified in “Alternative 5” in the 2004 DEIS (attached), while also maintaining the density limitations included in the 2008 Ordinances;
- If, based on rigorous analysis, *any* new facilities (e.g. boat ramps, piers, etc.) can be sufficiently mitigated such that no degradation to air and water quality (and other thresholds) occurs, priority should be provided to additional *public* facilities in local areas less served by such facilities;
- The DEIS should evaluate additional measures to support the increased demand for quiet and safe non-motorized recreation; and
- The EIS should be prepared so it can also meet CEQA and NEPA requirements, thereby allowing other agencies to rely upon the same information to support associated regulatory changes.

ALTERNATIVE 4 – PUBLIC STRUCTURES ONLY ALTERNATIVE

Based on the Fish Study recommendation, this alternative removes the prohibition on locating structures in prime fish habitat and maintains the prohibition for location within 200 feet of an identified stream outlet. However, in order to promote public access and address threshold degradation, this alternative allows only new or expanded structures for public facilities (that are only open to the general public). No new or expanded private structures are allowed.

1. **Private and Quasi-Public Structures** – This alternative does not permit new or expanded structures that are not open for public use. This includes new piers, buoys, boat ramps, or floating docks/platforms for private or quasi-public facilities.
2. **Public Structures** – This alternative permits new and expanded structures open to the public in prime fish habitat areas, provided that the Code development standards are met. Marinas are considered public facilities.
3. **Repairs** – All existing structures could be maintained or repaired within the regulations of the Code, Chapter 52, Existing Structures.
4. **Repairs, Modifications, and Expansions** – Repairs, modification, and expansion of existing structures listed above are permitted under the standards set forth in the Code, Chapter 52, Existing Structures. Expansions are permitted in prime fish habitat areas only if there is a decrease in the extent to which the structure does not comply with the development standards, the expansion does not impact any threshold standard, and the expansion improves the ability to attain and maintain one of the threshold standards.
5. **Other Structures** – New or existing marinas, jetties, groin walls, breakwaters, or fences are permitted under the standards set forth in the Code, Chapter 52, Existing Structures, and Chapter 54, Development Standards Lakeward of High Water. With the exception of fences, these standards require proposed projects to be evaluated through an EA or EIS that addresses thresholds and other Regional Plan issues.

Buildout Conditions

Table 2-5 and Chart 2-4 summarize the projected buildout numbers for piers, buoys, ramps, floating docks, and slips with Alternative 4. Figures 2-19 through 2-22 provide a visual representation of the projected maximum buildout numbers for piers, buoys, ramps and slips with this alternative.

ALTERNATIVE 5 – REDUCED DEVELOPMENT ALTERNATIVE

Based on the Fish Study recommendations, TRPA would remove the prohibition on locating structures in prime fish habitat. However, in order to address threshold degradation, this alternative would only allow new private and quasi-public multiple-use structures where there is a net reduction in total permitted structure numbers (2 to 1 reduction) and new public structures where there is no increase in total permitted structure numbers (1 to 1 reduction).

1. **New Private Single Use** – TRPA would not permit new private single use piers, buoys, boat ramps, slips or floating docks.
2. **New Private and Quasi-Public Multiple-Use Structures** – TRPA would permit new piers, buoys, or floating docks only when the reduction ratio is 2 to 1. For example, for every new pier constructed two piers would have to be removed. In addition, a pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 2:1 ratio. No new slips would be permitted.
3. **New Public Structures** – New public multiple-use structures that are deed restricted for public use would be permitted, provided that for every new structure built an equivalent type of structure is removed. A pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 1:1 ratio.
4. **Repairs** – All existing structures could be maintained or repaired
5. **Modifications and Expansions** – Expansions of the existing single-use structures would not be permitted.

Modifications of existing single-use structures can be permitted when the structure is not expanded and the modification assists in bringing the structure into compliance with the proposed Shorezone Ordinances, does not impact any one threshold standard, and if the structure improves the ability to attain or maintain one of the threshold standards.

Private and quasi-public multiple-use structures would be permitted to modify or expand under the standards set forth in the proposed Shorezone Ordinances. Expansions and modifications of multiple-use structures would be permitted in prime fish habitat areas if there is a decrease in the extent to which the structure does not comply with the development standards, it does not impact any one threshold standard, and the structure improves the ability to attain or maintain one of the threshold standards.

7. **Other Structures** – New or existing marinas, jetties, groin walls, breakwaters, or fences are permitted under the standards set forth in the Code, Chapter 52, Existing Structures, and Chapter 54, Development Standards Lakeward of High Water. With the exception of fences, these standards require proposed projects to be evaluated through an EA or EIS to address thresholds and other Regional Plan issues.

Buildout Conditions

Table 2-6 and Chart 2-5 summarize the projected buildout numbers for piers, buoys, ramps, floating docks, and slips with Alternative 5. No maps are presented for Alternative 5. Specific, geographic locations where we could expect to see removal of Shorezone structures are highly speculative.

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August 31, 2005

Coleen Shade
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: *Lake Tahoe Shorezone Ordinance Amendments*
Supplemental Draft Environmental Impact Statement

Dear Ms. Shade:

This office represents the Tahoe Area Sierra Club regarding the Lake Tahoe Shorezone Ordinance Amendments *Supplemental Draft Environmental Impact Statement* ("SDEIS"). As explained below, the SDEIS does not comply with the Tahoe Regional Planning Agency's Compact, *Code of Ordinances* and *Rules of Procedure* (equivalent to National Environmental Policy Act) in certain essential respects. Additionally, the California Regional Water Quality Control Board, Lahontan Region ("LRWQCB"), has pointed out in its comments regarding the Draft Environmental Impact Statement (July 2004), that to amend the Water Quality Control Plan for the Lahontan Region ("Basin Plan"), the RWQCB must prepare a functional equivalent document ("FED") to comply with the California Environmental Quality Act ("CEQA"). Accordingly, these comments also include some discussion of the SDEIS' failure to comply with CEQA. Finally, throughout these comments, potential violations of the Clean Water Act ("CWA") and Tahoe Regional Planning Agency ("TRPA") goals and policies will be discussed.

The Tahoe Area Sierra Club appreciates the opportunity to submit the following comments, and incorporates comments submitted in any form by the League to Save Lake Tahoe, LRWQCB, the United States Fish and Wildlife Service, the California Attorney General's Office, the Nevada Tahoe Water Suppliers Association, and any and

all other members of the Shorezone Partnership Committee, Diane Bush, Don and Kay Edwards, Paul Guttman, M.D., and Dave and Kerstin Seufert.

I. Introduction

The SDEIS does not clearly describe the development that will occur as a result of Alternative 6. The SDEIS provides that 230 new piers, 1,862 buoys, 6 new boat ramps and 235 new slips, will result in an estimated 70,796 boat launches per year, including generation of literally tons of HCs, NO_x and PAHs into the environment. (SDEIS, Table 5-1) The document goes on to conclude that this will not result in a *single* impact that will not be mitigated to a level of insignificance. This conclusion fails to convince. The convenience of determining no significant impacts will result from this tremendous increase in development in one of the most sensitive and valuable environments in this country, and possibly the world, is simply not credible. The lack of mitigation measures and reliance upon vague “programs” that may or may not be funded violates the TRPA *Code of Ordinances* and *Rules of Procedure* and applicable environmental statutes.

With respect to NEPA, CEQA or TRPA Code compliance, environmental analyses are to be prepared early in the decision making process so that they can make an important contribution to that process. (See 40 C.F.R. § 1502.5.) “Ultimately, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paper work – even excellent paper work – but to foster excellent action.” (40 C.F.R. 1500.1(b).) The same holds true for CEQA and TRPA’s requirements modeled after NEPA. In this case, acknowledgement of the status of Lake Tahoe as an Outstanding National Resource Water (“ONRW”), and the legal and practical ramifications of this designation, has not yet been done, and is so obviously not a part of the decision making process that TRPA has prematurely identified a preferred alternative with an illegal impact to water quality. Not only does the omission of true baseline conditions result in an inferior document, it most certainly negates any possibility of excellent action.

In *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, the court cited a NEPA case and concluded as follows:

Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project” alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.

The SDEIS does not provide an accurate view of the project such that the public and decision-makers may balance the project’s benefits against its environmental cost. The huge cost that would be borne by the citizens of the region and the United States

should not be measured against an inaccurate interpretation of what it means to allow degradation of an ONRW. To move forward to approval of the Ordinance Amendments on the basis of the SDEIS in its current form would prevent the document from fulfilling its purpose of providing relevant information to all interested parties and decision makers.

The mitigation measures included in the SDEIS also violate CEQA for their failure to include clear funding and enforcement mechanisms, and because of the lack of performance criteria and enforceable monitoring programs. Under CEQA, mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (CEQA Guidelines § 15126.4(a)(2).) Because of the SDEIS' failure to even attempt compliance with CEQA, the LRWQCB will be required to prepare its own FED, which will almost surely result in different mitigation measures being included in the Basin Plan amendment for shorezone development in California.

The Project Overview section of the SDEIS indicates that the DEIS considered modification of the fisheries location standards for structures in the shorezone pursuant to TRPA Code Subsection 54.3.B. (SDEIS, p. 1.) It is unclear why Code Subsection 54.3.B has been interpreted by TRPA to require an *increase* in shorezone development. That Subsection simply required TRPA to revisit the regulations upon completion of certain studies, and there is nothing in the Subsection indicating that such reconsideration should be done without consideration of TRPA's goals and policies. Further, there is no reason to believe that Subsection 54.3.B trumps the CWA and the anti-degradation mandate for Outstanding National Resource Waters. As discussed in greater detail below, the CWA requirements prohibit any degradation of water quality.

II. The Direct and Indirect Impacts of Alternative 6 are Not Adequately Addressed

The SDEIS fails to adequately address the direct impacts of Alternative 6. For example, in its analysis of impacts to fisheries, the SDEIS indicates that the loss of prime fish habitat and loss of native riparian vegetation have not been quantified. Such a gap in information prevents reasonable conclusions regarding impacts to fisheries. The Tahoe Area Sierra Club supports prohibition of new boat ramps in prime habitat areas, and testing of new restoration techniques *before* approving new shorezone development in fish habitat areas.

The treatment of water quality impacts in the SDEIS simply falls short of the requirements of NEPA, CEQA, the TRPA Code and the CWA. The document admits that “[b]ecause development is related to additional boats and boating use, and increases the probability of human use degrading water quality, Alternative 6 could have potentially negative impacts on water quality and full implementation.” (SDEIS, p. 5-4.) The mitigation measures for water quality impacts are explicitly designed to “reduce” effects to water quality. (SDEIS, pp. 5-6 and 5-7.) The anti-degradation mandate

contained in the CWA for ONRW does not allow for “negative impacts on water quality” coupled with mitigation measures designed to “reduce” these negative impacts.

Additionally, the mitigation measures for impacts to water quality involve the development of best management practices. Thus, the SDEIS does not include specific discussion of actions to be taken under the mitigation measures, but inappropriately defers development of these programs and specific action to a later time. Because of this deferral, the document fails to fulfill its purpose as an informational document.

The SDEIS addresses the potentially significant scenic impacts of Alternative 6, but does not include any mitigation measures for impacts resulting from lighting associated with shorezone development. Further, the document should contain specific discussion regarding Alternative 6 compliance with the TRPA Compact’s specified goal of protecting the scenic qualities of Lake Tahoe. The fundamental goals and policies of TRPA are ignored by the analysis.

The air quality analysis in the SDEIS minimizes discussion of the fact that TRPA’s ozone standard is currently exceeded every year, and that Alternative 6 will result in an increase in emissions by greater than 30% at full implementation. (SDEIS, p. 8-4.) TRPA has been charged with *attaining* and maintaining thresholds. These thresholds may not be ignored for the benefit of meeting the expectations of a small percentage of the region’s citizens. Finally, the mitigation measures for air quality impacts essentially take a wait and see approach, with a plan to try and play catch-up if the air pollution levels exceed federal, state or TRPA standards. (SDEIS, p. 8-4.)

A similar approach is taken with noise impacts. The mitigation measures involve waiting until it is too late, when noise impacts have exceeded thresholds, and then halting, for example, the placement of additional buoys. (See SDEIS, p. 9-4.) The SDEIS includes discussion of the fact that Alternative 6 would increase boating activity on the lake, and such activity would increase noise impacts. These increased noise impacts will not be mitigated to a level of insignificance by actions that involve an attempt to remediate a problem that has already gotten out of hand.

The mitigation measures, generally speaking, involve monitoring, educational and enforcement programs. There is scant information in the SDEIS regarding how these programs will be funded. This failure to clearly identify the funding mechanisms is unacceptable. None of the programs can be counted on, and this undermines confidence in nearly all of the important mitigation measures contained in the SDEIS. The analysis and assumptions contained in the document rest on a house of cards – made up of hoped for programs and measures that may or may not be implemented.

III. Failure to Address Cumulative Impacts

The SDEIS fails to address cumulative impacts. This failure violates the TRPA Code, NEPA and CEQA.

IV. The Federal Clean Water Act Prevents Approval of Any Proposed Amendment to the Lake Tahoe Shorezone Ordinance that Would Result in Any Degradation of Water Quality

Any degradation of water quality in Lake Tahoe will violate the Federal CWA. Accordingly, the only amendment to the Shorezone Ordinance that would comply with the CWA would either result in no change to water quality, or would improve water quality.

In the section “Factors Affecting Lake Tahoe Water Quality,” the DEIS states as follows: “The human-caused sources of pollutant loading originating in the Shorezone primarily are from boat ramps, motorized boat operations, on lake boat storage, other wastes from boats . . .” (DEIS, p. 5-9.) The DEIS attempts to separate the construction of piers, buoys and floating docks by asserting that these facilities are not a “direct source of water pollution.” (*Id.*) The DEIS and the SDEIS, however, identify increased boat traffic as a direct result of additional piers, buoys and floating docks, which will result in “decreased water clarity, degradation of an Outstanding National Resource Water (ONRW) and its designated beneficial uses, dredging activities, sediment exposure, spoils disposal, boating activities, and backshore development.” (SDEIS, p. 5-3.)

TRPA proceeds as though the degradation of Lake Tahoe’s water quality is acceptable and legal, even though the lake is designated as an Outstanding National Resource Water. This designation begins and ends the inquiry regarding any additional development that would result in degradation.

Water quality standards must conform to federal regulations covering anti-degradation (40 CFR Section 131.12) and in California, State Board Resolution No. 68-16, “Statement of Policy with Respect to Maintaining High Quality of Waters in California.” Application of the anti-degradation provisions to the standard setting process requires supporting documentation and appropriate findings whenever a standard (beneficial use and water quality objective) would allow a reduction in water quality below currently existing water quality or below higher water quality which may have existed since 1968.

For waters designated as ONRW (40 C.F.R. § 131.12(a)(3)), a very restrictive test applies. No permanent or long-term reduction in water quality is allowable in areas given special protection as ONRW. (48 Fed. Reg. 51402 (Nov. 8, 1983).) In this case, TRPA treats the proposed amendments to the Shorezone Ordinance as though the federal anti-degradation policies applicable to surface waters generally will apply. (40 C.F.R. §

131.12(a)(2).) This simply is not the case. As an ONRW, the water quality of Lake Tahoe must be maintained and protected. Period. There is no right, under the CWA, to approve of water quality changes based upon “important economic or social development in the area.” (*Id.*) (See enclosed Memorandum from SWRCB to Regional Board Executives, dated October 7, 1987, pp. 10-16.) There is no such flexibility with respect to ONWR, and the DEIS and the SDEIS are based upon the assumption that flexibility exists. As a result of this faulty assumption, the alternatives analysis is flawed, and conclusions regarding what is feasible are incorrect.

To highlight the difficulty created by the false assumptions of flexibility in allowing degradation based upon economic or social factors, one need only look at the preferred alternative selected by TRPA, Alternative 6. Alternative 6 will result in degradation. (SDEIS, p. 5-3 and 5-4.) The proposed changes to regulations will purportedly “help ensure that significant effects do not occur.” (SDEIS, p. 5-4.) The proposed regulatory and education programs do not include any performance criteria, and these efforts that may “help” prevent significant degradation do not amount to “mitigation measures” that will ensure impacts that are less than significant. Further, these vaguely described regulatory and educational programs will necessarily require funding, and no funding sources, other than the programs themselves, are identified. The only conclusion that can be drawn from the analysis in the SDEIS is that implementation of Alternative 6 will result in significantly increased boat traffic, and while regulatory and education programs may help minimize the impacts to water quality, there is no standard with which TRPA or the public can gauge the success of these programs, so some amount of degradation will occur. Such degradation will violate the CWA.

V. Implementation of Alternative 6 Would Violate TRPA’s Policies and the Compact

TRPA was created for the purpose of maintaining “the significant scenic, recreational, educational, scientific, natural, and public health values provided by the Region;” and to “[i]nsure an equilibrium between the Region’s natural endowment and its manmade environment.” (Regional Plan for the Lake Tahoe Basin, Goals and Policies, Principles 2(a) and (b).) Noise and pollution caused by increased boat traffic does nothing to further these goals. Nothing in Alternative 6 in the way of proposed regulatory or educational programs, or mitigation measures, do anything to achieve TRPA’s goals and the thresholds it is required to attain and protect. In fact, Alternative 6 will result in a greater distance between the real world and TRPA’s thresholds.

VI. A Combination of Alternatives 5 and Elements of Alternative 4 Would be the Best Alternative

Because of the issues raised above, the Tahoe Area Sierra Club and its members believe that the SDEIR fails to meet the requirements of the National Environmental Policy Act, the California Environmental Quality Act, the TRPA Code, the TRPA

Compact and the CWA. For these reasons, we believe the document should be withdrawn and a revised SDEIS released which adequately addresses all direct and reasonably foreseeable impacts, provides adequate and feasible mitigation, considers the alternatives under the correct assumptions about the current state of Lake Tahoe as an Outstanding National Resource Water, and avoids excessive and unnecessary impacts to the Lake in favor of increased private development. In order to meet these goals, we believe that any such SDEIS should be based on Alternative 5 with some possible additions from Alternative 4.

Sincerely,

Marsha A. Burch
Attorney

Enclosure

cc: Tahoe Region Sierra Club
California Regional Water Quality Control Board, Lahontan Region
Nevada Division of State Lands
California State Lands Commission



Tahoe Regional Planning Agency
Governing Board and Advisory Planning Commission Members

9/24/08

Subject: Questions regarding Volume 4, Appendix M: for consideration at 9/25 Public Workshop

Dear TRPA Governing Board and Advisory Planning Commission Members:

We appreciate your taking the time to discuss the proposed Shorezone Ordinances at the workshop on 9/25. Although the agenda currently prohibits public comment during the (public) workshop, we first ask you to reconsider this decision and allow the public to speak.

Because this workshop is being held to allow you to ask questions and discuss issues, including new information provided in the recent "Volume 4", we would like to provide you with some additional information with regards to impacts from motorized watercraft, with focus on greenhouse gas emissions. We also herein incorporate comments provided to you on 9/24/08 by the League to Save Lake Tahoe, which discuss other issues of concern.

In August, we contacted the California Air Resources Board to ask for emission rate information for greenhouse gas (GHG) emissions from watercraft, and based on that information, we put together our own estimates (below). Recently, TRPA released "Volume 4," and on 9/10, provided Appendix M, which purports to estimate GHG emissions and discuss what levels of increased emissions are considered "acceptable."

Our emission estimates were based on the boat use information provided in the 1/31/07 Supplemental document and used by TRPA up until Volume 4 was released. As you will see below, one of our current questions is why the boat use information has changed, and what data and equations were used in making these changes. We assume this may in part be the reason for the differences between our estimates and TRPA's (which are less), however, because TRPA has not also provided the GHG emission rates used (stated to be from CARB) or other relevant assumptions, it is not possible to assess TRPA's process for generating the estimates.

Below, we first present boat use information used in our analysis, followed by the estimated GHG emissions and a discussion of the emission rates used. Finally, we list questions we have with regards to Appendix M in Volume 4¹. We hope this information and these questions will help facilitate helpful discussion at the 9/25 workshop.

Sincerely,

Michael Donahoe,
Tahoe Area Sierra Club

Jennifer Quashnick
Tahoe Area Sierra Club

¹ Also included is "Additional Information" which discusses our process and data in more detail – a discussion TRPA should include in their own technical supporting documents so the public can understand where the final estimates came from.

Estimated Greenhouse Gas Emissions related to Proposed Shorezone Ordinances (August 2008):

Number of Additional boating trips/year that would result from proposed Ordinance (~June 2008):

Prior to the new numbers provided in Volume 4 (although where the new numbers came from is not provided), the last estimate of boat trips we had from TRPA came from the *1/31/07 Supplemental EIS (section D)*, which was based on Alternative 6A but referred to as the supporting analysis for all recent revisions until the release of Volume 4.

2004 Yearly Boat Trips:	232,210
2024 Yearly Boat Trips:	312,753
Additional Boat Trips/Year:	80,543

Total Fuel Use per Year (from all motorized watercraft on Lake Tahoe)²:

Total Fuel Use (gallons) for 2004 (Baseline):	2,642,187 gallons
Total Fuel Use for 2024 ³ :	3,434,843 gallons

Estimated Greenhouse Gas Emissions from motorized boats

Greenhouse gas emissions include carbon dioxide (CO₂) and “carbon dioxide equivalents (CO₂-E)” [a standard CARB emission rate which includes the combined emissions for methane (CH₄) and nitrous oxide (N₂O)].

Because CARB has not separated out the GHG emissions from recreational watercraft, CARB provided average rates (in grams per gallon of regular gasoline) to be used for a general, conceptual representation of values.⁴ These rates are not to be used in lieu of an actual analysis, but only as a conceptual representation of potential GHG emissions – see caveats and limitations of emission rates (from CARB staff) discussed in “Additional Information” Section.

Using the emission rates provided (and data from the 2007 SEIS), the increase in the annual emissions of CO₂ and CO₂-E over the 20 year life of the Shorezone Ordinances would be:

		<u>(2024 minus 2004 emissions)</u>
Additional CO ₂ :	7,024 tons	(30,436 tons – 23,412 tons)
Additional CO ₂ -E:	7,364 tons	(31,910 tons – 24,546 tons)

This would equate to a ~ 30% increase in GHG emissions in a time when California, Nevada and others are calling for an overall *decrease* in GHG emissions.

² From 1/31/07 Shorezone SEIS, Section D: Air Quality.

³ TRPA does not provide this for Alt. 6/6A/Proposed. Use estimated by increasing 2004 fuel use by 30% based on TRPA’s assumption of a 1.5% increase in boat use/year (over 20 years).

⁴ Pers. Comm. Kevin Eslinger, CARB, Emissions Inventory Branch. 8/13/08.

Questions regarding GHG estimates in Volume 4:

In Volume 4, TRPA provides a last minute “Appendix M” which purports to analyze estimated greenhouse gas emissions. Appendix M also includes a general discussion about why TRPA believes an estimated increase in GHGs of 30% is acceptable because it falls below potential maximum limits being discussed by California entities. Problems with Appendix M are two-fold:

1. The technical data (including revised boat use and emissions data) are not supported.

- No data are provided to explain the reduction in annual boat trips by almost 18,000/year (or ~25%) compared to the boat trip numbers still used up until Volume 4.
- No data are provided with regards to the equations or emission rates used to develop the ‘estimated’ GHG emissions for each alternative.
- Additional unlabeled and undefined ‘rows’ of information are included in the estimated emissions spreadsheet (e.g. ‘floating numbers’ under the estimated emissions on right side). We are provided with no information regarding what this information is and where it came from.

Basically, the document fails to provide the public with adequate information to ‘repeat’ the analysis and get these results, let alone to even understand how TRPA did the analysis and obtained such results.

2. The discussion regarding what level of increased GHG emissions is inappropriate.

- Regarding the discussion of appropriate ‘maximum emission limits’ for GHGs, first, the reference to conceptual limits still under discussion and adopted by no entity is inappropriate. Additionally, TRPA feels that they should not have to develop their own limits because other governmental agencies are working on this already. Basically, this entire discussion should be irrelevant because TRPA should not be approving Plans that will increase GHGs. Period. Rather, TRPA should take the leadership role it once had with regards to environmental planning and go the extra mile and help reduce GHG emissions from the Basin. *In the past, there was a time when other regulatory agencies looked at what TRPA did for guidance on how to implement more protective and innovative environmental planning, rather than the other way around.*
- TRPA has a responsibility to reduce GHG emissions from the Basin, just as the states have a responsibility to reduce statewide emissions. The Tahoe Basin should be finding ways to reduce GHG emissions, not allow increases! Not only is this a global problem – and global responsibility – but as the 2008 State of the Lake Report (from Tahoe Environmental Research Center) shows, the Basin is already feeling the effects of climate change. Those effects will affect our environment in unique ways, including lake clarity and forest health, and our economy (e.g. shorter ski seasons and less snow mean less skier dollars spent in the Basin). **It is clearly in the Basin’s best environmental and economic interest to provide a net reduction in GHG emissions.**
- Further, TRPA fails to address the cumulative impacts of the increased GHG emissions from boats, from vehicles driving those boats in the Basin, and from the many other large scale projects being considered that will increase VMT in the Basin.

*** ADDITIONAL INFORMATION ***

Estimated Greenhouse Gas Emissions from motorized boats

Although CARB recently created a GHG emissions inventory for California, the inventory does not separate the emissions associated with recreational watercraft at this time. In substitution of this data, CARB staff⁵ stated that in general, the GHG emissions per mile for a motorized boat are similar to the average for motorized vehicles. *However, of note are the relatively small miles per gallon for boats (generally between 1-4 miles per gallon – see last section below).*

CARB therefore provided average rates (in grams per gallon of regular gasoline) to help estimate, at least conceptually, potential GHG emissions (see caveats and limitations discussed below*). Those rates are:

CO ₂ :	8,861grams / gallon
CO ₂ -E:	9,290grams / gallon

* These rates are the average of all on-road gasoline vehicles listed in CARB's published 1990-2004 online inventory. Note that gasoline carbon content will vary year to year, and sometimes season to season, and therefore the emission rates of GHGs will also vary. Further, CO₂-E pollutants will be affected by the type of emissions system on each boat, and therefore the boat emissions may further (and significantly) vary from average motor vehicle per gallon emissions.

Using these emission rates, we calculated the difference between the 2004 and 2024 emissions:

2004: 2,642,187 gallons * (8,861 CO₂ & 9,290 CO₂-E grams/gallon) =
CO₂: 23,412,419,007 grams = 23,412 Tons/year
CO₂-E: 24,545,917,230 grams = 24,546 Tons/year

2024: 3,434,843 gallons * (8,861 CO₂ & 9,290 CO₂-E grams/gallon) =
CO₂: 30,436,143,823 grams = 30,436 Tons/year
CO₂-E: 31,909,691,470 grams = 31,910 Tons/year

Additional Emissions from Proposed Ordinances = 2024 emissions minus 2004 emissions

Additional CO ₂ :	7,024 tons	(30,436 tons – 23,412 tons)
Additional CO ₂ -E:	7,364 tons	(31,910 tons – 24,546 tons)

----Excerpt from CARB re: Emission factors for GHGs----:

Here are the on-road emission factors: 8861 gCO₂ (and 9290 gCO₂E) per gasoline gallon. These numbers are an average of all on-road gasoline vehicles listed in ARB's published 1990-2004 online inventory: <http://www.arb.ca.gov/cc/inventory/data/data.htm> (see the multiple inventory links at the bottom of the page)

Please note that carbon content in gasoline changes year to year (and even season to season) which is particularly true in more recent years due to MTBE phase-out, so real measurements of gasoline carbon (and thus, CO₂ emissions) would vary from this averaged/approximated 8861 number I've provided you. Furthermore, recreational vehicles such as boats have different

⁵ Pers. Comm. Kevin Eslinger, CARB, Emissions Inventory Branch. 8/13/08.

emissions control systems which means there could be drastically different CH₄ & N₂O emissions when comparing boats to gasoline cars, trucks, etc. So please make extra effort to caveat any mention of the 9290 gCO₂E number with "from the on-road inventory which is likely different from boat CH₄ & N₂O emissions"

Miles per gallon associated with typically-sized boats on Lake & total fuel use/year:

Example Mile Per Gallon (mpg) for boats:

The following table provides mpg info for a selection of boats within the top 3 size categories (per TRPA's survey data).

<u>(length [ft.])</u>	<u>Boat</u>	<u>Miles per gallon (mpg)*</u>
27.5'	2003 Cobalt 250 BR	2.1 to 2.8
24'	2005 Bayliner 249 Deckboat	1.94 to 3.19
22'	2006-2008 Tahoe 250	2.35 to 4.44
20'	2006-2008 Tahoe 195 I/O	1.86 to 4.49
18'	2007 Ranger Boats 1850 Reata	3.27 to 5.02
16'	2007 Tracker Pro Team 170 TX	4.18 to 13.50

** For all boats except 2003 Cobalt (mpg range depends on speed), averages provided are from data for mpg running at 1,500 rpm and above. Source, full mpg range and engine information for these boats (and additional boats in these size classes) were collected and are available upon request.*

From: preserve@ntpac.com [mailto:preserve@ntpac.com]
Sent: Tuesday, August 15, 2017 5:52 PM
To: Rebecca Cremeen <rcremeen@trpa.org>
Cc: tahoellie@yahoo.com; 'Laurel Ames' <amesl@sbcglobal.net>; DarcieGoodman-Collins <Darcie@keeptahoeblue.org>
Subject: Shoreline Plan NOP

Dear TRPA,

Thank you for the opportunity to comment on the Shoreline Plan NOP.

1. **Confusing terminology**-What is the point of calling it a “Shoreline Plan” when per 1.4, the nearshore which is the shoreline, is considered outside the scope of the plan? Please give a solid discussion of the rationale for this confusing contradiction in descriptions. Change the NOP to clarify that the nearshore should be within the scope of the plan. The Shoreline NOP and EIS should be revised and redistributed after completion of the nearshore work plan and resource allocation plan since they are already in process and the analysis is paramount to the discussion.
2. **Misleading descriptions/conclusions**- per 1.4 the NOP claims the “Tahoe Keys, including its lagoons and docks”...and “its structures do not impact Lake Tahoe in the same ways as on-lake structures.” This is a non-sensical claim. Structures in the Tahoe Keys have the same environmental impacts as structures in the lake. Keys structures and marinas impact recreation, scenic, biologic, congestion and air quality to name a few. Herbicides planned for the Keys AIS will impact all of Lake Tahoe. The NOP must be revised and redistributed to clarify this misleading statement. Further, what makes the Keys exempt from the Shoreline Plan? Who regulates the Keys shoreline? Is the Keys shoreline now exempt from TRPA? Can a Keys owner go directly to the county for pier approvals?
3. **AIS should be part of the plan**- the Aquatic Invasive Species affect water quality and environmental thresholds. The NOP must consider AIS and therefore be revised and redistributed.
4. **Transportation should be part of the plan**-Just as the current bike path from Incline to Sand Harbor affects biologic and scenic thresholds, constructions along the shore must be considered in the plan and NOP. The NOP must be revised and redistributed to include transportation plans.
5. **Alternatives should include the 2008 Shorezone Plan**-An alternative should be considered that uses a calculation of linear front footage as a basis for granting new structures and buoys.
6. **Shoreline Plan Alternative verbiage is misleading**- Does “enhance” mean increase? What is the definition of enhance?
7. **How would overall development be prioritized?** Give examples of 80%vs.20%?
If one owner has multiple contiguous parcels/lots is he considered a multi-use or single use? Would a two lot owner get priority for a new pier over an owner with one lot? Are two buoys allowed per owner or per parcel?
If a condo/HOA development already has a pier, could they apply for additional piers?
What shoreline areas are considered the most environmentally sensitive-give examples: Emerald Bay? East Shore? Skunk Harbor? Sugarpine Pt? Bliss State Park? Nevada Beach? Analyze the shoreline of the entire lake relative to environmental sensitivity. Analyze how these areas would be protected?
What are the proposed locations for the ten additional public piers? Analyze each potential location.
Will the piers be scattered or lumped together?
8. **BASELINES must be analyzed**-
What is the current baseline environmental threshold for existing structures and buoys in all categories? Is Tahoe in compliance? What are the number of existing illegal buoys? What is the current number of

legal buoys? Will illegal buoys be removed before new ones are permitted? If all lakefront owners are allowed three grandfathered buoys, how many potential grandfathered buoys could there be? What are the current number of existing legal piers? illegal piers/structures? Will illegal piers be removed before new piers are permitted?

9. **Enforcement**-How and who will enforce the shoreline plan? What funds will be required for enforcement and who will pay for it?
10. **RATING Structure Site Locations**- Where are the boat ramps proposed to be located? How would the sites for ramps, marinas and piers be rated and analyzed to improve environmental thresholds? Massing of shoreline structures must be part of the equation for allowing new structures.
11. **What is the Definition of Public**- Considering a public pier or boat ramp, is a HOA or two/three owners considered public?

We found the NOP confusing and lacking in detail in the extreme. The public can't even make suggestions on alternatives without baseline detail. Based on our suggestions above, the NOP must be redone and redistributed to the public.

Sincerely,

Ann Nichols
President



North Tahoe Preservation Alliance
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Crystal Bay, Nv. 89402
775-831-0625
www.ntpac.com

"Helping preserve the natural beauty and rural character of North Lake Tahoe"



August 15, 2017

Ms. Rebecca Cremeen, Associate Planner
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449
(Sent via email to rcreeeen@trpa.org)

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

BOARD MEMBERS

Dear Ms. Cremeen:

LARRY SEVISON, Chair
Placer County

ADAM ACOSTA
Public Member

LYNN SUTTER
Public Member

TODD FERRARA
Resources Agency

KAREN FINN
Department of Finance

HAL COLE
City of South Lake Tahoe

PAULA FRANTZ
El Dorado County

JEFF MARSOLAIS
U.S. Forest Service (ex-officio)

PATRICK WRIGHT
Executive Director

Since 1986, the California Tahoe Conservancy (Conservancy) has played a major role in the acquisition of lakefront properties and implementation of many facilities and improvements that enhance public lake access in California. The Conservancy owns and operates some of these properties and facilities, while partner agencies own and operate others. Currently, the Conservancy partners with the California Department of Parks and Recreation in planning for the Kings Beach State Recreation Area General Plan and Pier Rebuild Project.

Our comments below seek to confirm our understanding of the Shoreline Plan proposal:

1. The NOP indicates that ten additional public piers on Lake Tahoe would be allowed. Conservancy staff understands that public pier designs and locations will be reviewed on a case-by-case basis and will not be subject to the limitations applicable for multiple-use, private piers or public piers located at marinas.
2. The NOP states that two additional public boat ramps could be added, for a total of eight. Conservancy staff interprets public boat ramps to be specific to motorized launch facilities and to not apply to "car top," nonmotorized launching.
3. Conservancy staff interprets the NOP to indicate that removal of a public boat ramp or public pier will not require offsetting mitigation.

Thank you for the opportunity to comment regarding the scope and content of the Lake Tahoe Shoreline Plan EIS.

Sincerely,


Penny Stewart
Program Manager

1061 Third Street, South Lake Tahoe, California 96150

phone: 530-542-5580 fax: 530-542-5567 e-mail: info@tahoe.ca.gov web: www.tahoe.ca.gov

August 16, 2017

Rebecca Cremeen, Associate Planner
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

VIA ELECTRONIC MAIL
rcremeen@trpa.org

Re: Lake Tahoe Shoreline Plan – Comments on Notice of Preparation of an EIS

Dear Ms. Cremeen:

As counsel for a littoral property owner, we offer the following comments for consideration in the scope of the Lake Tahoe Shoreline Plan (Plan) EIS.

Consistent with the stated overarching goal of the Plan to enhance the recreational experience along Lake Tahoe's shores while protecting the environment and responsibly planning for future conditions, the Plan should incorporate incentives to achieve environmental gain. For example, an applicant for a single-use pier who agrees to complete a project that will reduce fine particle sediment discharge to Lake Tahoe may receive higher priority of review. Another option could be to provide higher priority for single-use pier applications that include the retirement of pier development potential by deed restricting a littoral parcel from shorezone development.

The Plan should include a process for the transfer or relocation of an existing pier from one littoral parcel to another, similar to established procedures in the TRPA Code of Ordinances for the transfer of other existing development (e.g., land coverage, residential units of use) from one parcel to another. Applications for transfer and reconstruction of an existing single-use pier on another littoral parcel should receive higher priority review than applications for new single-use piers.

We appreciate the opportunity to comment on the scope of the proposed EIS.

Sincerely,

FELDMAN McLAUGHLIN THIEL LLP

By: 

Kara L. Thiel

KLT/js
cc: Client



TAHOE LAKEFRONT OWNERS' ASSOCIATION

August 12, 2017

PRESIDENT

Todd Lowe
Incline Village

SECRETARY/TREASURER

Gordy Hooper
Rubicon

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Tahoma

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David Traitel
Glenbrook

Executive Director
Jan Brisco

Rebecca Cremeen
Associate Planner
TRPA
P.O. Box 5310,
Stateline, NV 89449
Email: rcreeeen@trpa.org

Re: Comments re Notice of Preparation of a Draft Environmental Impact Statement for the Lake Tahoe Shoreline Plan

Dear Ms. Cremeen:

The Tahoe Lakefront Owners' Association ("TLOA" or "Association") submits these comments in response to the Tahoe Regional Planning Agency's ("TRPA") Notice of Preparation ("NOP") of a Draft Environmental Impact Statement ("EIS") for the Lake Tahoe Shoreline Plan.

Introduction

TLOA's members have a direct and immediate stake in preserving Lake Tahoe's beauty and environmental resource values, which are an essential element of the lakefront property they own and care for. On their behalf, TLOA is dedicated to protecting uses of private shoreline property and to preserving and enhancing the quality of Lake Tahoe. TLOA looks forward to working with TRPA to ensure that the EIS for the Shoreline Plan meaningfully informs the public and TRPA decision-makers of its environmental consequences, of alternative approaches to achieving TRPA's objectives with lesser environmental impacts, and of mitigation to reduce environmental impacts of implementing the Shoreline Plan. As part of this process, TLOA looks forward to collaborating with TRPA and other stakeholders to create a Shoreline Plan that will preserve the beauty of Lake Tahoe while also allowing for a responsible level of shoreline use and development.

Updating the existing goals, policies and regulations regulating the shoreline has been a significant challenge, and is long overdue. As the NOP notes, TRPA has been trying to update those regulations for decades. TLOA has participated in this process for decades, including many meetings, comment letters, and even litigation. TLOA is hopeful that TRPA will at last succeed in adopting a balanced Shoreline Plan that will garner support from a broad range of interests, and withstand challenge.

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WWW.TLOA.ORG
Comments on the Notice of Preparation (Scoping Period)

TLOA Supports the Proposed Alternative

TLOA commends TRPA for establishing a collaborative process to develop a Shoreline Plan. TLOA has participated in that process as a member of the Steering Committee. As the NOP explains, the Steering Committee developed the set of policy recommendations that are included in the Proposed Alternative. Those policy recommendations reflect an effort to balance among legitimate, sometimes competing, interests. There is still work to be done, and important details must be worked out. For example, owners of private structures must be treated fairly in terms of eligibility, permitting, and mitigation requirements as compared to structures serving the public. But TLOA supports the current, broad outline of the Proposed Alternative.

No Action Is Unacceptable

For an EIS, TRPA must of course include a No Action Alternative, to provide a basis of comparison for the action alternatives. TLOA understands the TRPA is proposing action, and for good reason. No action is not acceptable here. No action would mean keeping the existing regulations, including a ban on new structures in fish habitat which has been proven to be an invalid reason. Important environmental improvements would continue to be stalled with no action, halting necessary achievement of TRPA's Thresholds. There is an urgent need to change the status quo.

Additional Alternatives

As explained above, TLOA supports the Proposed Alternative developed by the Steering Committee, and consistent with that position is not proposing alternatives. However, for purposes of comparison and analysis, TRPA should consider some variation to the Proposed Alternative. The additional alternatives considered should include one or more that allow for more structures and fewer constraints on new or remodeled structures than are included in the Proposed Alternative. TLOA is not advocating for wide open development, but rather opportunities for additional single-use piers, and moorings for other boating uses such as utility boat lifts and smaller buoys for personal watercraft, dinghies, and smaller boats for tendering to mooring buoys.

Additional Alternatives Must Respect Property Rights

TLOA understands that private property is subject to reasonable regulation. However, some parties may propose that TRPA consider and adopt regulations in the Shoreline Plan that severely and unreasonably restricts property rights, especially on the California side of the lake. TLOA therefore briefly summarizes below some of the property law principles pertinent to the shoreline.

First, littoral property owners hold a right to "wharf out," and this valuable property right cannot be taken without just compensation. Any proposed limits or conditions upon private piers must account for this property right. In *Marks v. Whitney*, 6 Cal.3d 251, 262-63 (1971) the California

Supreme Court reaffirmed the right of a littoral upland owner to access to navigable water across tidelands, from every part of his frontage. It summarized these rights as follows:

A littoral owner has been held to have the right to build a pier out to the line of navigability; a right to accretion; a right to navigation (the latter right being held in common with the general public) [citations omitted]; and a right of access from every part of his frontage across the foreshore (citations omitted).

Marks, 6 Cal.3d at 263. In *Marks*, the court reversed a trial court judgment that would have enjoined the shore owner's exercise of these rights. Commenters who urge TRPA to deny any new private piers on the theory that Lake Tahoe is owned by the public apparently fail to understand the legal rights of littoral property owners. Just over half the shoreline is privately owned, and one consequence of that private ownership is the existence of wharfing rights on Lake Tahoe.

Second, the *Fogerty* line of cases in California confirms that existing structures are protected from removal without compensation, and that the public trust easement on the California shore between low and high water is limited to those rights established by prescriptive use. In *State of California v. Superior Court* (*Fogerty*), 29 Cal.3d 240 (1981) ("*Fogerty I*") the California Supreme Court held that a public trust easement exists between high and low water on the California side of the lake. However, the court emphasized that:

These plaintiffs may use the shorezone for any purposes which are not incompatible with the public trust. Landowners who have previously constructed docks, piers and other structures in the shorezone may continue to use those facilities unless the state determines, in accordance with applicable law, that their continued existence is inconsistent with the reasonable needs of the trust. In that event, both statute and case law require that plaintiffs be compensated for the improvements they have constructed in the shorezone. [Citations omitted.]

Fogerty I at 249.

In later proceedings, the Court of Appeal explained that the public uses allowed by the easement at Lake Tahoe are limited to those established by prescription. *Fogerty v. State of California*, 187 Cal.App.3d 224 (1986) ("*Fogerty II*"). The court explained: "[w]e do not read *Fogerty* as establishing some new theory by which the state acquires rights in private property. Indeed, what the court said in *Fogerty* was precisely the opposite---that the state's rights were obtained under the long-established doctrine of prescription." *Fogerty II* at 235-36. The Court of Appeal held that the high water mark should be set based upon the actual incursion of high water, and

concluded based on the five consecutive years of highest water levels that the high water mark was 6,228.27 feet above sea level, Lake Tahoe datum. *Id.* at 238-39. Under *Fogerty II* determining what uses are allowed by the public trust easement at Lake Tahoe requires a showing of prescription, and can only be determined on a case by case basis.

Third, TRPA has no authority to define property rights under state law, including rights of access, and TRPA should not adopt shoreline regulations that presuppose how the public trust easement applies on the California shore. Nothing in the Compact empowers TRPA to define the scope of private or public property rights. In particular, the Compact grants TRPA no authority to declare or decide the scope of the public trust easement on the California shore, to decide what uses are or are not consistent with the public trust, or to enforce the public trust through permit terms or conditions. For example, TRPA has no authority to determine that the public has a right to lateral access across privately owned land, or to balance such a trust use against competing public trust uses.

In sum, TRPA may well be asked to consider alternatives that would disregard private property rights. It should decline to give detailed consideration to such alternatives. TRPA is required by the Compact to balance the natural and built environments, and to provide for reasonable use and development for all uses around the Lake.

Environmental Impacts

To the extent the Shoreline Plan seeks to increase lateral access along the shoreline, it must analyze and disclose the impacts that will result. For example, privately owned beaches do not have facilities for trash collection or public bathrooms. Nor are privately owned beaches regularly patrolled by park rangers or law enforcement personnel. Accelerated soil erosion and trampling of sensitive and endangered plants along the shoreline must be considered and properly analyzed. Trespass, vandalism, and theft are pervasive along the shoreline. Threats to private property and actual impacts resulting from the Plan must be acknowledged and addressed. Policies to encourage and facilitate increased public use of such areas will result in adverse environmental impacts, and require mitigation.

Conclusion

We thank you for the opportunity to provide these comments. We look forward to working with TRPA to completing the process to achieve long-needed update to TRPA's goals, policies and regulations regarding the shoreline.

Very truly yours,



Jan Brisco
Executive Director
Tahoe Lakefront Owners' Association

Please add to scoping comments. Thanks!

From: HUCKBODY@aol.com [mailto:HUCKBODY@aol.com]
Sent: Wednesday, August 09, 2017 5:17 PM
To: Brandy McMahan <bmcMahon@trpa.org>
Cc: Lakeridgeid@gmail.com; Bookvaluejohn@gmail.com
Subject: LakeTahoe Shoreline Plan/Lakeridge

Brandy,

I attended today's meeting in the TRPA office to hear the status of the proposed plan and the EIS that still needs to be completed.

The meeting was very informative and I now have a better understanding of the number of meetings you must have had to get to this point with all the stack holders.

As a home owner, lake user and Chairman of Lakeridge's GID, we support the plan in making the lake more accessible to those who want to enjoy the lake, while protecting the resource. I did not hear much concerning the process on how the additional buoy's, piers are going to be allocated or what the process is going to be. I am not sure if it is somewhere within the plan or another spot in TRPA's web site?

As you may be aware Lakeridge has a Pavilion on the lake along with a State permitted (NAC 488.465) swim area (see three attachments).

These areas are used by the 80 Home owners within Lakeridge. Our issue has been the Pavilion is built on land (rocks) which is too high off the water to be able to access it by boat. We would like to understand the process in applying for approval to add a floating dock/pier off the Pavilion which would allow our Home Owners to be able to load/unload from their boat/jet ski. We are also interested in the application process to apply for a number of buoy's, which would also be used by the Lakeridge Home owners. Currently our GID does not have any Buoy's, but some of our Lake front Home Owners do.

One of the concerns that did come up at today's meeting was having a fair process in the allocation of any new piers and buoy's. I was happy to read and hear there is going to be some weight given to multi users such as GID's/HOA's that want to increase their access to the lake. I look forward hearing from you concerning the application process for both a dock/pier extension and a buoy field. I would be happy to set up an appointment to discuss this with you and/or others that may be involved in this part of the process.

Best Regards,

Andy Huckbody
Lakeridge GID Chairman
775 790 7476

Section I. Comments on the Notice of Preparation (Scoping Period)

1.3 Individuals

From: Steven Smith <ssmith5250@hotmail.com>
Sent: Wednesday, July 12, 2017 3:04 PM
To: Brandy TRPA
Cc: Joanne Marchetta
Subject: Any Updates?.... and 3 questions

Hi Brandi,

I was sorry I was not able to the meeting at TRPA on 7/27/17.

I was just wondering if the noise issue from cigarette type boats was at all addressed in any of the recent meetings? I have been on the lakeshore many times when normal conversation had to be stopped during operation of these type of boats (even ones well offshore)....clearly they are violating the 88 or 90 dB noise limit. Doing a random survey, as in the past, and not picking up these violations does not seem to be an effective way of noise management.

Would it not make more sense to test these high powered boats at the time they are launched? It really is not fair to subject hundreds of people to this excessive noise so that one or two people can enjoy a very loud and fast ride?

By the way, I have nothing against super fast speed boats....they are pretty cool and can be fun.....there are several out there on Tahoe that are very fast and stealthily quiet.....they apparently CAN make a good muffler system for these high powered boats. Why not truly, and rigorously, enforce the existing noise regs at time of launch of all high powered boats over a preset horsepower?

One last issue: Did the issue of protective "NO WAKE-5 MPH" buoy placement at particularly high use areas where swimming/paddle boarding/kayaking ever get truly addressed?

The areas around Sugar Pine Point State Park, Bliss State Park and Sand Harbor-Secret Harbor, where many people recreate in the water (without engines) really need some protection from errant boaters whose operators either do not know the rules, or do not know how to judge 600 feet accurately. Placing these buoys in these 3 areas (perhaps every 1000 feet) would require only a small number of buoys, alert boaters to slow down and follow the existing rules, and also possibly show people what 600 feet from shore actually looks like. This is about 2 football fields end to end, but yet I often see, at the above three busy "in water recreational areas", boats passing by at speed, with large wake 200-400 feet from shore.

I see this Shoreline process as a once in several year opportunity to make some significant and beneficial changes for the benefit of those folks who recreate in the water without engines: swimmers, kayakers, paddle boarders etc.... However, it appears that this particular group of people, and their needs, have been sorely left out of any specific focus group or effort by the TRPA Shoreline planning process. This is a quickly growing element of shoreline users and it would really be good to focus on some of their specific issues in the present planning process.

Thanks for hearing me out (again) and I would appreciate any answers to the above questions.

Also, is there any other upcoming TRPA meetings that I might attend and present these views in person?

Take care,

Steve Smith
Truckee, CA

Alyssa Bettinger

From: Steven Smith <ssmith5250@hotmail.com>
Sent: Thursday, July 13, 2017 4:00 PM
To: Rebecca Cremeen
Cc: Brandy McMahon; Joanne Marchetta
Subject: Re: Shoreline Plan

Hi Rebecca,

Thanks for that "heads up" on the upcoming meeting 7/26 and the link to the EIS site for comments. I will certainly do my best to make the meeting this time!

It simply seems to me that one very important stakeholder has been fully left out of the TRPA Shoreline Planning process this year and that stakeholder is: **the general public who only really want to enjoy a quiet afternoon at the lake** doing good healthy activities such as swimming, paddle boarding and kayaking. I think that there are two "low hanging fruit" that would be fairly easy to address and mitigate by the TRPA during this Shorezone Planning:

1) ADDRESSING NOISE ON THE LAKE:

I am a boat owner myself and have owned several power and sailboats in my life. I am not against boating or speed boats in any way. What I am against are extremely loud, poorly muffled, high powered cigarette boats on the lake that can be heard for several miles. If these guys want to go super fast, that is great, I can relate, but please do so without disturbing the peace and quiet of all the other people on the shore trying to enjoy a relatively serene day in a beautiful setting! I have seen a few super fast cigarette boats speeding along at great speed and barely audible. This is fine with me and does demonstrate that you can have BOTH speed and quiet. They are not mutually exclusive. I have no problem with the speed at a safe distance from the shorezone, and believe that no speed limits need to be enforced when well offshore, only noise restrictions.

Suggested mitigation: All high powered speed boats entering the lake (with over a certain predetermined horsepower) would need to have a muffler inspection and actual noise testing for compliance to existing regulations at the time of launch. All jet powered boats would also need to be tested and adhere to existing regulation. If boats do not meet the noise regs at time of launch, then they would be unable to do so until the engines are made to be noise compliant.

2) ADDRESSING WAKES AND EXCESSIVE NEARSHORE ZONE SPEED:

I have been all over the lake in the past 35 years in all kinds of craft, and have noted that there are 3 main areas where people go to enjoy serenity, peace, quiet and non-motorized water activities such as paddle boarding, swimming and kayaking. These areas comprise about 7 miles of the 75 miles of the Lake Tahoe Shoreline and include:

- a) Sugar Pine Point State Park (about 1 mile of shoreline)
- b) Bliss State Park to Emerald Bay Entrance (about 3 miles of shoreline)
- c) Sand Harbor State Park to Secret Harbor (about 3 miles of shoreline)

These areas are often overrun with boats going at high speed, within the 600 foot no wake zone, and this creates large waves which makes swimming, paddle boarding and kayaking difficult and sometimes dangerous for those in the water. It seems that there are a number of boaters who do not know the regs (regarding the 600 foot no wake/5 mph zone) or do not care to follow them. There are also others that know the regs, wish to follow them, but can not really estimate what 600 feet offshore really looks like (about 2 football fields, end to end). On top of all this, the enforcement of this reg is very difficult given the limited law enforcement resources and the 75 miles of shore zone.

Suggested mitigation: Place "5 mph/NO WAKE" buoys every 500 to 1000 feet at the above heavily used areas, 600 feet from shore, and also increase the enforcement in these areas. This would do a number of very constructive things: It would let boaters know what 600 feet offshore really looked like. It would let boaters know that these areas are heavily used by swimmers and recreating in the water. It would give some modicum of protection to those in playing in the water. This would require no new regulations and should be fairly simple to accomplish.

In closing, I would just like to say 3 things:

- 1) The stakeholders that consist of the general recreational beach using public have not really adequately been addressed, especially those swimming, paddle boarding or kayaking in popular recreational areas.
- 2) Those people who are enjoying the above non motorized water activities are rapidly growing in number and do deserve to be accommodated by the upcoming Shorezone plan.

3) This will probably not be addressed again for the next several years, and so it is important to for the TRPA to at least make these initial modest steps toward this accommodation in the upcoming Final Shorezone Plan.

Thanks for hearing me out in this!!!

Steve Smith

Truckee, CA

Hi Rebecca and Brandy,

It was great seeing both of you at the TRPA meeting today.

I am heartened to hear that the upcoming Shorezone Plan will be trying to make some positive changes for the non-motorized recreational users. Hopefully this will improve safety and also make for a more pleasant experience for these users, while not requiring any rule changes or major policy shifts. An added benefit, especially if buoy demarcation can be employed in selected areas, will be actual boater education: boat operators will be made aware of the 600 foot no-wake zone, and also be made aware of what 600 feet actually looks like from the water. This is not necessarily an easy judgement for many people.

In regards to the buoy placement, I have called the Coast Guard, as a private citizen, not representing the TRPA and inquired about the nature of buoys in general on the lake, and especially their classifications. The buoy type demarcating the 600 foot no wake zone would be classified as an "Informational Buoy". I spoke with the Officer (of the Day) Powers and he referred me to speak with the station director there named Officer Finkelson. He was not available at the moment, but I might be able to set up a meeting with him to further explore the rules and regulations that define an "Informational Buoy". I am awaiting his return call.

In regards to getting an interest group together of non-motorized recreational users, possibly the local Truckee and Tahoe radio stations might be willing run short public service messages regarding a meeting time for interested individuals. Additionally, the local newspapers would probably be willing to run some type of message as well.

Thanks for the good work, and please let me know if I can help out in any way.

Take care,

Steve

Please add Steve to our contact list and scoping comments.

From: info@muggsywalnut.com [mailto:info@muggsywalnut.com]

Sent: Saturday, July 29, 2017 8:33 AM

To: Jamie@keptahoeblue.org; Brandy McMahon <bcmahon@trpa.org>; Adam Jensen <ajensen@trpa.org>; info@keptahoeblue.org; Steve Sweet <ssweet@trpa.org>

Cc: media@keptahoeblue.org; Joanne Marchetta <jMarchetta@trpa.org>; Kimberly Caringer <kcaringer@trpa.org>; Matt Driscoll <mdriscoll@trpa.org>; Dennis Zabaglo <dzabaglo@trpa.org>; Mike Vollmer <mvollmer@trpa.org>; John Marshall <jmarshall@trpa.org>

Subject: Cesspool Slip and Slide Saturday Aug.5 Village Green

Thought you should know about this event:

Mr. Winqest,
Incline Village Director of Parks and Recreation

Based on your recent knowledge (TRPA website: Dog waste and Water Quality) you know that common dog waste contains these pathogens: E. coli; Giardia; Cryptosporidium. You also know that water enhances the growth and distribution of these pathogens And their associated diseases: Salmonellosis; Giardiasis and Cryptosporidiosi.

For the sake of the children and community, I plead with you that you do not turn Village Green a 17 year "Temporary Dog Park" into, as you advertise, a "Water Carnival for kids of all ages. Enjoy the giant inflatable water slides, slip n' slides, water games and more. "

Please either move the venue or cancel the event.

Adding water to this already disgusting Multi Use park only adds to the probability of exposing our citizens and the most vulnerable our children to these diseases.

Thank you,

Carpe Diem
Steve Dolan

Incline resident 25 years

Hello Ms. Cremeen:

I have just 4 concerns and a suggestion about the NOP:

1. I see No provision for pulling up the 100s of illegal buoys: There are 100s of illegal buoys, all over the Lake. TRPA is personally aware of this. Note, for example, the settlement between TRPA and Topol entered into approx 25 yrs ago which deferred action on illegal buoys and has been ignored ever since. For the past 30 years it's been common practice to have a friend with a barge drop one or more concrete slabs in the Lake and attach a buoy line. What SPECIFICALLY IS GOING TO BE DONE IN THIS RESPECT TO ENHANCE THE LAKE AND START WITH A PROPER LEGAL BASELINE?? These illegal buoys only benefit the wealthy lakefront owners and a few retail establishments.
2. Need for New Marinas on North Shore: Esp. with the uncertainty concerning the Meeks Bay Marina, there are very few reasonably priced Marinas and slips on the North Shore. Marinas serve the public even though the Shoreline proposal "seems" to be aimed at everyone, not just the wealthy Lake Front owners, having reasonable access to the Lake. WHAT SPECIFICALLY IS GOING TO BE DONE IN THIS RESPECT TO HELP THE PUBLIC?? Or do we throw the public under the proverbial boat; I mean bus.
3. Need for more public piers than proposed: Why does TRPA bend over backwards to reward the Lake Front owners with valuable private pier rights? Your proposal is 128 new private piers to benefit 128 families, and only, repeat only, 10 public piers. HOW DOES THIS BENEFIT THE PUBLIC? WHY NOT DECREASE THE PRIVATE PIERS TO 40, AND INCREASE THE PUBLIC PIERS TO 100??
4. WARNING: You will need a much more specific and scientifically supported analysis of the environmental harm that will likely occur by adding so many boats (attached to the newly authorized buoys) to the Lake, than you provided approx. 7 years ago.

A suggestion: Much like the present use of launching ramps to also inspect boats for invasive species, why not add a provision that each ramp and marina shall (not may) inspect boats for oil and gas leakage?

Sincerely, Ron Grassi

Ps. please deliver a copy of this email to the TRPA Clerk and to each TRPA Board member. Thank you.

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Hi Rebecca,

With regards to the comment deadline of 8/16/17, I need a better understanding of the below excerpt taken from the DEI Statement as follows:

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.

I represent a lakefront property HOA of 41 homeowners, we are currently permitted for 5 buoys through California State Lands with a 10-year lease and have 5 buoys in the water – and we would like to add a 6th buoy.

I am confused by the 1st point “Up to three existing buoys may be grandfathered in”, then the 2nd point “An allocation system for 1,430 additional buoys would be distributed to private property owners, HOA's and marinas” and finally the 4th point “buoys that are currently permitted or pending approval would be given priority in the allocation pool”

My questions prior to comment as follows:

What exactly does this mean?

If this plan goes into place, of the 5 buoys we have in place – would we grandfather in 3 of them, then have to join the allocation system for the other 2 that are already in place? (that seems very unfair)

With regards to the 3rd point, how do single-family homes qualify for 2 buoys and or a 3rd if previously permitted or in place prior to 1972 if an HOA of 40+ homes can only grandfather in 3? (If that is what is meant by the 1st point)

How does it affect marinas – are they only able to grandfather in 3 buoys? And how do they received priority over HOA's with regards to total amounts of buoys? (i.e North Tahoe Marina with 40+ buoys and not a single homeowner)

How do we go about applying for a 6th buoy, through our current lease with State Lands?

Thank you in advance for your reply to my questions to get a better understanding of the DEI Statement that I can share with the HOA I represent so we can forward comment(s) to the proposed plan.

Thank you,
Greg Wilson



6963 Power Inn Road
Sacramento, CA 95828
916-386-4015 office
209-495-3569 mobile
greg@kingsroofing.net

Alyssa Bettinger

From: Brandy McMahon
Sent: Friday, July 21, 2017 9:08 AM
To: Rebecca Cremeen
Subject: FW: [FWD: Incline pollutants and violations]]

Dear Ms. Mc Mahon,

I sent this letter to Steve Sweet recently and I believe that your work on near shore environments for Lake Tahoe might be interested in how the 14-year deplorable Near Shore Turbidity at Incline could be improved by stopping the dumping of large amounts of dog poop from Village Green (300yards away) into two vary active adjacent creeks -Third Creek and Incline Creek directly into the lake.

Thank you for your work to keep Tahoe beautiful. Maybe this information will assist you and others at TRPA. Please feel free to forward it to whomever you feel it might assist with lake clarity, and the removal of nutrients for algae.

Stephen Dolan

To: ssweet@www.trpa.org

Dear Steve, TRPA

Over a year ago I pointed out Incline Villages problem with its SEZ pollutants based around Village Green. I have been a volunteer for the State regarding the study of spawning fish up the two creeks adjacent to Village Green (VG) Incline Creek and Third Creek.

I have submitted statistics related to spikes in nutrients adjacent to VG. I have submitted photos showing runoff from the feces laden VG melt during the winter. You can stroll the SEZ adjacent to the two streams to find an inordinate amount of dog poop. Such that you can not raise your eyes from the soil for the danger of stepping in it. I have given photos of the beautiful fish spawning in Incline creek and Third creek and still the livestock that Incline Trustees direct to VG is unconscionable. I use the term livestock because of the laws governing livestock in SEZ. The numbers of dogs legally qualifies as livestock.

I direct your attention to the rule that "live stock shall not be allowed in SEZ" This is clearly what the Incline Board of Trustees has directed for the past 17 years. Daily! The hundreds of piles of feces, puddles of urine, can not be self monitored as the prevailing trustees would have one believe. Even if the 80% of responsible dog owners did pick up the feces, we all know that it is impossible to be 100% clean. Not to mention the urine. 17 year has created a methane cloud in the warm summer days that should in itself be evidence of the problem.

The SEZ which in some cases is directly part of the VG area, is being abused by the use of this property as a shit storm. A year ago I participated in a TRPA report that showed of the 50 or more Near Shore Zone studies Incline was one of the two that had shown no improvement in 13 years! Can you say Village Green.

TRPA is negligent in addressing this problem and may soon be brought into litigation because I have informed you of this last year and NO progress has been made.

Please address this violation of TRPA and Nevada statutes and rules in Incline Village, at Village Green.

I have spoken to the IVGID Board of Trustees; Dent, Calicrate, Wong, Morris and Horan and the IVGID staff: Stephen Pinkerton, Brad Johnson, and Indra Winqwest and they all want to address this issue and find my claim has merit. They all profess that they want to do something to correct this problem. They have said this with prior boards and let it drop. Their intentions may be good but their will is weak. I need you to and believe **they want you to** give them a kick in the legal ass to make them save the streams and the lake and fish.

Thank you,

Stephen Dolan
P.O. 3844
Incline Village, NV 89450
Resident 25 yrs.
(775) 843-7244
dolan@gracethomas.com

Alyssa Bettinger

From: Brandy McMahon
Sent: Monday, July 24, 2017 12:16 PM
To: Seana Doherty; Rebecca Cremeen
Subject: FW: CONTACT FORM

-----Original Message-----

From: WordPress [mailto:noreply@shorelineplan.org]
Sent: Monday, July 24, 2017 12:12 PM
To: Brandy McMahon <bmcMahon@trpa.org>
Subject: CONTACT FORM

From: Bertie Freeberg
Email: bertiefreeberg@comcast.net

Message Body:

Interested in discussions regarding who has right-of-way access to HOA piers and buoys

--

This e-mail was sent from a contact form on Shoreline Plan (shorelineplan.org)

Dear Ms. Cremeen,

I have been a resident and taxpayer of the Lake Tahoe Region since the mid-1980s. Please consider and make available to your planning team the following comments regarding your NOP.

The TRPA should stop bending over backwards to cater to moneyed interests and motorized recreationists. Please include the following provisions in your upcoming DEIS:

1) Your DEIS should include an alternative to actually RESTORE the scenic beauty of Lake Tahoe by REMOVING nearly all of the existing piers and buoys from Lake Tahoe. Such an alternative should retain just a very small number of public piers for public use, access, and enjoyment.

2) All alternatives in the DEIS should include a robust provision to make some modest progress toward achieving the TRPA's threshold for NOISE. Specifically, the TRPA should make efforts to restore some modicum of natural QUEIT by endorsing " within EVERY alternative -- the concept of **Motor-Free Mondays** as proposed by the Tahoe Area Sierra Club. I am only asking for one motor-free day per week. People who prefer the ROAR of their motors will still have six out of every seven days, every week, to enjoy their NOISE.

Thank you in advance for considering my comments.

tomas suk
po box 7720
south lake tahoe, ca 96158

Alyssa Bettinger

From: Brandy McMahon
Sent: Saturday, July 29, 2017 10:33 AM
To: Seana Doherty; Rebecca Cremeen
Subject: FW: CONTACT FORM

From: Debbie Kelly-Hogan
Email: dhogan@ierstahoe.com

Message Body:

If you are any engineer, planner or agency person, get out, drive around the lake and see what is going on! The parking and road erosion measures taken these past few years seem to have been done by people how don't have a clue on what really happens in Tahoe during the busy season. This website does not seem to be working well, so I am signing off before I write too much and have it disappear again. Please contact me is you want more info.

As s

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This e-mail was sent from a contact form on Shoreline Plan (shorelineplan.org)

I know this input is a waste of time, however, the best way to protect and preserve the shoreline and the lake itself is to prohibit any further development. This includes buildings, docks and particularly, commercial development. Ron Gregg, Tahoma

Hello Ms. Cremeen,

We are part time residents of the Tahoe Keys and are avid kayakers and sailors. We are very supportive of protecting the water quality and shoreline of Lake Tahoe.

We have read the Lake Tahoe Shoreline Plan and are disappointed it does not include any comments or suggestions regarding the use of high speed motor boats, particularly wakeboard boats, and the damage they cause to the shoreline with the increase in turbulence of the water and noise pollution. There is plenty of scientific research describing the damage caused by the increased turbulence as well as the disturbance in wildlife from the noise.

We would like this Shoreline Plan to **include education and enforcement of the current 600 foot no wake zone**. We regularly see waterskiers within 100 ft of shore and the water police do nothing. We have rented boats and never been told about the 600 foot no wake zone. This needs education and enforcement. It currently is a joke.

We would also like to suggest **one "no motor" day per week** to give the lake a rest. This would limit boats to speeds under 10 mph, so it would not impact fishing or sailing. There are many lakes around the country with such a program. We are happy to work with others to develop such a plan.

Thank you for all you are doing and for your consideration of these additional issues. Please let us know if there is some way we can help.

Sincerely,
Mindy and Boris Lokshin

If you are REALLY serious about the lakes health and clarity, you will initiate a rotating boat usage. Motor boats on the even days of the week and sailboats and non-motor boats on the other days. Reservoirs have been doing that for a long time. Take a look at France's lakes. They don't seem to have the clarity problems Tahoe does.

Judy Dowdy
Personal Enhancement
Fitness Consulting
530-414-1594

August 5, 2017

Dear Ms. Cremeen,

I wanted to voice my concern with the proposed Shoreline Plan as TRPA begins its environmental review. My understanding is the proposed plan would allow for over 100 additional piers and over 1,000 additional buoys in Lake Tahoe.

When I was a young man growing up in Tahoe, I could look out and see snow-capped mountains and blue sky reflected on Big Blue. Today I look out and see somebody's 17-foot Bayliner. In the 1960's there were a handful of buoys in Glenbrook Bay... maybe 5 tops. Today there are over 100... over a 2000% increase in my lifetime. While I understand the need to provide adequate recreational opportunities to the public, this massive increase in piers and buoys is simply not warranted. To wit, TRPA's latest buoy survey indicated there may be more than 400 illegal buoys in the lake. It would be the height of irresponsibility to approve additional buoys without at least first removing the illegal ones.

As littoral property owners, our family has rights to 2 buoys. We have chosen not to exercise those rights so as to not further degrade the scenic beauty of Lake Tahoe. It is my most fervent hope that TRPA shows similar restraint, and demonstrates a profound respect and appreciation for the scenic beauty of the lake when considering the Shoreline Plan.

Sincerely,

Robert B. Lambie
Glenbrook, Nevada

RECEIVED

Shoreline Plan Comments

AUG 11 2017

To Whom Ever it May Concern,

TAHOE REGIONAL
PLANNING AGENCY

I am a home owner and tourist related business owner. I have lived in the Tahoe Basin year round for the last 35 years. I have many concerns about the shoreline plan...

- 1. I would like to see no recreational motor boats on the lake and would like to suggest limiting boat access to *only* commercial tour boats. With this removal of boats I would also suggest removing all gas pumps and ban all refueling of boats and jet skis in the lake.**
- 2. I would like to see no new buoys and no new piers. In fact I would rather see the removal of all buoys and piers.**
- 3. I would like to see the Water Master limit the lake level to no more than the natural Lake level as the higher water level is obviously washing away plants, trees and soil, further degrading the water quality.**
- 4. I would like to see Lake Tahoe Shoreline (below the high water mark) recognized as a National Park and Tahoe's clean waters protected as an underwater sanctuary.**
- 5. I would also like to limit any new construction to the uphill side of the highway,**

**These are a few of my most relevant concerns but I have more.
Thank you for your consideration**

**Sincerely,
Harry King
erents1@gmail.com**

From: Tom Carter [mailto:tfccarter@gmail.com]
Sent: Thursday, August 10, 2017 1:59 PM
To: Rebecca Cremeen <rcremeen@trpa.org>
Subject: Shoreline comments

Rebecca Cremeen
Associate Planner
TRPA
PO Box 5310
Stateline, Nevada
89449

Dear Rebecca

What would more piers and buoys do for Lake Tahoe? These structures are like fences both physically and visually. Let's keep the magnificent "View-shed" free of additional manmade structures.

Please do not allow more buoys or extended piers at Lake Tahoe to "chase the waterline" in times of drought and low water. Instead let's plan to reduce the number of buoys, and reclaim the once pristine "view-shed" now marred by piers, buoys and boats.

Sincerely,

Tom Carter

From: Carol Mazerall [mailto:cmazerall@gmail.com]
Sent: Sunday, August 13, 2017 9:32 PM
To: Rebecca Cremeen <rcremeen@trpa.org>
Subject: Shorezone

Rebecca Cremeen
Associate Planner
TRPA
PO Box 5310
Stateline, Nevada
89449

Dear Rebecca,

I am writing to oppose any more development on Lake Tahoe RE: increasing the number of buoys and peers. There are too many now, both legal and illegal! Increasing boating degrades the lake ,and peers mar the shoreline and decrease access to the public.

Its about the lake. Do what is right.

Thank you for this opportunity.

Sincerely,

Carol Mazerall

AUG 14 2017

RECEIVED

Rebecca Cremeen
Associate Planner
TRPA
PO Box 5310
Stateline NV 89449

Dear Rebecca

Please do not allow more buoys or extended
piers to be built or installed at Lake Tahoe.
These create "fences" both physically and visually.
Really we should be focused on keeping
Lake Tahoe pristine, not marred with any
additional piers, buoys and more boats.
The "View-shed" should remain free of any
additional manmade structures.

Sincerely

Norma Jean + David Bowers
PO Box 3728
Olympic Valley CA 96146
530 414 4053

August 15, 2017

Ms. Rebecca Cremeen
Associate Planner
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: Comments on Notice of Preparation; EIS for Lake Tahoe Shoreline Plan

Dear Ms. Cremeen,

At the outset, it is distressing that more public input was not solicited and considered in the preparation of the Shoreline Plan so far. Although several public workshops were held, most of the policy determinations that are embodied in the Notice of Preparation (NOP) seem to have emerged from a very small consensus group. This group was composed almost exclusively of public agency representatives, with only one representative from the private sector as a whole on behalf of the Tahoe Lakefront Owners' Association ("TLOA"). TLOA can hardly be expected to represent all private users and owners as internal conflicts are inherent in such a large constituency.

Past consensus working groups were far more inclusive, and although many of the meetings were open to the public, input was only accepted from members of the committee. In my experience in mediating public policy issues, groups who feel that they were excluded from the process are the ones most likely to challenge the final product. Far more than at any time since the consensus building process for shorezone planning was first utilized in the 1980's, the groups that may feel excluded this time are private interests. If my impression is correct, the most likely plaintiffs this time will be private interests, as opposed to the more environmentally oriented groups who have attacked the process and succeeded in derailing the final ordinances in the past.

This vulnerability in developing a preferred alternative with such limited exposure to the affected public is only heightened due to the fact that no policy alternatives are even proposed to be evaluated at this point. I would expect a healthy debate with more public participation to occur as you get closer to adoption of final ordinances, but unless alternatives have been evaluated, significant changes cannot be done without increasing TRPA's vulnerability to legal challenge once again. Or, there will be delays as the environmental document is amended and re-circulated.

To be specific, the preferred alternative is far too restrictive in terms of allowing new piers. For a very significant number of lakefront owners, if not the majority, they are fortunate enough to have a neighbor without a pier. And, if they have a neighbor with a pier, it is rare to find one willing to share it with a "pier-less" neighbor given the very limited incentives to do so.

That being the case, it will be difficult if not impossible for many lakefront owners to even get into the process given the overly restrictive preferred alternative. Only 25 of the 128 new private pier allocations will be available to them. And for the lakefront owners who have "theoretical" access to a homeowners' association pier, the preferred alternative seems to leave them no practical way to actually obtain an approval, as "lowest priority" effectively just says "no". That "no" is all the more emphatic for most, who can't find a way to be multiple use either. It appears to be a transparent attempt to disenfranchise an entire class of owners for reasons that are not spelled out except in vague generalities. This is unacceptable.

The current provision to this effect in the Code goes back to a time when one could still make an argument that piers might have a negative impact on fish habitat. As a result of your fact-finding efforts, it now appears that this concern has at long last been put behind us. Similarly, the scenic impacts of a single use pier that meets design standards also cause no significant impact, especially when coupled with a "go-slow" approach that has a glacial pace and is already sufficient to identify if unanticipated impacts may occur. In short, a class of lakefront owners has been identified for permanent taking of their littoral rights without any rational basis in fact. This appears to be unconstitutional, and a taking.

It also interferes with the investment backed expectations of owners within homeowners' associations. Most residential "lot and block" subdivisions which extend to the Lake provided some form of formal Lake access *for the benefit of upland owners who lacked it*. This was generally done by either an easement or ownership of a parcel for this purpose. Almost universally, it was NOT done to prevent littoral lots from building their own private facilities for the simple reason that stripping the littoral lots of the ability to create a pier would have drastically lowered their economic value. Developers, even today, have enough common sense to never miss an opportunity to add value to what they create. Many CC&R's *explicitly grant* the right to a pier for lakefront members in their provisions. The original owners bought with the expectation of having such rights, and your preferred alternative effectively interferes with the privately contracted for amenities that went with purchase of a lakefront lot from the original developer.

Further, the original moratorium on new pier construction that has been in place since 1987 was explicitly a temporary moratorium only, pending the results of a study of the impacts of shorezone structures on fish and fish habitat. The current preferred alternative converts the heretofore temporary moratorium to a permanent taking without any compelling reason for doing so. If not fish habitat or scenic impacts, what is it exactly that justifies this over-regulation, and how can it be justifiable to create a class of owners who have no practical pathway through the process without a showing that their piers would somehow have heightened impacts? A pier right is an important component of value, and to strip that away is

a taking that can be quantified. Such rights add significant value to lakefront lots on the order of 25% to a lakefront parcel. Given the values involved, this may be a seven-figure loss for each parcel owner so affected.

At a minimum, there should be an alternative that looks at the real differences in impacts that would be inherent in lowering the number of allocations given priority as multiple use, coupled with getting rid of the unneeded and unjustifiable prohibitions for new piers within subdivisions that have piers for upland users. It should be a fairly simple matter to find out how many parcels without piers are within the class of those who have theoretical access to a homeowner's association pier. Once we know that, then you can better make a case one way or the other. I understand you will want to prioritize multiple-use in order to provide compensation to parcels without piers by allowing purchase of those rights, but 80% is just too high a number. 50% may do the same, but where is the analysis?

There needs to be an alternative that lowers the number of allocations given priority as multiple use to 50%, and deletes the exclusion for parcels served by a homeowners' association pier. Priority would still be given for multiple-use.

On the subject of buoys, there needs to be confirmation that buoys long-standing that serve upland owners (in an association or similar) can be placed landward of a littoral parcel owned in fee by another owner, but with CC&R's, easements, or others rights of record that recognize the rights to a number of buoys. This may be more than 3 in some situations. The preferred alternative is completely silent on this issue of great importance in a number of situations. I can provide more information on this. I am at pains to avoid a situation where the environmental document fails to account for these additional buoys, and an argument is made that therefore it cannot be considered. This is an important clarification of policy, but would not be new. Buoy permits were granted in such cases under the last ordinance and this practice should continue.

Thank you for the opportunity to provide comment on this important document. I would very much appreciate being included in all future notices and mailings on this subject. I have requested this repeatedly and still am not getting all of your notices, which are of great importance to my clients.

Very truly yours,



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From: Stephen Alastuey [mailto:alastuey52@yahoo.com]
Sent: Wednesday, August 16, 2017 4:52 PM
To: Rebecca Cremeen <rcremeen@trpa.org>
Subject: Lake Tahoe Shoreline Plan

August 16, 2017

1050 Nevada Street, #109
Reno, NV 89503

Rebecca Cremeen
Associate Planner
TRPA
P.O. Box 5310
Stateline, NV 89449

Dear Ms. Cremeen,

I urge the TRPA to reduce the number of new piers and other construction on the Lake Tahoe shoreline.

Scenic quality, public access, and recreation are major economic and quality of life concerns for tourists and residents. The present level of public access along the shoreline should be maintained, and extended when possible. Lake Tahoe's scenic quality is inextricably connected to its open space and environmental protections.

More private beaches will impact the recreational and aesthetic appeal of the Lake. More boats, more piers, and more buoys are distractions to the area's natural beauty.

Water clarity must not be compromised by relaxing any regulations.

I am a native Nevadan, born in Reno.

Thank you for this opportunity to express my views.

Sincerely,

Stephen Alastuey

PROJECT DESCRIPTION

The DRAFT EIS must list thresholds that are affected, the proposed solutions for attainment with timelines and enforcement policies.

The DRAFT EIS must include a timeline for removal of illegal buoys and develop a code and approve code for removal of illegal buoys before new are approved and allowed on lake within 6-8 months of Shoreline Plan approval.

The DRAFT EIS must include a high water level adaptation strategy (include policies, studies, etc.) along with low level adaptation.

The DRAFT EIS must analyze environmental documentation differences if streamlining and getting rid of Marina Master Plans. Master Plans require more analysis and stringency which should be the preferred method for marina growth and management.

The project description is very vague and must include what the Regional Plan Implementation Committee (RPIC) endorsed, denied, requested further analysis of to allow the public and agencies a better understanding of process and not second guess what is all-ready been endorsed and a foregone conclusion.

BACKGROUND

Fish Habitat is not the only issue that has been studied and litigated. The background lacks information about illegal buoys, affects of shorezone structures on lake clarity and scenic, etc.

The background states a Joint Fact Finding (JFF) Committee was formed to provide scientific and technical input. A list of existing scientific studies identified by JFF must be included in Reference section and identified as JFF recommendations to influence Shoreline Plan. If there were recommendations made those must be summarized and included in the DRAFT EIS and analyzed.

PROJECT OBJECTIVES

The DRAFT EIS must include criteria for fair and reasonable access to the Lake, public piers, etc.

Along with criteria, maps showing current access points, public piers and state recreations areas and private amenities must be included. Provide individual maps that do not cram too much info onto one map making it virtually impossible to ascertain info being provided. This will allow the public and agencies ability to determine where new points of access would best suit their jurisdiction and provide environmental studies for new access points.

The DRAFT EIS must provide criteria for what is stated to be “enhance the environment” and provide examples to clarify.

Preserving a quality recreation experience is subjective. The person that wants to sit on beach and read a book may be irritated by large engined boats decibels, while small children in nearshore, kayakers and paddleboarders have definite conflicts with jetskiers and boaters. The DRAFT EIS must provide specific policies/standards that address all types of recreation in shorezone and on lake and develop achievable enforcement practices. Don't just say it.... ENFORCE IT.

SHORELINE PLAN CONTENT

The DRAFT EIS must define and provide criteria for “effective resource management” to insure environmental threshold attainment. Include a timeline that must be adhered to. The Shoreline Plan content adequately describes “structures” but has not achieved what is expected to be completed to attain thresholds. The DRAFT EIS must include a list of threshold standards as related to shoreline: nearshore, water quality, air quality, noise etc. The list must include current status and what studies/analysis will be expected to be completed to achieve attainment and a timeline for completion and enforcement actions if not completed. The timeline must be realistic and not state this will happen in 20 years. Near-term provisions for achieving threshold attainment must be included.

The DRAFT EIS must include a list of the 12 marinas in California and two in Nevada and a GIS accurate map showing the piers by quadrant to allow public and agencies ability to ascertain where new pier location is appropriate. Scenic analysis must accompany the existing piers and simulations with scenic analysis for newly proposed piers. The DRAFT EIS must include visual simulations of floating piers versus hard structure piers and analyze the scenic differences during high and low water. Along with public safety/access analysis of floating versus hard structure extensions.

The DRAFT EIS must provide pierhead diagrams for general public understanding and impact on scenic.

The DRAFT EIS must include analysis of each motorized boating type (boats, jetskis) individually and cumulatively for effects on lake. Possibly develop a code for restricting the number of each type in conjunction with the number of non-motorized water craft anticipated especially during high holiday season and summer vacation times.

The DRAFT EIS must provide diagrams/definitions (jetties, rock cribs, piers, ramps, other structures) for proposed design standards to allow public and agencies a fundamental understanding of what is being proposed to ascertain if scenic and other environmental analysis has been adequately met.

The DRAFT EIS must determine if analysis is required for potential of Aquatic Invasive Species (AIS) and ability to hitchhike on kayaks, inflatable paddleboards, etc.

The DRAFT EIS must require removal of all illegal buoys before new are authorized and allowed in the lake and study disturbance issues with removal. The TRPA surely knows how many illegal buoys there are: a scenic study with all existing buoys needs to be completed in the DRAFT EIS along with scenic photos and simulations showing existing buoys (legal and illegal) and what the lake will look like by quadrant with removal of illegal buoys. And include a study of lake disturbance if proposal to allow additional lakeward buoys for low water levels.

Another simulation and scenic study with buoys at buildout needs to be completed in the DRAFT EIS along with scenic photos and simulations showing existing buoys to understand the cumulative effects of all buoys.

Another scenic issue is boats on boat lifts. If/when allowing more than one boat lift per pier provide scenic simulations for cumulative analysis/effects of multiple boat lifts.

The steering committees focused on low lake level. The DRAFT EIS needs to add a high lake level study and analysis to include impacts to beaches: smaller beaches, too many people at one place at one time, environmental effects. High level adaptability is just as important as low level adaptability. Adaptive management applicable. A GIS/survey map of high and low water mark boundaries should be provided in the DRAFT EIS. TRPA or State Lands needs to officially mark high water level. Adaptive Management

applied to high water at lake as well as low water. This year has brought interesting challenges to beach usage on little to no public lands on North (South also) Shore where much of the beaches are now on private land.

The DRAFT EIS must provide financial feasibility studies of electric boat charging stations and an anticipated electric boat usage study. Small electric/battery boat, like those used in enclosed large marinas, will not fair well on the lake with it's changing conditions. Public Health and Safety a factor/issue with this type of boat usage and must be studied for actual appropriate use on Lake Tahoe. Also study North Shore water taxi failure due to financial infeasibility.

The DRAFT EIS must include the most current scenic roadway information to allow public and agencies to determine if enough scenic analysis is being completed in specific areas and threshold attainment is achievable. The information provided should provide how long the roadways have been in non-attainment. Continuing to allow non-attainment but never achieving goals for attainment is unacceptable.

Enforcement again! Don't just say it... DO IT ! The DRAFT EIS must develop and codify enforcement policies that are achievable. Develop a fee structure for violations and adhere to them within 6-8 months of Shoreline Plan approval. The enforcement policies must include illegal buoys, parking boat trailers on public highways, unleashed dogs, hotel signage on fences. TRPA must identify if local jurisdictions are responsible for enforcement i.e. signage.

Yes I am a broken record but Martis Camp and Ritz private amenities have environmental affects not studied i.e. parking demand/associated VMT, the number of people at one location, scenic impact of resort style chairs and canopies etc. REAL and accepted permissible use for these type of shoreline properties, not the hybrid that has been approved recently, must be analyzed and codified within 6-8 months of Shoreline Plan approval. Approval of future like amenities should have to go before the Governing Board and not relegated to Hearing Officer. This is the Shorezone Shoreline

Much like other issues the concession operators must have a stringent policy they adhere to and permits obtained. Enforcement and fines of those who break the stated rules must be developed and established within 6-8 months of Shoreline Plan approval.

Not just evaluate, analyze effects of new and existing dredging. Provide scientific evidence of what was done and effects and how mitigation actually provides protections. Provide criteria for "increased functionality of the ramp".

The DRAFT EIS must provide the 1987 fish habitat map and current map as reference of location of fish habitats to allow the public and agencies to determine if new studies are required and if there is a potential for habitat disruption based on location.

OUTSIDE THE SCOPE OF SHORELINE PLAN

Upland issues. The parking demand issues for summer specific related issues at beach recreation shoreline facilities must be completed by state and local agencies within 6-8 months of Shoreline Plan approval as related to concessionaires, commercial facilities, etc. Area Plans did not study summer specific related issues like boat trailers on street, rental boats purveyors parked on highways, paddleboard signs on vehicles for rental, etc. This must be analyzed and code/fines established in the Shoreline Plan DRAFT EIS for scenic as well as capacity and pedestrian/bicyclist conflict issues as related to public health and safety. Code must be developed and approved within 6-8 months of Shoreline

Plan or why bother having rules and regulations. Or amendments to Area Plans mandatory and must be developed and approved within 6-8 months if local jurisdictions are to be responsible entity.

The proposed Keys herbicide plans and studies must be included in the DRAFT EIS to allow the public and agencies a better understanding of the results of the proposed herbicide introduction to Lake Tahoe at the Keys to determine if further studies and analysis must be completed before any other introduction of herbicides should occur at Lake Tahoe.

Transportation has been studied to death. Without actual implementation why bother. The DRAFT EIS must study areas like Speed Boat Beach for public health and safety, capacity issues, etc. If bicycles actually use the buses to get to beaches around the lake additional bicycle storage facilities will need to be analyzed and installed. If people actually get out of their cars and park at a transportation center like that in Tahoe City, additional parking needs may require additional development and must be studied.

The DRAFT EIS must require traffic studies with newly proposed public piers with VMT analysis for potential of Tahoe basin VMT exceedance.

ALTERNATIVES

The DRAFT EIS must include an alternative component for a reduced buoy, reduced public/private pier alternative that is reasonably fair but definitely a reduction.

The DRAFT EIS must provide scenic sensitivity data and criteria and provide a map by quadrant to allow the public and agencies the opportunity to understand scenic impacts.

The DRAFT EIS must provide criteria and scientific evidence of identified "environmentally sensitive area in the shoreline that would be protected".

The DRAFT EIS must provide scenic analysis for allowances of up to 15 more feet in pier length for single use as well as multiple-use piers for low lake level conditions. We should not be chasing lake level. Also provide analysis of how 15 feet extension was determined to be the correct additional maximum length. Why not 5 or 10 foot extensions. Provide scenic simulations of varying lengths.

The DRAFT EIS must establish a maximum length for marina and public piers to allow for scenic evaluation of current piers and any length beyond those maximums.

The DRAFT EIS must include a condition of only two grandfathered buoys as a reasonable recommendation to improve scenic views from lake and shoreline.

The DRAFT EIS must include criteria and scientific evidence for proposed "Clean Marina" program to assure public and agencies that adequate analysis has been completed to achieve threshold attainment as well as scenic standards.

The DRAFT EIS must include a component that does not allow floating piers which obstruct public access as well as being a public safety issue and scenic degradation issue. Analyze if floating pier can be temporary and removed during low lake level occurrences.

The DRAFT EIS must include limiting non-motorized boaters within the no wake zone for public health and safety. Possibly extending the no wake zone to 1000 feet with mandatory enforce could solve conflicts.

OTHER

The DRAFT EIS must provide documented technical scientific evidence of analysis i.e. name of study, scientific report title and should reference page numbers.

Enforcement by local jurisdictions is virtually non-existent: Petty stuff like signage by hotels for rental of beach stuff placed on hotel fences. How do you know they are permitted? Scenic impacts should be analyzed in DRAFT EIS and code established and approved within 6-8 months of Shoreline Plan approval requiring local jurisdictions to enforce.

Capacity studies must be completed and possibly lake attendance capped during high summer attendance months, holidays, etc. A study of implementing toll booths, at the very least to count the number of people coming into the basin, must be completed especially for the useage at the shoreline. May be impossible to count people at the beach and on the water but a capacity study of some sort must be done sooner than later. VMT associated with summer visits affects shoreline thresholds.

The DRAFT EIS must provide a table showing responsibility by agency and how enforcement will actually be achieved. Examples: Is TRPA in the process of monitoring the use of fertilizer at properties abutting the lake? The Code of ordinances 60.1.8. Fertilizer Management; Dog off leash at State and CTC beaches, parks, campgrounds, etc. The environmental effects of fertilizer has been studied so enforcement a must. Dog feces analysis not easily accomplished but some sort of study should be done.

The DRAFT EIS must develop educational materials for concessionaires, hotel owners, rental properties and for general public in the form of brochures for general awareness and public health and safety within 6-8 months of Shoreline Plan approval.

The DRAFT EIS must include Land Use section for possibility of additional parking, structures, etc. Provide analysis of increased land coverage proposed for new access paths and identify on a map potential sites for those paths.

The DRAFT EIS must be consistent with terminology use Shoreline not Shorezone. Update TRPA code of ordinances to reflect terminology change within 6-8 months of Shoreline Plan approval.

The DRAFT EIS must provide studies of rock removal in nearshore during low level occurrences and establish policies and educational materials why not to disturb littoral waters. Example: private amenity Martis Camp removed rocks to allow guest ease of access to water by removing rocks and creating a path. Ultimately fined but disturbance was done.

The DRAFT EIS must identify and provide criteria/definition of protective structures and retaining walls and where they will potentially be allowed or proposed. Land use studies must accompany approval.

The DRAFT EIS must include historical data on lake level to provide public and agencies a better idea of drought versus high water to determine if chasing lake level is even prudent. Lake level fluctuations have occurred throughout history: low level is not news.

The DRAFT EIS must include information stating (if adopted as policy) when a buoy allocation is exchanged for a slip at a marina or public facility that buoy is not re-allocated as an additional buoy and retired.

The DRAFT EIS must establish a maximum distance lakeward for buoy fields (marinas and HOAs) as well as littoral owner buoys and provide scenic analysis of distance determined appropriate. Provide the

number of buoys currently located at HOA buoy fields as well as marina buoy fields. Inventory and list the number of rental boats in marina rental pools. Possibly limit rental pool.

The DRAFT EIS must consider annual review of allocation of buoys (report the number of new buoys) instead of re-visiting every five years as related to scenic analysis and sensitivity. In addition develop a fee structure for illegal placement of buoys. Make it a meaningful amount to deter people from putting them in the water in the first place.

STEERING COMMITTEE MEETINGS

Meeting #2 Held April 26, 2016

Parking

Parking is a constraint on access and is a critical component to boating lake access structures. Managing it in some way in the shoreline plan seems important, recognizing that the shoreline plan cannot address all structures in the upland area. On parking, the shoreline plan would not address site-specific parking. Rather, the environmental analysis could consider different “reaches,” considering in which areas might new parking structures be allowed. The plan would provide capacity at the regional scale with a defined increase in parking. Later, site-specific facility planning would occur through projects, such as state-park plans or marina plans. One assumption is that parking is a significant constraint for boating and so increasing parking could provide a corresponding increase in the number of boats on the lake. Parking is a limiting factor for marinas. Parking could be analogous to the Regional Plan, providing programmatic sideboards and allowances against standards that later have more specific site-specific plans developed.

The DRAFT EIS must provide a parking analysis study that could be accomplished by starting with current marinas and state parks parking capacity numbers. Approximate on-street highway parking near beaches and recreation areas.

New Dredging

TRPA has a standard in place for “new dredging” that is more stringent than both federal and state standards for Lake Tahoe and other lakes in the region. TRPA Code, Section 84.15.3, requires TRPA to find that any “new dredging” be “beneficial to existing shorezone conditions or water quality and clarity.” As a result of this stringent standard, TRPA has not approved “new dredging” since 1991, a year in which a prolonged drought brought lake levels down to very low levels. The Coast Guard is currently pursuing an application through the partial permitting program for a pier extension in Tahoe City that would involve new dredging.

The key question is whether and, if so, how to address new dredging through the shoreline plan. For instance, should TRPA make exceptions for particular needs, such as public health and safety? Should the standard be revised? If so, how can the standard be revised as a programmatic level?

Marinas would strongly advocate that the shoreline plan address new dredging. Marinas currently have a CEQA exemption for maintenance dredging. New dredging is closely linked to low lake level adaptation and will emerge as an issue with both piers and buoys. Others are supportive of looking at new dredging because it is important to provide viable lake access, but express concern that the complexity of the issue could overwhelm the planning effort.

The DRAFT EIS must define and provide criteria for “beneficial to existing shorezone conditions or water quality and clarity. Nearshore threshold establishment and standards must include new dredging impacts.

Public Health and Safety

TRPA proposed to set public health and safety on its own separate process to address permanent public health and safety needs on a shorter timeline than is necessary to address the full range of shoreline issues. TRPA staff have met with first responders to identify facility needs. The overarching goal is to have one designated access facility per quadrant. Washoe County is the only jurisdiction that is without permanent facilities. They have been using temporary facilities, but are actively seeking a permanent solution that does not involve relying on exiting the lake through private homes or facilities. Everyone was supportive of tracking separately although one person expressed concern that these public structures could limit the environmental thresholds for access later in the process. The group also agreed to revisit any implications on existing conditions or cumulative impacts that the new structure might have on the environmental review, which would depend upon the status of that when the shoreline plan environmental review is underway. TRPA will continue processing temporary moorings while more developing more permanent solutions.

The DRAFT EIS must include a proposal for public and health and safety facilities as suggested in each quadrant. Provide a map of potential locations being consider. Analyze each site for impacts and access. Make a selection.

Meeting #3 Held May 12, 2016

Marinas

TRPA staff and the facilitator met with marina owners in April to understand planning issues and gather data on marina operations from marina owners directly. Nearly all the members of the association participated, with the exception of Tahoe Keys. TRPA staff are gathering information about Tahoe Keys

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to inform the planning process. The Steering Committee reviewed the summary of the issues and offered some additional recommendations on categorizing marinas, ADA code exemptions, and master plan guidelines.

Marina Categories: Commercial, Private Harbors, and Public Boating Facilities

Through discussion, the Steering Committee identified different categories of marinas that the shoreline plan should consider: commercial, private harbors, and public boating facilities. Commercial marinas reference private ownership that provides public services. Private harbors, like Elk Point, exist around Lake Tahoe and are generally not available to the public. All the different categories provide access, and all involve boating facilities. Staff will continue to work on the definitions and framing the policy issues. The Marina Association offered to provide input specifically on the marinas definition.

The DRAFT EIS must include definitions and criteria for the different categories of marinas and proposed policy changes and environmental analysis associated with proposed changes and allowances.

ADA Compliance Exemption

In response to an inquiry from marinas, staff have determined that existing TRPA code applies to marinas. The marinas did not understand that marinas could use this exemption. The code provides exemption from coverage requirements when updating facilities to be in compliance with the Americans with Disabilities Act. Given this, no other code changes may be necessary. Bob Hasset will share the existing code with marina owners to confirm that the code is adequate.

Marina Master Plan Guidelines

The Shoreline Steering Committee has recommended reviewing the existing guidelines to inform code developed during the Shoreline Plan. This could lead to proposals for revising master plan guidelines or potentially developing other avenues to achieve the intent of master planning: to provide incentives for environmental improvements while supporting business. TRPA staff recommend updating the master plan guidelines once the new code is developed.

Marina Capacity

Marinas report that they all have waiting lists for their services. They don't actually provide any additional public access beyond tenants primarily because of parking constraints. As part of its discussion, the Steering Committee identified several areas of consideration for thinking about marina capacity.

Parking is a limitation for marinas generally and specifically for moorage and launching. The parking kiosks won't allow entry once the lots are full. Parking needs are complicated because, in certain areas, people walk to the marinas from nearby hotels or accommodations. For example, approximately 80% of people staying in the casinos walk. The environmental document would consider a certain number of launches associated with parking facilities.

The DRAFT EIS must include a policy that requires ADA compliance (provide a timeline) at marinas as part of public health and safety as well as public access as code already allows coverage exemptions.

The DRAFT EIS must analyze parking constraints, provide solutions, determine if expanded operations are achievable without environmental impacts, install ADA compliant areas before new parking can be installed as policy as land is not always available. The North Shore is not as parking friendly as the South Shore allowing people ability to walk to facilities. Provide a study of North Shore tourist accommodations and possibility of transit provided to marinas and launches.

Storage Facilities & Moorage

Considering the possibility of expanding storage without increasing parking might be viable. This might occur via biking, walking, and the water taxi. However, given the shoreline plan scope, this would most likely be a site-specific consideration.

Launching

Without parking, marinas won't be able to expand launches significantly although some people can access the launch via nearby hotels that provide parking.

The DRAFT EIS must provide a study determining if expanding launches benefits more than just the marina bottom line. Capping launches must be considered. Especially during high summer months and holidays.

Meeting # 4 Held June 1, 2016

Overarching Policy Issue

The overarching issue that emerged through discussion is that the shoreline plan needs to identify a lake level or range via climate change planning best available to science to inform policy. One participant cautioned that the Shoreline Plan have a thoughtful approach to low lake level adaptation to avoid "chasing the water." The Joint Fact Finding Committee will take up this topic and make some recommendations on the best available studies. Some of the questions that emerged follow:

- What is the low lake level that the shoreline plan will adapt to or manage for?
- What level should TRPA use to make policy and code decisions?
- What kinds of public access can be provided with these assumptions?
- What is the planning timeline / horizon?

The DRAFT EIS must include defined low lake level numbers, and not allow adjustment for that number once environmental analysis has been completed to determine adaptation measures can be successful.

Buoys and Buoy Field Relocation

Buoys are often in locations that are not navigable when lake levels are low. As a result, the approving agencies often receive requests to relocate individual buoys or entire buoy fields. The Shoreline Review Committee, a coordinating meeting of all the permitting agencies, has begun discussing options to address low lake level adaptation as well as streamlining permitting for buoy and buoy field relocation.

Currently, buoys are limited to 350 feet from the high water line. This distance is problematic on the South Shore. For example, Timber Cove goes out 1000 feet. A previous shoreline planning effort considered extending 350 feet from the low water line.

Permanent Relocation

One concept is to permanently relocate buoys at a safe mooring depth for low lake levels. Navigational safety and environmental considerations could emerge as part of permanent relocation. However, relocating permanently might reduce the environmental impact and would likely make enforcement easier. Staff will follow up with California Department of Fish and Wildlife (CDFW) on the assumptions around environmental impact. CDFW has expressed concern about disturbance to fish habitat. (CDFW issues permits for new anchors and moving anchors.)

Enforcement

Moving buoys back and forth is difficult to enforce because the agencies lack staff and capacity. Permanent relocation would be easier for enforcement.

The DRAFT EIS must identify low and high water lines by quadrant. Provide mapping showing the proposed allowable distances and provide scenic analysis.

Low Lake Level Pier Extensions

Comprehensive Upgrades

When upgrading piers, one member recommended supporting a comprehensive upgrade that provides for structural improvements, enhances public access, etc.

Pierhead Line Maps

Revisiting the limits on pierhead maps may be advisable. Bathymetry could identify shallow areas and help to understand the implications of policy.

Navigation Hazards

Similar to relocating buoys and buoy fields, extending piers in some areas could create navigation hazards.

As suggested the DRAFT EIS must include bathymetric studies to understand shallow areas to develop policies.

The DRAFT EIS A study by quadrant must identify possible hazard areas with proposed pier extensions. Some extensions may not be granted due to hazard of public health and safety. Include maps where possible navigation hazards will arise. Also include buoy and buoy field studies for potential hazards. Same as piers some buoys may not be allowed to relocate. We cannot chase the water line to satisfy all pier/buoy owners. It's a privilege to be located on the Lake.

Coordination on Summer Buoy Counts

Starting with the Joint Fact Finding Committee, an effort is underway to do a buoy inventory during the summer season. California State Lands has committed the resources to do the buoy count on the California side, and TRPA is working with the state to do the Nevada side of the count. The purpose of this conversation was to coordinate on the approach and to ensure consistency between both California and Nevada. The outcome of the conversation is that the inventory will include a GPS of the buoy float. The teams will not permanently tag the buoys at this time. All will coordinate communication about the inventory count. And, the two teams will discuss and establish a consistent protocol. After the count, the agencies will process the data to determine the approval status of the buoys.

Agreed

- Inventory buoys in both California and Nevada and GPS the buoy float (no permanent tagging). Both teams will coordinate their protocol.
- California State Lands staff will share a draft letter that all can use as messaging to respond to questions.
- TLOA will send notice to members.
- CSLC will send letter to leases.
- Nevada Division of State Lands may send notification.
- Brandy will share CSLC letter with all TRPA staff to prepare for responding to any questions that arise.

Once buoy counts have been completed the DRAFT EIS must include a GIS mapping and eventual tagging of all buoys. Different tags for legal versus illegal that must be removed. Once tagging is completed a scenic analysis must be completed to help determine if other policies for moving buoys lakeward is a good idea as well as establishing a maximum lakeward location by quadrant as well as navigation hazards.

Meeting #5 Held June 23, 2016

Joint Fact-Finding Questions

Steering Committee members observed that the Joint Fact-Finding Questions in the memos intermixed policy issues with scientific issues. Staff from The Watershed Company, Consensus Building Institute, and TRPA Planning will review all policy memos, now that the Steering Committee has identified the range of issues, and refine and integrate the questions, removing policy questions from the scientific inquiries. In response to this particular discussion Committee members requested:

- 1) A systems map of the lake: marinas, public lands, private ramps, launch facilities, etc. – inventories and overlays.
- 2) Outline / identify what we know about use and any data on conflicting use.
- 3) Do we understand the relationship between increasing facilities in inducing recreation or boating use?

As recommended the DRAFT EIS must include a systems map of the lake, outline use and conflicts and provide assumptions based on studies on increasing facilities as inducing recreation or boat use.

Balancing Use with Thresholds

Discussion yielded the question of the primary purpose and goal of the shoreline plan, pondering whether the shoreline plan is seeking to limit or support access and boating within the Bi-State Compact's dual goals of protecting the environment while also supporting development. Given the Steering Committee's interest in developing a resource management approach, linked to the periodic environmental thresholds analysis, the Steering Committee will delve into existing facilities, access system, and boating impacts to begin formulating its policy direction and recommendations at its next meeting.

The thresholds that are directly affected by access are:

- Scenic – this is a big issue for piers.
- Noise – only associated with certain kinds of boats.
- Fisheries.
- Water Quality.
- Recreation – this threshold is qualitative.

Boating is the primary driver to affect using the thresholds to measure impact. The committee would like to understand boat management and use on the lake. The last environmental document overestimated boating activity, and the public perception from then was that TRPA was going to increase boating capacity. Boating use data implicate that most boating hours come from boat ramps or other than piers. Rental hours also tend to be higher than slip owners at marinas. What are the limits on boating? Some assume that parking is the limitation. (Parking is outside of the shoreline plan scope.) Regulation is a lake-wide issue. The Compact can address use and development, but the ability to prohibit is to manage demand by limiting development. If TRPA would lift the prohibition, what would the implications be on threshold attainment and public perceptions? The public perceives that the public does not have adequate access so lifting the prohibition could affect public opinion, the perception could be that the shoreline plan is increasing access, but not necessarily for the public.

The DRAFT EIS must also include threshold issues related to land use i.e. access paths, ADA, additional parking, etc.

The DRAFT EIS must study beach use along with boating use as related to environmental impacts. There is current issues with boat trailers taking up on-hiway public parking. A policy and required enforcement by assigned agency must be established. Fines need to be steep to deter boat owners from leaving trailers on highways for several days at a time eliminating beach user parking availability. Kayakers use beach as well as lake so parking for them also in the mix. Creating more parking not necessarily the answer but already available on-street and pocket parking lots must be monitored for shared use. Tahoe Vista Recreation Area a good example of mixed use parking with trailer spots incorporated. It's getting the trailer users there. Possibly prohibiting trailer parking on major highways should be considered. They must park at assigned launch areas. Lake Forest luanch another good example of miced parking uses.

Organizational Overview: League to Save Lake Tahoe

Darcie Goodman Collins gave an overview of the League to Save Lake Tahoe history and interests in the shoreline plan. The League was founded in 1957 over concern with rampant development. The League has been a "watch dog," involved in litigation, and developed projects jointly with others. The League helped with the formation of TRPA and has worked on a number initiatives, including banning the two-stroke engine.

Darcie became Executive Director four years ago. She has wanted to focus on expanding community engagement, being a solution-based organization, and concentrating on sensible environmental standards based on science. The League has a number of programs to carry out its mission. The League has a broad-based community engagement program that provides for hands-on work with education that is creating a community of stewards. The citizen science project is called "Eyes on the Lake" and focuses on identifying aquatic invasive species, creating a database to map AIS populations. "Pipe Keepers" works to prevent and monitor pollution (sediment) into lake. The League has four main campaigns: restoration, AIS, pollution prevention, and protecting shoreline.

Goals for Shoreline Effort

The League's main goal is water quality and scenic beauty. The League is also striving for consistent and predictable regulation; accurate baseline of structures and boating use; mitigation for additional boating (if impacts); protection of sensitive habitats; maintaining recreational access for non-motorized use; avoiding low water conditions that result in an increase in permanent structures; and adequate and consistent enforcement.

The DRAFT EIS should establish a policy that encourages more "beach clean up days" not just 4th of July. By volunteers being out on beaches during summer season sets an example that the public can see and possibly stop leaving trash.

Meeting # 6 Held August 25, 2016

The Tahoe Interagency Executive Steering Committee is considering joint planning to manage the increase in recreation demand. The recreation plan needs to integrate transportation planning and other agencies' planning work to have a comprehensive look at recreation on the lake. TRPA is advocating that the agencies come together to address crowding at recreation sites and facilities through a comprehensive approach.

Yet another concern is that the mitigation be distributed among users and not concentrate on any one owner or user community. Landowners, agencies, and other entities should share responsibility for mitigation. One issue in a previous planning round was that some of the mitigation should have been more local to a specific project. The tendency has been to rely on public land / open space to serve as mitigation. (Note, the environmental analysis will not address conflicts between motorized and non-motorized users or crowding that is keeping people from the lake.)

Concessions are defined as renting something that will be used on the lake (boat, paddle board, kayak, etc.). The scope of concessions is a concern for some because it may implicate the number and types of boats on the lake, but not the facilities associated with it. The hope would be that concessions would have the same standards as marinas or other parallel commercial enterprises. Everyone seemed to concur that commercial activity should be managed consistently in the shoreline plan. One person advocated that they would like to make sure that the new policies move the lake in the direction to provide more non-motorized access as this is the emerging trend.

One thing the inventory map can help with is identifying where development is best suited and where does the plan want to emphasize or provide for development.

I disagree that capacity should not be addressed. A previous comment about states it needs to happen and sooner than later. Starting with the Shoreline plan as first step in the DRAFT EIS must be considered. All agencies have avoided the capacity for fear of capping development. It's a component that must be studied as related to threshold attainment. Our scenic highways have been in non-attainment for way too many years. The basin VMT and potential exceedance is looming.

At the August 2017 Governing Board Tim Cashman brought up user conflicts. The statement above says user conflicts will not be addressed. The DRAFT EIS must consider the no wake zone as well as lakeward for possible restrictions of use for public health and safety. Of course, enforcement is always an issue and responsibility needs to be determined.

Inventory Map Available

Staff have prepared an inventory map that is interactive and available for looking at facilities and demarcations (such as the buoy line). The map will be useful for inquiries regarding private versus public ownership, access points, and high water and low water line.

The Steering Committee suggested that seeing the statistics / numbers associated with facilities would be very useful (i.e. number of slips associated with map icons).

The inventory map must be included in the DRAFT EIS for public and agency review to allow for meaningful comments on a variety of shoreline issues.

Areas of Consensus from Previous Agreements / Planning Efforts

The group acknowledged stakeholders have previously reached agreements that might be carried forward. Having both states involved in earlier planning efforts was very important and led to agreements that were responsive to the states' interests, including grandfathering in buoys and encouraging multiple-user piers (both implemented lake wide). Other elements to revisit might be design and location, allocating development, permitting existing buoys, and creating incentives. Higher-level policy makers may have upset some consensus items at the staff level in previous efforts.

The DRAFT EIS must include a summary of agreements made by the States.

Meeting # 7 Held September 29, 2016

Process Overview and Updates

In Phase 1, the Steering Committee identified issues for the shoreline plan and questions for joint fact finding. Now, the committee is shifting to Phase 2 to develop policy recommendations. The joint fact finding, shoreline workshop series, and governing board briefings will all inform the policy discussions. In Phase 3, TRPA will conduct the environmental analysis.

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.

The disclaimer is fine but as mentioned a summary of what has been endorsed must be available in the DRAFT EIS to allow the public and agencies the ability to provide meaningful comments.

Before the meeting, Jennifer Luchessi suggested that CBI put a disclaimer on meeting notes that they are not formal minutes. These meeting summaries are meant to inform future discussions. From this point forward, CBI will also use the meeting summary to document agreements. The Steering Committee can plan on going over the summary at the beginning of each meeting to correct any mistakes. If updated or changed, the planning team will circulate revised policy memos at the time of the meeting.

TRPA staff and the CBI team will brief the TRPA Governing Board on Oct. 26.

In response to low lake levels and concerns raised by first responders with the lack of adequate access, in September the TRPA Governing Board adopted amendments to the Code allowing for the designation of one Essential Public Safety Facility along the Lake Tahoe shoreline in each county, along with the U.S. Coast Guard, to accommodate regional emergency response access and egress needs.

Agreements: Agreements noted below are preliminary agreements to advance the recommendations. The Steering Committee will finalize agreements when all the issues have been addressed and recommendations formalized.

The DRAFT EIS must include the finalized agreements/recommendations (a summary table by category with reference to meetings where items were discussed for detailed info) to allow the public and agencies the opportunity to understand the depth of the planning process and what has been endorsed to provide meaningful comments

Phasing and Adaptive Management

The Joint Fact Finding (JFF) Committee recommended that the Steering Committee consider an adaptive management approach to low lake levels. Based on input from the JFF Committee and planning team, the Steering Committee considered the following phases.

AGREED: Use a phased approach to lake levels and adaptive management.

The Steering Committee would welcome input from the Joint Fact Finding Committee on phase 1 "normal low lake level," but for the purposes of moving forward will break policy considerations tied to the following low lake levels:

- Phase 1: 6223 feet elevation, legal low lake level, natural rim, ("normal, legal low")
- Phase 2: 6220 feet, historic low as of 2016 and central tendency in the Bureau of Reclamation Truckee River Basin Study; accommodate some access ("really low")
- Phase 3: Below 6220 feet ("too low to provide for access")

Overall, the Steering Committee agreed that in some years access will be limited due to low lake levels, that the region should not "chase" lake levels or design regulations for extreme low lake level conditions.

Marinas and Public Ramps


AGREED: During periods of low lake levels, direct access toward marinas and public ramps. Support marinas and ramps to adapt to be operational during periods of low lake levels, clustering access near areas with transportation and transit options.

The example of low lake level information the public and agencies should have to provide meaningful comments.

Discussion

The Steering Committee supports directing users to public boat ramps and marinas during low lake levels. However, both have limitations (depth, capacity, etc.) that would affect access during low lake levels.

Using the word "expansion" for marinas is confusing – it is unclear whether the committee is

Notes provided by  **cbi**
Consensus Building Institute

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discussing marinas adapting facilities to provide access during low lake level or expanding to allow more users to rely on the marinas (increasing number of slips or storage, for example) or both. Relying on marinas is advisable to concentrate access in facilities, to make environmental improvements to marinas, and to provide boater education. One way to define expansion is to think about draft versus capacity. Also, the services of each marina affects what would happen. Some think that driving users to marinas during low lake could necessitate increasing depth and expanding capacity. Another way to think about it is to differentiate between temporary relocation / adaptation versus increasing capacity. Options discussed, but not agreed to, were expanding storage or having marinas provide cleaner rental fleets, including electric boats. The Committee indicated that each marina's project for adaptation would have to determine what it could do given its site conditions. The Committee also discussed placing temporary mats or other features at ramps to provide access during low lake level conditions.

The DRAFT EIS must provide clear criteria and intent when using the word expansion. Also of concern is the definition and criteria for temporary mats or other features at ramps. Clear criteria and intent must be provided.

Currently, marinas use floating structures to extend their piers or tend to lose part of their buoy field when lake levels are low. Timber Cove, for example, lost half of its mooring field in response to low lake levels. In Lake Mead, which can have a 50-foot drop in lake elevation, whole marinas move out. It may be time for marinas to start thinking about how to change their facilities more significantly into the future. TRPA would like to provide incentives for marinas to be able to operate more effectively in response to adaptation and more generally to improve environmental standards. Facilitator Gina Bartlett will facilitate a small group discussion with marinas to think about a proposal for the Steering Committee's consideration on this.

Most private boat owners who operate individually off their boat lift or buoy may rent a boat during low lake levels rather than trailering their boat to the ramps or a marina. It's unlikely that private landowners will trailer their boats around (some are on boat lifts).

Boats need 5-feet of draft above the lakebed to be operable.

AGREED: In general, public boat ramps should be allowed to extend ramps to provide access during low lake levels. However, approval would be contingent on other factors, including distance to / into lake (design standards based on conditions), fish spawning, stream mouths, littoral drift, and temporary structure options.


Discussion

The intent is to establish policies with conditions that TRPA would consider. A blanket policy doesn't always make sense. For this reason, the Steering Committee identified issues for consideration.

AGREED: The environmental analysis will evaluate existing ramps plus 2 new public boat ramps.

Discussion

For the environmental analysis, TRPA has to create an "envelope" for what needs to be analyzed. The Steering Committee agreed on two new public boat ramps based on review of previously identified potential sites and conditions that suggest that only two of the potential sites would meet low lake level conditions.

Notes provided by  Consensus Building Institute

The DRAFT EIS must provide clear criteria and intent when using terminology for extending ramps? This must include analysis of a larger permanent footprint impact. Maybe there will be times when access at ramps is not achievable. Much like the river rafting companies, topography, too much or not enough water cause operations to be stopped.

As stated AGREED above: "The environmental analysis will evaluate existing ramps plus 2 new public boat ramps". The two new ramps must be identified on a map. With new ramps comes environmental analysis of parking, VMT, Air Quality impacts etc.

AGREED: Low lake level adaptation measures will accommodate up to and including 30-foot long boats.

Discussion

The Committee agrees that ramps would be able to accommodate boats up to and including 30-foot long boats. The size of boats has been increasing over recent years. Now 25-30 foot-boats are the norm compared to 18-22-feet previously. The Committee does not support accommodating all boats, including very large boats.

AGREED: TRPA will not identify specific ramps for expansion, but would encourage ramps to distribute across Lake Tahoe.

Discussion

The planning consultant identified marinas and ramps that had to close early during 2015 due to low lake levels (approximately 6221). The Steering Committee would encourage dispersed sites across the lake (potentially 1 per quadrant). The key idea would be to cluster areas of capacity waterside in marinas and public ramps while considering transportation hubs on the landside. However, the Steering Committee will not identify specific ramps in the shoreline plan.

Locating new ramps requires a number of considerations, such as boat sizes, prevailing winds, and spawning habitat. Putting in new ramps has significant impacts. Many existing boat ramps are not in good locations and could shift to non-motorized boating if evaluating new locations. Doing a comprehensive plan on boat-ramp location might be necessary to support a thoughtful approach for shifting from existing ramps that don't work that well to identify new potential ramps. One idea is to limit the number to incentivize a network system.

More boater education occurs at the marinas. To address some of the challenging boating behaviors at Lake Tahoe, like aquatic invasive species, directing boaters to marinas is preferable to ramps.

Temporary Overwater Structures

A number of marinas (Camp Richardson and Round Hill) have used temporary floating piers to adapt to low lake levels. Permits differ depending on the agency. Nevada Division of State Lands does not offer temporary permits. Moving overwater structures is effectively a permanent change from a permitting standpoint. Applicants have to re-apply to remove or change the structure. TRPA allows for temporary structures for multiple-use piers for 6 months with the possibility of a second 6-month extension. Temporary permits allow for management of scenic impacts since the project is not permanent.

Navigational safety must also be factored in. The group needs to continue discussing temporary over water structures.

The Draft EIS must identify the proposed new ramps. Provide a comprehensive plan on boat-ramp location and provide detailed environmental analysis on the selection sites.

The statement above that Nevada Division of State Lands does not offer temporary permits must be defined and new policy developed that addresses both states.

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Someone proposed starting with the 2008 effort for the approach to piers and buoys. This would include 2 buoys per parcel. The code could then clarify how far owners could extend during low lake levels. If moving doesn't provide adequate draft, then the owner would need to go to a marina or ramp. The 2008 plan favored multiple-use piers as a tool to reduce scenic impacts. (Multiple-use piers can currently deviate from standards and can therefore be longer than single-use piers, which are limited in length to 6219 or the pierhead line, whichever is more limiting. Under the 2008 plan, single-use piers were limited to 150 feet and multiple-use piers were limited to 300-feet in length.)

Another member does not have the same level of comfort with this approach. Homeowners and homeowner associations would like to explore the possibility of pier extensions, especially if short extensions might accommodate the owners. Floating docks are another option for some private piers. This member urged looking at how many would actually be able to expand based on site conditions. Scenic standards could prove constraining. Understanding the impacts of floating piers and the meaning of temporary could prove helpful. Another person advocated concentrating impacts and not striving for providing access lakewide.

TRPA would like to set codes clearly to manage the evaluation of applications and to meet scenic standards. Deviation in standards are difficult for staff (and the TRPA Governing Board) to interpret and apply. TRPA is also concerned with neighbor conflicts and the perception that those that apply first would preclude additional nearby piers due to exceeding scenic standards in that unit. Dan Nickel suggested the possibility of assessing cumulatively similar to a fee in lieu system, in which the applicant would account for future projects in surrounding areas within the scenic unit. TRPA staff clarified that asking the individual owner to do this would be too taxing (difficult and costly) so TRPA will need to analyze the cumulative impacts in the environmental document that will be prepared for the shoreline plan. For this analysis, TRPA will have to provide an envelop in the environmental document, which essentially creates caps.

Discussion ensued on whether the pierhead line is still an effective tool. The current standard is 6219 or the pierhead line, whichever is more limiting. The group began to discuss the possibility of removing the pierhead line. The concern is that piers could end up being too long without it and that navigation could be impacted. Some believe that TRPA could use 6219 for all piers.

Could buoys be an alternative for a pier that is not available during low lake conditions?

Some members would prefer priority for multiple-use piers, but this was not an agreement.


Individual landowner piers

Options discussed

- Consider 6219 as the maximum extent and dropping the pierhead line. Under the 2008 plan, TRPA limited multiple-use piers to 300 feet and single use piers to 150 feet.

Discussion around extending piers to 6219

- If a pier owner can go out to 6219 and it takes 300 feet to get to 6 inches of water, then they need to look at another option.

Notes provided by  CBI
Consensus Building Institute

The DRAFT EIS must analyze in-lieu fees versus scenic degradation. Other in-lieu fee programs like parking management and affordable housing have never generated enough capital to actually accomplish anything. This is a bad idea. TRPA analysis as prescribed above must be compelled and included in the DRAFT EIS.


Buoy Relocation

The Steering Committee may be able to support moving buoy fields and individual buoys for low lake level adaptation; however, the committee needs more input on the parameters. TRPA staff or Dan Nickel will propose some parameters at the next meeting.

Moving buoys fields must consider non-motorized boater safety and navigation. The proposal that has been being discussed in the Shoreline Review Committee (meeting of permitting agencies) is to move the landward row of buoy floats to a row of buoy anchors placed on the lakeward side of a buoy field when lake levels lower. Policy would need to determine the outermost limit. California Department of Fish and Wildlife has indicated a preference for a second row of anchors rather than moving blocks back and forth to avoid disrupting the lakebed and impacting water quality. Nevada Division of State Lands provides for moving buoys, and anchors are fixed. State lands leases are currently required for a second row of anchors.

The existing system allows for 2 buoys per littoral parcel. While navigation and safety are always at issue with moving buoys and considering how far out they can be moved, buoys can also demarcate the shoreline and keep boaters away from the shoreline for navigational safety. The Steering Committee can likely support moving buoys as a low lake level adaptation strategy; however, members would like to consider parameters before finalizing this agreement.

To move buoys, the question is how far out can they go and not disrupt navigation. The other issue is potential scenic impacts.

Notes provided by  CBI
Consensus Building Institute

The DRAFT EIS must include the outermost limit for buoys and piers to allow the public and agencies the opportunity to determine if this is too far. Scenic impact analysis as well as a study for public health and safety in regards to navigation must be included.

Next Steps

Staff will do some analysis and attempt to answer the following questions:

- Identify how many piers and how many piers are multiuse
- If TRPA used 6219 as the line for piers, how many piers might be able to potentially extend? (The Steering Committee also briefly touched on the no-wake zone, which is 600 feet from the low water line as another potential reference point.)
- What limitations on length (150 feet or 250 feet) should be evaluated?
- Consult with Corps, NDOW, Coast Guard
- Define temporary and identify impacts of floating piers

The DRAFT EIS must include detailed information on the consultations with Corps, NDOW and Coast Guard to allow the public and agencies the opportunity to provide meaningful comments based on their recommendations.

The DRAFT EIS must include a definition and provide criteria for temporary and identify impacts of floating piers. Most specifically scenic and navigational issues.

Meeting #8 Held 10.19.2016

Meeting Summary

"Agreements" in Meeting Summary

The meeting summaries are documenting areas of agreement as a tool to advance negotiations, recognizing that all agreements are preliminary until the full package of agreements comes together. However, Committee members will stand by agreements until new information or new agreements reached affect those earlier agreements. Mediator Gina Bartlett from Consensus Building Institute will confirm agreements documented in the meeting summary with the Steering Committee at the beginning of each meeting.

Low Lake Level Adaptation

The Steering Committee recapped the agreements reached in the previous meeting on Low Lake Level Adaptation, outlined below. The Committee needs to do more work on piers and private harbors.

One correction to the previous meeting summary was to capture the cluster concept that marinas and ramps managed for low lake levels will be connected to town centers and transportation hubs. Facilitator Gina Bartlett will correct meeting summary #7 to add this concept.

The planning team will report back to the Joint Fact Finding Committee on how the Steering Committee is moving forward with developing policy using the phased approach outlined below. The JFF Committee's recommendations on lake levels, using the best available science, were contingent on how those levels were used – so the Consensus Building Institute would like to close the loop with the JFF Committee on this element.


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.

Notes provided by  cbi
Consensus Building Institute

The Shoreline Plan will manage for boats up to and including 30 feet long.

TRPA will not identify specific locations for ramps, but encourage lakewide distribution. The environmental analysis will evaluate two new public ramps.

The DRAFT EIS must include all Agreements in summary form as previously requested.

Meeting #9 Held 11.10.2016

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

Notes provided by  **CBI**
Common Building Institute

The DRAFT EIS must include definitions as well as criteria for Steering Committee list above: Marinas, Marina Recreation Uses List, Commercial Boating, Personal Watercraft.

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.

Notes provided by  **CBI**
Common Building Institute

The DRAFT EIS must include a comprehensive analysis of the proposed phasing, or elimination of Master Plans and prove beneficial environmental gain.

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.

The DRAFT EIS must include a comprehensive analysis of the proposed suite of options and prove beneficial environmental gain and no degradation to scenic with additional buoys allowed within existing boundaries.

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

Notes provided by  **cbi**
Coastal Building Institute

The DRAFT EIS must include a comprehensive set of policies to address steering committee requests that allow the public and agencies to provide meaningful comments

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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.]

Notes provided by  **cbi**
Consensus Building Institute

The DRAFT EIS must include a comprehensive set of policies to address steering committee requests that allow the public and agencies to provide meaningful comments.

#10 9:00- 4:00

Tuesday, Nov. 29, 2016

9:00 -4:00, Wednesday, Nov. 30, 2016

9:00-1:00, Thursday, Dec. 1, 2016

http://shorelineplan.org/wp-content/uploads/2017/06/SC10_meeting_packet.pdf

The DRAFT EIS must include all recommendation and language set forth for policy in summary form to allow the public and agencies to provide meaningful comments.

#11 9:00-4:00, Tuesday, Jan. 10, 2017

http://shorelineplan.org/wp-content/uploads/2017/06/SC11_meeting_packet.pdf

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments

Note: change title in document to reflect meeting #12 not #11 as titled

9:00-4:00, Wednesday, Feb 1, 2017

http://shorelineplan.org/wp-content/uploads/2017/06/SC12_meeting_packet.pdf

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments

#13 9:00-4:00, Thursday, Feb 9, 2017

9:00-1:00, Friday, Feb 10, 2017

http://shorelineplan.org/wp-content/uploads/2017/06/SC13_meeting_packet.pdf

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments

(#14) 3/3/2017, 10:00 - 11:30 Video Conference Call

REMAINING AGENDA TOPICS	MATERIALS
Marinas Pier Extension Considerations (proposal developed)	04 Policy Memo Marinas Meeting Materials – Marinas and Ramps 11-02-16 Marinas Proposal 02-02-17 Marinas Facilities Inventory
Structures - Piers 1. Multi-Use Piers, length and visual mass 2. Revisit Pier Release formula for releasing additional piers 3. Scenic BMPs (part of 2008) 4. Scenic credit program, can credit transfer from the parcel? 5. Revisit single use pier in italics: All private littoral parcels that meet the minimum lot size for a private residence, do not have an existing pier, <i>are not served or eligible to be served by a homeowner's association pier</i> , and are not otherwise deed restricted for a pier would be eligible for consideration for a new private pier, regardless of the length of littoral frontage. 6. Are Single Use piers allowed in units not in scenic attainment? Are only multi-use allowed in units not in scenic attainment? 7. Boat lifts: how many allowed on single use piers? Multi-use piers? 8. Public Piers 9. Pier Definition	TRPA Thresholds Report, Scenic http://www.trpa.org/regional-plan/threshold-evaluation/ 05 Policy Memo Piers Meeting Materials – Piers 2-1-2017 SC12 Meeting Summary 2-1-2017 SC11 Meeting Summary 1-10-2017 SC9 Meeting Summary 11-10-2016 Shorezone Project Description 2008: Pier Relocation and Transfer on Pg. 2-11
Non-Motorized Boating / Passive Recreation Program Element	
Boating Facilities Public Agency Slips and Buoy Allocation	02 Policy Memo Boating Facilities
Environmental Improvement through Shoreline Plan AIS & Recreation unmet needs Funding Enforcement	Concept Proposal "EIP Shoreline Proposal, v3 (1.24.2017)
Access Draft MOU for Public Trust Easement in California	See Access, CA Public Easement NEW

The DRAFT EIS must include alternatives for public easement, ramps, how many boat lifts are eligible, scenic credit criteria and analysis, scenic units not in attainment should not allow any new piers until attained. Pier definition must be descriptive not subjective definition. The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments

Other Facilities Fences	1) Cover Email from Jennifer Lucchesi 2) 54 4 B Public Access 1-30-17 3) Plan B – TRPA Public Access MOU Concepts 1-31-17 Shorezone Project Description 2008: Please review Other Facilities, pg 2-15 to 2-17 from
Low Lake Adaptation Private harbors that want to put in buoy fields Pier Extensions	06 Policy Memo Low Lake Level Meeting Materials – Private Harbors 11-09-16 SC8 Meeting Summary 10-19-2016 SC7 Meeting Summary 9-29-2016
Concessions Grandfathering?	
STRAW PROPOSALS that need to be Revisited Structures – Buoys; Association Mooring Allocation (Waiting for permitting information from 2016 inventory and TLOA Survey information)	
OTHER TOPICS – Deferred for until Project Description Developed Streamline Permitting Delegating dredging permitting to states Delegating TRPA buoy approval to the states (Option: joint applications) Explore 401-Permit Approval for certain shoreline activities (See 06 Policy Memo on Low Lake Adaptation) Revisit Fallen Leaf and Cascades Lakes (See 4/26/16 Summary) Administration Future Fees and Mitigation (Blue Boating Program, Pier Fees for Recreation,) Tahoe Keys Green Infrastructure Community Incentives (any other?)	

The DRAFT EIS must include scenic analysis of fences. At low water the fences are sometimes unsightly and at high water a public health and safety issues. Careful analysis of unintended scenic consequences must be completed.

The DRAFT EIS must include a list of approved private harbors, criteria for how it was determined to be a private harbor and careful analysis of unintended scenic consequences must be completed.

The DRAFT EIS must include alternative fee schedules

The DRAFT EIS must include criteria and descriptive not subjective definitions of Green Infrastructure and Community Incentives and analyze them.

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments

Steering

Page **25** of **87**

#15 3/7/2017, 10:30-12:00 Video Conference Cal

Marinas Pier Extension Considerations (proposal developed)	04 Policy Memo Marinas Meeting Materials – Marinas and Ramps 11-02-16 Marinas Proposal 02-02-17 Marinas Facilities Inventory
Structures - Piers 1. Multi-Use Piers, length and visual mass 2. Revisit Pier Release formula for releasing additional piers 3. Scenic BMPs (part of 2008) 4. Scenic credit program, can credit transfer from the parcel? 5. Revisit single use pier in italics: All private littoral parcels that meet the minimum lot size for a private residence, do not have an existing pier, <i>are not served or eligible to be served by a homeowner's association pier</i> , and are not otherwise deed restricted for a pier would be eligible for consideration for a new private pier, regardless of the length of littoral frontage. 6. Are Single Use piers allowed in units not in scenic attainment? Are only multi-use allowed in units not in scenic attainment? 7. Boat lifts: how many allowed on single use piers? Multi-use piers? 8. Public Piers 9. Pier Definition	TRPA Thresholds Report, Scenic http://www.trpa.org/regional-plan/threshold-evaluation/ 05 Policy Memo Piers Meeting Materials – Piers 2-1-2017 SC12 Meeting Summary 2-1-2017 SC11 Meeting Summary 1-10-2017 SC9 Meeting Summary 11-10-2016 Shorezone Project Description 2008: Pier Relocation and Transfer on Pg. 2-11
Non-Motorized Boating / Passive Recreation Program Element	
Boating Facilities Public Agency Slips and Buoy Allocation	02 Policy Memo Boating Facilities
Environmental Improvement through Shoreline Plan AIS & Recreation unmet needs Funding Enforcement	Concept Proposal "EIP Shoreline Proposal, v3 (1.24.2017)
Access Draft MOU for Public Trust Easement in California Other Facilities Fences	See Access, CA Public Easement NEW 1) Cover Email from Jennifer Lucchesi 2) 54 4 B Public Access 1-30-17 3) Plan B – TRPA Public Access MOU Concepts 1-31-17

The DRAFT EIS must include criteria for EIP Shoreline to allow public and agencies the opportunity to provide meaningful comments. Alternatives must be included. Recreation unmet needs criteria must be descriptive not subjective. Funding enforcement: identification of where funding sources are thought to be and shortfalls. Enforcement should not be left for future years. It is not a maybe a must. Establish sources, and if funding shortfalls then hard decisions must be made to limit boating, removal of all illegal buoys before new are allowed.

	Shorezone Project Description 2008: Please review Other Facilities, pg 2-15 to 2-17 from
Low Lake Adaptation Private harbors that want to put in buoy fields Pier Extensions	06 Policy Memo Low Lake Level Meeting Materials – Private Harbors 11-09-16 SC8 Meeting Summary 10-19-2016 SC7 Meeting Summary 9-29-2016
Concessions Grandfathering?	
STRAW PROPOSALS that need to be Revisited	
Structures – Buoys; Association Mooring Allocation (Waiting for permitting information from 2016 inventory and TLOA Survey information)	
OTHER TOPICS – Deferred for until Project Description Developed	
Streamline Permitting Delegating dredging permitting to states Delegating TRPA buoy approval to the states (Option: joint applications)	
Explore 401-Permit Approval for certain shoreline activities (See 06 Policy Memo on Low Lake Adaptation)	
Revisit Fallen Leaf and Cascades Lakes (See 4/26/16 Summary)	
Administration	
Future Fees and Mitigation (Blue Boating Program, Pier Fees for Recreation,)	
Tahoe Keys	
Green Infrastructure	
Community Incentives (any other?)	

The DRAFT EIS must include Assn Mooring Allocation inventory accuracy before policy can be completed and analysis done accurately and adequately. The inventory must be sited in the environmental documentation.

Describe in the EIS enforcement (a must) by States if buoy permitting is authorized by states and not TRPA. If TRPA is the enforcement arm, describe the process and codify.

Steering Committee (#15)3/8/2017, 1:30

Steering Committee (#15) 3/8/2017, 1 :30 - 3:00 Video Conference Call correct on-line this is meeting #16

Conference Call Agenda	
1:30	Review Agenda and Working Agreements
1:35	Consent Items Can SC Members live with these proposals? If not, briefly identify concern to be managed in a future conversation
	Scenic BMPs Single Use and Multiple Use Pier Applicant would have 6 months from the submittal of a pier application to put their Scenic BMPs. TRPA will require an initial 21 contrast rating (this is the baseline requirement) as part of the application and then require the contrast rating be increased to 25 as part of the project mitigation. [See <i>Scenic Requirements in the 2008 Program Description</i> , Pg. 2-17.]
1:45	Visual Mass for Multiple Use Piers <ul style="list-style-type: none"> • New Information is coming, evaluate visual mass necessary for safety measures within existing limits, namely ladders and fender pilings on catwalks
2:15	Moorings per Littoral Parcel <ul style="list-style-type: none"> • Littoral parcels would be allowed three permanent anchor blocks, but can only have 2 moorings <u>at one time</u>. The purpose of the three permanent anchor blocks is to avoid disrupting the lake bottom to relocate moorings. A mooring could be a buoy, a swim platform, an existing boat slip, or a boatlift. • Grandfathering in littoral parcels with 3 legal moorings. Additional moorings would be allowed, but nonconforming.
2:40	Moorings Allocation for Marinas Marinas are allocated 330 buoys in the reserve pool. Consider proposal for marinas to be able to use the 330 for

The DRAFT EIS must include analysis of visual mass necessary for safety measures within existing limits as well as proposed new lakeward extensions. The non-boater conflicts must be analyzed.

The DRAFT EIS must provide alternatives for less than three moorings and consider not-grandfathering the three moorings due to potential health and safety issues and no-boater conflicts.

	either slips or buoys, but not exceed the 330.
2:55	Scheduling One more Call, in addition to 3/15 – Doodle Poll Shared with a Few Upcoming Dates

Conference Call Schedule

One more call to be scheduled next week.

March 15, 1:30-3:00 (No Bob H) PRIVATE HARBORS

REMAINING AGENDA TOPICS	MATERIALS
Marinas Pier Extension Considerations (proposal developed)	04 Policy Memo Marinas Meeting Materials – Marinas and Ramps 11-02-16 Marinas Proposal 02-02-17 Marinas Facilities Inventory
Structures - Piers 1. Multi-Use Piers, length and visual mass 2. Revisit Pier Release formula for releasing additional piers 3. Scenic BMPs (part of 2008) 4. Scenic credit program, can credit transfer from the parcel? 5. Revisit single use pier in italics: All private littoral parcels that meet the minimum lot size for a private residence, do not have an existing pier, <i>are not served or eligible to be served by a homeowner's association pier</i> , and are not otherwise deed restricted for a pier would be eligible for consideration for a new private pier, regardless of the length of littoral frontage. 6. Public Piers 7. Pier Definition	TRPA Thresholds Report, Scenic http://www.trpa.org/regional-plan/threshold-evaluation/ 05 Policy Memo Piers Meeting Materials – Piers 2-1-2017 SC12 Meeting Summary 2-1-2017 SC11 Meeting Summary 1-10-2017 SC9 Meeting Summary 11-10-2016 Shorezone Project Description 2008; Pier Relocation and Transfer on Pg. 2-11
Non-Motorized Boating / Passive Recreation Program Element	
Boating Facilities Public Agency Slips and Buoy Allocation	02 Policy Memo Boating Facilities
Environmental Improvement through Shoreline Plan AIS & Recreation unmet needs Funding Enforcement	Concept Proposal "EIP Shoreline Proposal, v3 (1.24.2017)

2

The DRAFT EIS must include maximum length for public piers. There has been no policy codified stating maximum length. Scenic analysis is a must. Provide criteria for Public Agency and Buoy Associations. List public agencies and buoy associations that are considered to allow the public and agencies to provide meaningful comments.

<p>Access Draft MOU for Public Trust Easement in California</p> <p>Other Facilities Fences</p>	<p>See Access, CA Public Easement NEW</p> <p>1) Cover Email from Jennifer Lucchesi</p> <p>2) 54 4 B Public Access 1-30-17</p> <p>3) Plan B – TRPA Public Access MOU</p> <p>Concepts 1-31-17</p> <p>Shorezone Project Description 2008: Please review Other Facilities, pg 2-15 to 2-17 from</p>
<p>Low Lake Adaptation Private harbors that want to put in buoy fields Pier Extensions</p>	<p>06 Policy Memo Low Lake Level Meeting Materials – Private Harbors 11-09-16</p> <p>SC8 Meeting Summary 10-19-2016</p> <p>SC7 Meeting Summary 9-29-2016</p>
<p>STRAW PROPOSALS that need to be Revisited</p> <p>Structures – Buoys; Association Mooring Allocation (Waiting for permitting information from 2016 inventory and TLOA Survey information)</p>	
<p>OTHER TOPICS – Deferred for until Project Description Developed</p> <p>Streamline Permitting Delegating dredging permitting to states Delegating TRPA buoy approval to the states (Option: joint applications)</p> <p>Explore 401-Permit Approval for certain shoreline activities (See 06 Policy Memo on Low Lake Adaptation)</p> <p>Revisit Fallen Leaf and Cascades Lakes (See 4/26/16 Summary)</p> <p>Administration</p> <p>Future Fees and Mitigation (Blue Boating Program, Pier Fees for Recreation,)</p> <p>Tahoe Keys</p> <p>Green Infrastructure</p> <p>Community Incentives (any other?)</p>	

The DRAFT EIS must provide MOU information for Public Trust in California to insure enforcement issues are codified.

Meeting Highlights: Steering Committee (#17)

3/15/2017 Video Conference Call



Approved

The Steering Committee reached consensus on the following proposals:

Scenic Credit Program

- TRPA will allow banking of scenic credits in the shorezone and shoreland.
- Private parcels, public parcels and marinas are eligible to participate.
- Improvement can occur anywhere on the parcel or in the unit.
- Credit always stays with the parcel.

Private Harbors

Allow private harbors to install permanent buoy anchors as low lake level adaptation strategy as part of buoy field or in exchange for slips as a low lake level adaptation strategy

Pier Release Formula

Release 3 piers every 8 parcels that retire development (on top of the initial 96 piers); evaluate and release at 8-year intervals. Important to make sure this is clear that this is the release formula for the reserve pool of allocations.

Conditional Approval – More Time Needed

"Grandfathering" Moorings, apply 2008 approach

California State Lands Commission cannot approve until it reviews some pending permits tied to implementing the 2008 ordinances. If no refinements to the grandfathering proposal are necessary to manage this issue, CSLC would approve the proposal.

Needs More Work

Low Lake Adaptation, Pier Extensions for Marinas

Flexibility in pier design at marinas would be allowed based on site-specific navigation and environmental considerations. Longer piers may help to elevate the need for dredging, but could have navigation and scenic impacts.

- Address navigation and length
- Backstop for environmental analysis
- Pilings / anchors

Pier Relocation and Transfer

Including potential scenic credit issue for pier moving from one parcel to another.

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments.

The summary must distinguish between Steering Committee recommendations and Regional Plan Implementation Committee consensus. Provide two separate summaries.

Lake Tahoe Shoreline Plan

Meeting Highlights: Steering Committee (#18)

3/20/2017 Conference Call



The Shoreline Steering Committee reviewed and approved the following policy proposals. These policy proposals will become part of the package that the Steering Committee will consider recommending to the TRPA governing board.

APPROVED

Multiple Use Pier Design Standards for Single Parcel with Multiple Units

CBI Notes: When the Steering Committee reached consensus on multiple use design standards, this category of parcel emerged as a remaining issue that the Steering Committee should address. TRPA identified an initial proposal, and TLOA also reviewed this. Bob Hasset approved.

Recommendation

Visual Mass for a Multiple-Use Pier proposal for the following three scenarios:

- One parcel with multi-family housing
- One parcel with condos
- One common parcel that serves an HOA

Principal Residential Units Served:

From 1-2 = single use pier

From 3 to 4 = multiple use 2 parcel standard

From 5 to 20 = multiple use 3 parcel standard

More than 20 = multiple use 4+ parcel standard

The Steering Committee clarified that these piers would be limited to one boat lift.

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments.

The summary must distinguish between Steering Committee recommendations and Regional Plan Implementation Committee consensus. Provide two separate summaries.

The DRAFT EIS must also spell out acronyms throughout and more than once in the document to allow the public an understanding of the terminology of the agency or technical term.

The DRAFT EIS policy proposed must include and spell out one boat lift limitation as noted. An analysis of the boat itself on the lift is the scenic issue that must be analyzed.

APPROVED

Multiple Use Piers, Prioritization Process

TRPA would process 12 piers every two-year cycle.

TRPA would announce the program and receive applications up until an annual date. Note, first the applicant receives an allocation and then submits a full application. TRPA would first rank the proposals and then make the allocation. TRPA will prioritize by the number of parcels retiring development potential (i.e. higher number of parcels goes first); (2nd tie breaker) by sensitivity

of shoreline character type, i.e. locations in less sensitive areas would go before those in more sensitive areas; (3rd) date submitted.

APPROVED

Scenic BMPs and Applications for New Piers

For applicants for new single use and multiple use piers: Applicant would have 6 months from the submittal of a pier application to put in their scenic BMPs. TRPA will require an initial 21 contrast rating (this is the baseline requirement) as part of the application and then require the contrast rating be increased to 25 as part of project mitigation. TRPA will exempt property owners from the 25 contrast rating if it is not feasible to achieve 25.

APPROVED

Private Harbors, additional proposed language

Introduction: The Steering Committee approved this proposal on 3/15/2017 as part of Steering Committee Meeting #17. This new idea, which is underlined below, emerged afterward.

Allow private harbors to install permanent buoy anchors as low lake level adaptation strategy as part of buoy field or in exchange for slips as a low lake level adaptation strategy, or when harbors are inaccessible due to sediment accumulation.

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments.

The DRAFT EIS policy proposed must include and spell out Scenic BMP requirements and must be enforced. Provide criteria if extension is allowed beyond six months.

The DRAFT EIS must provide criteria what “inaccessible due to sediment accumulation” is. Provide criteria for what is meant for “exchange for slips”-slips where? This also applies to New Topics for Future discussion.

APPROVED

“Grandfathering” Moorings, apply 2008 approach

The Steering Committee recommends adopting the 2008 buoy grandfathering provisions discussed on 3/15/2017 in Steering Committee Meeting #17.

CSLC had to check on reconciling existing processes with grandfathering provisions from 2008. Colin Connor followed up with staff and the agency is fine moving forward the 2008 buoy grandfathering provisions.

New Topics for Future Discussions

- ☐ Commercial Piers
- ☐ Enforcement: Private Harbors and Marinas Swapping Slips and Buoys

The DRAFT EIS must provide 2008 buoy grandfathering provisions language for public and agency review to provide meaningful comments.

#19 Meeting Held 4.14.2017

Summary

Consolidated Document

The facilitator asked the group to evaluate the package of policies, documented in the Consolidated Document. The Committee spent time evaluating the document. The consolidated document has some big holes in it with many sections still "under development." Also, the level of detail varies dramatically, blending specific and

Notes prepared by Consensus Building Institute; Steering Committee review on 5/11/2017

vagueness. The document doesn't capture conversations and how the Committee arrived at these policies. The Committee and CBI confirmed that the audience for the document is the Committee and the intent is to document the recommendations as the Committee is developing them. Committee members are a little bit frustrated that the document is shared publicly for RPIC meetings given these concerns. CBI confirmed that the Committee needs a different format to brief constituents. TRPA and CBI will work with FreshTracks to create an externally facing document in the near term. Two audiences exist: (1) Steering Committee boards, members, and constituents and (2) the general public. The Shoreline Plan needs materials for both audiences.

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments.

The workshop formats previously conducted don't always capture the public's comments accurately or adequately. The DRAFT EIS must provide a summary of the public's concerns and recommendation to assure us that we were heard and comments taken into consideration.

Tahoe Keys

The Committee briefly discussed how the Shoreline Plan would address the Tahoe Keys. Joanne articulated an approach, with which the group conferred. The facilitator agreed to document this approach for review and confirmation.

The Shoreline Plan accounts for the anticipated environmental impacts of the Keys by including Tahoe Keys lagoon structures as part of the 2016 structure inventory and boating capacity coming from the Keys for the baseline. The Lake Tahoe shoreline development standards in the Shoreline Plan would not apply in the Tahoe Keys because the Keys are not part of Lake Tahoe (proper). Low lake adaptation policies and standards also would not apply in the Keys. The highest priority issue to address in the Keys is Aquatic Invasive Species (AIS) management, and TRPA and Lahontan are working actively with the Keys Homeowner's Association on developing and implementing an invasive weeds management plan. Because the Keys is built out, there is little need to prioritize planning for new development, and any refinements to permit administration for the Keys will likely be taken up after the Shoreline Plan for Lake Tahoe and the Keys AIS Management Plan work is completed.

The DRAFT EIS must include all comprehensive documentation on the proposed herbicide plan to risk the Keys of AIS. The future impacts of the herbicide proposal must be taken into consideration as related to herbicide introduction to Lake Tahoe regardless of a containment field at the Keys. The results of the proposal when implemented will allow the public and agencies to glean information/results documentation for future planning of any other herbicide proposal.

The Keys have on-going and difficult issues to handle. The DRAFT EIS must include solutions for the problems plaguing the Keys. Defining the Keys as not Lake Tahoe proper is absurd as its waters affect the lake directly. The Keys must be analyzed for their contribution to AIS and other pollutant factors that affect the lake.

Marinas

Bob Hassett vetted the proposals with the Lake Tahoe Marina Association members in early April. Members were generally supportive, but expressed concern with low lake level adaptation levels that by Phase 3 (below 6220'), the Lake is unusable in many cases and marina owners need to start planning earlier. In the past, marinas could start planning when the lake fell to 6225'. The Committee clarified that marinas could start planning at any time, they didn't need to wait until the Lake hit a certain level. Marinas can implement a plan to adapt to 6220' at any time. Staff will review the Compilation Document and make sure that this clarification is evident for future reference.

Organizing Principles

In preparing for the March RPIC meeting, Joanne developed organizing principles to help give context to the policies under development. The intent was to provide scaffolding or a framework to the different policies. Steering Committee members think the organizing principles can serve as a helpful communication tool.

Potential EIS Alternatives

John Marshall presented some initial concepts for the EIS alternatives. Ascent Environmental is budgeted to analyze four alternatives. The Steering Committee agreed to send input to John Marshall in the next few weeks. In addition, TRPA staff will vet the approach to the alternatives with RPIC at its April 25 meeting.

The DRAFT EIS must include provide the compilation information to assure the public and agencies have the framework information to provide meaningful comments.

The DRAFT EIS must provide the organizing principals developed by Joanne Marchetta, Executive Director, to allow the public and agencies the opportunity to comment on what is influin governing policy.

TRPA needs a reasonable range of alternatives for the environmental analysis. The proposed alternative will be the Shoreline Plan. The "no project" alternative is the existing code. Analyzing "minimum development" and "maximum development" alternatives that are feasible and have the potential to avoid or mitigate environmental impacts also fall within the reasonable range of alternatives.

Committee discussion was high level and provided general feedback as members had not had a lot of time to review the alternatives in advance of the meeting. In general, the Committee was not that supportive of analyzing the 2008 Shorezone Program as one of the alternatives. Because it is similar to the 2017 proposal, the Committee would prefer to look at another option. The 2008 challenge was tied to the baseline and the deferred mitigation for the Blue Boating Program, not the proposed regulations. The Committee might like to explore a "more development" alternative, such as more development of structures to demonstrate the measured nature of the proposal, but understands that this does not provide as much strength to demonstrate the "reasonable range." Several members suggested analyzing a higher development alternative that looks at eligibility and loosens up the scenic constraints to demonstrate scenic impacts even if it's not feasible to implement. However, it was pointed out that courts tend to reject high development alternatives deemed "not feasible."

The goal is to vet the alternatives at this early stage and settle on a set to avoid changing them later: changing alternatives drives up the cost of the EIS. TRPA will present concepts for the environmental alternatives to RPIC in April.

The DRAFT EIS must identify the similarities between the 2008 and 2017 Shorezone programs to assure the public and agencies that the impact analysis completed on the 2008 Shorezone plan actually was completed and results documented showing the nexus between the two plans.

The DRAFT EIS must provide the April 2017 Regional Plan Implementation Committee concepts, what was adopted and what was dropped to allow the public and agencies the opportunity to provide meaningful comments on feasibility of proposed alternatives.

Next Steps

- € Steering Committee send comments to John on EIS Alternatives.
- € John will speak with Ascent Environmental about the alternatives and develop a new reasonable development alternative.

Commercial and / or Tourist Accommodation Piers

Background: Piers associated with a commercial or tourist accommodation came up previously. During this meeting, the Committee discussed a recommendation to add tourist accommodations with commercial piers because so many existing sites have both commercial and tourist uses. (The previously circulated approach to lump tourist accommodations with Single Parcel, Multiple Units was withdrawn – that text will go back to the original agreement consistent with the language in the Compilation Document under Multiple Use Piers, Design Standards – Applicability.) Previously all Steering Committee members could live with the commercial pier proposal. The new info under consideration at the meeting was on tourist use; however, other issues emerged, including the definition of public.

Proposal Discussed (not accepted) at Meeting: **Commercial and/or Tourist Accommodation Piers**

Allocation of new piers for a commercial or tourist use would come out of the same pier allocation pool for private piers.

New commercial or tourist use piers that provide public access would be allowed to design to the multiple-use standard for 4 or more littoral parcels.

New commercial or tourist use piers that do not provide public access must meet the design standards for single-use piers and would not receive permit prioritization above other single-use pier applications.

The recommendation for commercial and/or tourist accommodation piers should not be studied in the DRAFT EIS. This is setting a very dangerous precedent that could upset the existing equations for total pier numbers.

The current problems being experienced with high water as well as low lake level as related to public versus private access must be defined in the DRAFT EIS as stated above.

Pier Eligibility Criteria

Eligibility for piers for parcels served by homeowners associations

The key issue here is whether a parcel is eligible for a single use or multiple use pier if it has access to a multiple use facility (pier or buoy field) through its homeowners association. The concern is that some homeowners associations are voluntary or have a limited membership so a lakefront owner could have pier development rights that the owner would like to use and could be in a situation that the owner is ineligible to use the association's multiple use facility. TRPA has concerns about interpreting whether an association is voluntary or not and continuing to manage scenic thresholds given the possibility of more piers. Steering Committee members are open to considering this situation once it works out the other pier eligibility criteria. TLOA's current proposal is that if an association's membership is mandatory, the lakefront parcel owner would not be eligible for a pier. If voluntary, the lakefront owner would not be eligible for a single use pier, but would be eligible for a multiple use pier.

Knowing how many potential piers might emerge through this policy would help inform the Steering Committee's recommendation because this proposal might be acceptable to some of the Committee members, contingent on the number. The other consideration is how this fits into "fair and reasonable" access if the owner could access the multiple use facility.

The DRAFT EIS must provide detailed criteria for eligibility and not leave the development rights issue on the table. Scenic analysis must accompany the criteria with diagrams, roadway analysis where applicable, etc.

Density and Other Criteria

Background: The Committee is contemplating issues related to criteria. One use for criteria is justification for the number of piers selected for permitting and second is for the location

4

of piers. Dan Nickel walked everyone through information captured in the meeting materials, Pier Eligibility Memo.

Discussion: The Committee had a long exploratory, inconclusive conversation on this issue that coalesced around several key points.

Naturally Dominated and Visually Dominated (marinas) are not an issue and can be taken off the table.

Visually Sensitive Areas could be managed in a unique fashion, such as special mitigation to make the scenic threshold improve in the unit (rather than static and not outside of the unit) and only allowing for multiple use piers for 3 or more parcels.

Visually Modified – which is most of the Lake – is the challenge to manage. The group identified **distribution as the key focal point** of the interests that it is trying to meet through density criteria or some other criteria. Distribution needs to focus on:

- ✓ Spread piers out – avoid or reduce "cluttering" on the shoreline
- ✓ Minimum piers possible in visually sensitive
- ✓ Keep piers as short as needed to serve the function
- ✓ Continue driving to multiple use and improving scenic
- ✓ Equal opportunity – avoid a huge rush on permitting tied to criteria

Quadrants or counties might be a way to establish criteria to distribute piers.

The DRAFT EIS must include a minimum and maximum pier requirement and analyze it in one of the alternatives.

The group didn't really have problems with the scenic character types, but identified limitations with the application of density criteria. Originally, density criteria identified the number of potential piers in a scenic unit, which helped analyze the cumulative impacts. When applied, however, the density criteria can identify more eligible parcels than actually exist in a unit (See Crystal Bay example in Meeting Materials Pier Eligibility Criteria). Frustration expressed with the density criteria is the 1/100 feet distribution even though it is applied on average to determine the number of piers.

The advantage of the density criteria is that it supports the cumulative impacts analysis. Mitigating by scenic character type is of interest and could possibly create improvement in threshold attainment, but implementation could prove challenging. If shoreline shifts to a threshold analysis on a case-by-case basis, implementation would include a threshold scoring for each project to ensure there is a net gain or impact. This could result in inconsistencies during project review or the scenic unit decreasing because each consultant analyzes scenic differently, as it is subjective. Density may be easier to measure.

Two different issues exist: how to deal with areas already developed vs. the application of regulations to new development (absorptive capacity of the particular character type within a unit). Tailored mitigation might help with threshold improvements to current inventory.

The California AG is interested in density criteria as a tool to meet environmental objectives.

The DRAFT EIS must provide detailed criteria rather than rely on individual, subjective scenic analysis. Analysis must include baseline scenic information for comparative analysis, cumulative scenic analysis, mandatory threshold improvement.

The DRAFT EIS must provide density criteria as a tool to meet environmental objects as requested by the AG's office.

- € Jan, Joanne, and John will discuss options for substitutes for the density criteria to address pier distribution.
- € TRPA will provide map and list of parcels without piers.

Approved

Marina / Low Lake Adaptation Pier Extensions

CBI Notes: Given complexities of site conditions, handling marina piers on a case-by-case basis seems to be the best approach. The latest proposal is to strike the second bullet and let TRPA evaluate each situation given that only 14 marinas exist and not many have reported plans to extend. All Steering Committee members could live with this proposal.

Flexibility in pier design at marinas would be allowed based on site-specific navigation and environmental considerations. Longer piers may help to alleviate the need for dredging, but could have navigation and scenic impacts.

TRPA shall review marina pier extensions on a case-by-case basis and subject to the following:

- A marina pier must serve the public.
- ~~A pier extension cannot extend beyond the extent of an existing marina buoy field.~~
- A marina pier extension must not negatively impact safe navigation.
- All impacts of a marina pier extension must be appropriately mitigated.

A marina pier extension for the purposes of facilitating waterborne transit shall be considered only with the review of a waterborne transit plan or project.

The DRAFT EIS must provide analysis that proves that any marina pier extension does not impact safe navigation or degrade it's existing scenic views. The mitigations must include analysis proving an extension is environmentally beneficial.

20 [v1] May 11, 2017, 9:00-4:00

<p>Proposal: Commercial and Tourist Accommodation Unit Pier Eligibility & Standards</p> <ul style="list-style-type: none">• If upland use is commercial only = eligible for pier;• If upland is TAU + commercial use = eligible for a pier;• If eligible, pier design standard = 4 parcel pier MU design if commercial/TA facility open to the public; if private then single use standard;• If upland use is only TAU, buoys/buoy field only (via grid and units)
<p>Proposal: Pier Relocation and Transfer</p> <ul style="list-style-type: none">• Piers can be relocated or transferred within the same scenic unit or to another scenic unit in attainment, but cannot transfer to another scenic unit that is out of attainment.• All eligibility location and design criteria for a new pier would be applied to a transferred pier.• When a pier is transferred, the old pier must be fully removed and the site restored. The parcel removing the pier shall be deed-restricted from developing a pier in the future.• Both the sending and receiving parcels must meet scenic BMP requirements for new piers.
<p>Pier Expansion and Modification Proposal is to use 2008 language 2008 code: 54.7.B Expansions of Existing Piers: (1) Piers that conform to location and design standards: Existing piers that conform to location and design standards may be expanded to the extent allowed and is otherwise consistent with development standards for additional piers. (2) Piers that do not conform to location and design standards: Existing piers that do not conform to location and design standards may not be expanded unless: (a) the expansion is limited to an existing boat house and does not increase the functional capacity of the pier; and</p>

The DRAFT EIS must not study TAU upland buoy fields. This opens the door for the request of residential upland piers/buoys.

http://shorelineplan.org/wp-content/uploads/2017/06/SC20_meeting_packet.pdf

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments.

The summary must distinguish between Steering Committee recommendations and Regional Plan Implementation Committee consensus. Provide two separate summaries.

21 [v2] May 23, 2017, 9:00-3:00

http://shorelineplan.org/wp-content/uploads/2017/06/SC21_meeting_packet.pdf

The DRAFT EIS must further include all recommendations and changes to language set forth for policy in summary form to allow the public and agencies to provide meaningful comments.

The summary must distinguish between Steering Committee recommendations and Regional Plan Implementation Committee consensus. Provide two separate summaries.

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.

The DRAFT EIS must include definitive mitigation and threshold attainment standards not just strategies. Too many years have passed and attainment not achieved. Timeline must be established and adhered to enabling threshold attainment in my lifetime. The TMDL is a prime example of never really achieving standards. Monitoring programs must have meaningful objectives and criteria and not just benchmarks.

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 redbreasted 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 McMahon, Rebecca Cremeen, Dan Segal, Ken Kasman, Dennis Zabaglo, 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

The DRAFT EIS must include definitive mitigation and threshold attainment standards not just strategies. Too many years have passed and attainment not achieved. Timelines must be established and adhered to enabling threshold attainment in my lifetime. The TMDL is a prime example of never really achieving standards and maybe achieving lake clarity in 60 years. Monitoring programs must have meaningful objectives and criteria and not just benchmarks.

Joint Fact Finding Meeting # 7 Held January 31, 2017

Boat Use Assumptions-Revised Memo

Adam Lewandowski from Ascent Environmental presented the latest data and calculations for the boat use assumptions for the shoreline plan environmental analysis. North Tahoe Marina operators provided actual engine-use hours for boats serviced at their facilities, which will be very helpful for the air quality analysis. Ascent is working with the other marinas to get rental fleet engine hours, to present to the JFF Committee at its next meeting where the boat-use assumptions will be finalized.

The DRAFT ES must include better average boat trip information from all marinas for cumulative analysis

Joint Fact Finding Meeting # 6 Held October 27, 2016

World View Imagery

Early this year, the JFF Committee determined that it would be beneficial to obtain new aerial imagery during the 2016 Boating Season to help inform both policy discussions and the environmental analysis. In response, TRPA staff submitted a request to the Forest Service. Dan Segan reported to the Committee that the Forest Service took new aerial imagery and will provide it to TRPA next week.

The DRAFT EIS must include the aerial imagery to allow the public and agencies the opportunity to determine if adequate and accurate analysis is completed based on new aerial information.

Fish Sub-Committee Recommendation

Dan Segan, on behalf of the Fisheries Sub-Committee, provided an overview of the Sub-Committee's recommendation for moving forward with lifting the existing prohibition of building structures in fish habitat based on existing science, which found no correlation between shoreline structures (piers and buoys) and the decline in fish populations. The JFF Committee recommended clarifying in the recommendation that the reference to "structures" is to piers and buoys. They also noted that the Scientists are concerned with the overall decline in fisheries (fish populations) and fisheries recovery. Harold Singer recommended delinking the issue of fisheries population decline from the recommendation because there is no correlation between piers and buoys and fish population decline.

Others, however, expressed an interest in developing a research management approach and working with the Scientists to develop a variety of design and mitigation options and monitoring them to determine what works best. It was suggested that a public/private partnership could be developed and that we could start by studying existing piers along with the initial piers built under the new Shoreline Plan. It was also noted that under the last plan, a "Go Slow Approach" was implemented (5 piers per year) and that this time the Scientists are recommending that all of the piers be allowed the first year, because 5 piers is not enough to do an effective study, and then none allowed over the following 2+ years while monitoring is taking place. The project applicants would have to agree to modify mitigation if it was found it was not working.

Since fish habitat has stabilized, but fish populations continue to decline, there was some discussion as to whether or not mitigation for fish habitat was still needed in the new Shoreline Plan. It was, however, pointed out that one of TRPA's current threshold indicators for Fisheries requires no net loss in fish habitat and that therefore any loss in fish habitat will need to be mitigated under the new Shoreline Plan. It was also recommended that the "Resource Management Approach" be defined and clarified. Furthermore, it was

recognized by the group that ramps should not be allowed in spawning habitat because the impacts cannot be mitigated.

Finally, it was pointed out that the existing fish studies looked at the impacts of both pier pilings and overwater structures, as well as the impacts of boating on fisheries. The group also discussed whether or not the identification of mitigation was needed in the EIS or if it could be deferred and noted that if it is deferred the adaptive management approach will need to be described in the EIS. They also said we may need to focus on no net loss, develop performance standards, or develop other tools, such as stream mouth setbacks or provisions to facilitate relocations of existing structures.

As noted above fish habitat decline is real. Mitigation must be analyzed/assessed in the Draft EIS

Boat Use Assumptions

Adam Lewandowski provided the Committee an overview of a memorandum Ascent Environmental prepared with a recommended approach for moving forward with developing boat use assumptions and asked that the group provide feedback. Adam noted that the estimates for boat slips seem high. Furthermore, he said the EIS will need to take into account that the boating season may get longer as a result of warming temperatures. The baseline years being used are 2014 and 2015.

The group provided a number of initial recommendations, including:

- There is a need to take into account impacts from boating that can occur as a result of low lake level adaption strategies incorporated into the new Shoreline Plan because making the lake accessible to boating when lake levels drop can increase boating.
- There is a need to take into account that in 2001 the California Air Resources Board and in 2006 the Environmental Protection Agency adopted Star engine standards for boats and that we expect boats will continue to get cleaner (fewer emissions) over time. Thus, the emissions modeling needs to account for this, maybe on an annual basis or at 5 year intervals (as opposed to just the start and end date). There is also a need to account for the interrelationship between fleet mix and emissions reductions over the life of the plan.
- The length of boat trips from private lakefront moorings is less than the estimated 3.9 hours and is often less than from ramps or rentals.
- The average length of trips seems high; there is a need for additional information to inform the length of trips. People often do not spend their entire boat trip operating a boat, they often stop and swim.
- Water taxis, charters, sail craft, and the 2-stroke engine ban need to be considered when developing the fleet mix.
- The EIS needs to account for Greenhouse Gas emissions.
- Consider breaking out private, marinas, ramps, and rentals separately.

Jim Walsh, North Tahoe Marina, agreed to work with Adam to get better average boat trip information from marinas and mechanics. The Committee agreed to e-mail additional comments to Adam and that boat use assumptions would be discussed again at future JFF meetings.

The DRAFT EIS must include better average boat trip information from all marinas for cumulative analysis in the DRAFT EIS for low lake level environmental impacts. Analysis must be provided on longer boating seasons.

Low Lake Level Adaptation

Dan Nickel and Gina Bartlett informed the JFF Committee that based on their recommendations, the Steering Committee has decided to move forward with developing provisions in the Shoreline Plan (a 20-year plan) to adapt to a lake level of 6,220 feet lake bottom elevation, the central tendency in the Truckee Basin Study and the historic low identify by the Tahoe Environmental Research Center. The Steering Committee is looking at both permanent and temporary adaption strategies and recommending driving people to public ramps and marinas when lake levels drop. The Committee is aware that if the lake drops below 6,220 there may be instances when lake access may be very limited.

Jesse Patterson asked for clarification on linkage to transportation options (clustering). Gina explained that those areas have not yet been identified. Gina also clarified that the Steering Committee is looking at the permanent relocation of single-use buoys and allowing additional anchors for buoy fields. The Steering Committee looked at ramps encumbered during 2015 and that not all ramps can be made functional.

It was recommended that we have the agencies responsible for safe navigation, U.S. Coast Guard, Nevada Division of Wildlife, and Army Corps of Engineers, review policy proposals and provide feedback when we get farther along in policy development.

Moving forward with a 20 year plan is commendable but haven't we been moving forward for at least that amount of time. A timeline for near-term threshold achievement must be included in the DRAFT EIS. Recommendations for mitigations, etc.

Joint Fact Finding Meeting # 5 Held September 21, 2016

Dredging

The Committee discussed dredging policies and requirements from the various regulatory agencies (Lahontan, TRPA, U.S. Army Corps of Engineers (Corps), NDEP) and whether state and federal requirements would provide adequate environmental protection to replace or streamline TRPA permitting. The state and federal requirements are comprehensive and require an intensive review to ensure that water quality is protected. Given the extensive review and comprehensive dredging conditions required for each project, it appears that some redundancy exists between state, federal and TRPA requirements, and in addition, that the Shoreline Plan could evaluate provisions for permit streamlining. The Committee began to evaluate whether the current TRPA code provision that requires a beneficial finding for new dredging is necessary given current high standards, Best Management Practices identify specific mitigation measures, and monitoring. The goal is to adopt dredging permitting policy and codes that protect water quality. TRPA staff will continue to work with the shoreline permitting agencies to map the permitting processes and identify opportunities for streamlining to inform the Shoreline Plan.

Robust impact analysis must be included in the DRAFT EIS to determine if BMPS and mitigation. The redundancy between state, federal, and TRPA must be identified to insure streamlining can achieve the required environmental standards.

Fish Habitat Study and Map

Dan Segan gave an overview of the findings of the Fish Habitat study completed for TRPA by Spatial Informatics Group (SIG). While the extent of the fish habitat has not drastically changed since the 2002 study, the substrate data is more refined and provides a more accurate and complete boundary. The Committee agreed that this study and map are the best available science regarding fish habitat and that this information should be used to inform the Shoreline Plan.

The DRAFT EIS must include the most recent study data on fish habitat and the map as stated to be the best available science for public and agency review to determine if enough information has been provided to complete environmental analysis.

Other

The DRAFT EIS must evaluate and assess annual fees that TRPA finds commensurate with the cost of buoy enforcement and monitoring for water quality. TRPA must engage both states to assist in compliance through legislation and/or participation in the enforcement program.

Recognition of legally existing structures and buoys acknowledging a baseline for enforcement must be analyzed in the DRAFT EIS. The enforcement fees will provide a reliable funding source for enforcement and monitoring programs.

The deficiencies in the previous environmental documentation must be remedied and a new ordinance package be adopted in a timely manner, and jointly work to prepare and provide alternatives that result in quantifiable environmental improvements and either saleable or useable shorezone development rights for property owners analyzed in the DRAFT EIS.

The obligation to achieve the thresholds has requirements of timeliness: The DRAFT EIS must demonstrate that the analysis will provide a path to threshold attainment not just planning and monitoring in hopes of future attainment. A timeline must be established and adhered to.

The TRPA has selected and convened a collaborative Shoreline Planning process that included shoreline owners, commercial and retail boating businesses, non-profits representing shoreline owners, and agency personnel to facilitate the findings of the above growth interests. The TRPA did not select and convene an equal and fair collaborative process of that included those who care about the lake and whose interests are of those who are dedicated to restoring and protecting the lake. Jo/Joe public: people like myself provide meaningful comments that do not always get completely understood or adequately or accurately addressed.

TAHOE IS MY BACKYARD: its once-fabled crystal purity and the level of efforts that are needed to do that restoration and protection is in jeopardy of being lost for future generations to enjoy. In fact, a fair and equal set of members of each set of interests; the one focusing on the economic and personal and the other focusing on restoration and protection, would have produced a plan that could have reviewed the recreation access priority toward an access goal with no increased environmental impacts.

The Shoreline title change is confusing at best. What is the definition, what should it include? The nearshore, Fallen Leaf and Cascade lakes, the Keys, The Truckee River gateway and rafting zone.

YES, all these are part of the preservation of Lake Tahoe Shorezone and the Lake itself.

I will give a specific example of a current experience and why the entities must be analyzed and included in this EIS. The Truckee River Rafting zone is a gateway and explicitly connected to the lake. I am working for one of the rafting companies and public health and safety a real issue. The proposed bikepath and zone where the rafting companies are located are in direct conflict with bikepath alignment. I am directing traffic and trying to prevent fatalities. The Fanny Bridge approval did not adequately address the conflicts and injuries are inevitable. The DRAFT EIS must address the locality issues and eventual injury or death that could occur. The commercial zone is part of the lake access. Public parking another huge issue that must be studied/analyzed in detail to accommodate lake access.

The letter below dated April 25, 2017 presents good points. The DRAFT EIS must provide a reasonable range of alternatives and specific mapping as recommended by the Attorney General.

XAVIER BECERRA
Attorney General

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April 25, 2017

Sent via Electronic Mail

Tahoe Regional Planning Agency
Regional Plan Implementation Committee
P.O. Box 5310
Stateline, NV 89449

RE: Lake Tahoe Shoreline Plan Environmental Impact Statement – Working Session on
Conceptual Scoping of Alternatives, Item #V.A on Agenda for April 25, 2017 Meeting

We make these comments on behalf of the Attorney General in his independent capacity, to facilitate your development of a robust and defensible Shoreline Plan Environmental Impact Statement (EIS) that allows for informed decision-making and fosters public participation.

Under NEPA and CEQA, it is important to analyze a range of reasonable alternatives. For purposes of the EIS, we would hope to see an analysis of a range of viable policy alternatives, including a reduced development alternative. We have reviewed the five conceptual alternatives listed in the staff report for this Item, including (1) Proposed Alternative; (2) Maximize Access/Development; (3) Public Access; (4) Go Slower; and (5) No Project. From the brief descriptions included, none seem to represent a viable reduced development alternative that would yield a meaningful comparison with the Proposed Alternative.

While Option (3), Public Access, may sound like a reasonable reduced development alternative, the brief description in the staff report suggests that it would only allow development of public structures and not *any* private structures. Although we strongly support the concept of public access, Option (3) as formulated seems to represent an extreme form of reduced development that would likely not be a viable policy option. From its brief description, Option (4), Go Slower, seems to include the same level of private development as the Proposed Alternative but simply implemented more slowly. While there could certainly be benefit to a measured approach that provides robust checks on the level of impacts and planned opportunities to scale back development, the Go Slower approach does not necessarily represent a different level of development for purposes of the analysis. And finally, it is important to note that Option (5), the No Project Alternative, is not a “no development” alternative; rather, it would allow development pursuant to the 1987 Shoreline Ordinances, which are now known to reflect outdated science on fish habitat. In order to better inform the public and the decision makers and to insure the legal defensibility of the environmental analysis, we would encourage the RPIC and

April 25, 2017
Page 2

staff to reconsider this combination of alternatives and, in particular, to consider inclusion of a reasonable and viable reduced development alternative.

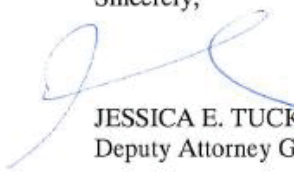
We note that the prior EIS that supported the 2008 Shorezone Ordinance Amendments relied on a robust alternatives analysis, including what was referred to as its “reduced development alternative” (or “Alternative 5”) We enclose as **Exhibit A** a one-page description of the reduced development alternative from the prior EIS. This prior reduced development alternative, or at least certain of its elements, could be relevant to consider for inclusion in the forthcoming EIS, including, e.g.,

- Emphasis on multi-use structures by allowing only new private multi-use piers and buoys;
- Emphasis on reducing structures through 2:1 reduction ratio; and
- Allowance of new public multi-use structures.

Further, we encourage the RPIC to consider including the density restrictions that were included in the 2008 Shorezone Ordinance Amendments, but which may not be part of the presently Proposed Alternative, to be included in one of the alternatives to be analyzed.

Thank you for your attention to this matter, and we look forward to further engagement with you.

Sincerely,



JESSICA E. TUCKER-MOHL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Enclosure

cc: Joanne Marchetta, Tahoe Regional Planning Agency
John Marshall, Tahoe Regional Planning Agency
Todd Ferrara, California Natural Resources Agency
Jennifer Lucchesi, California State Lands Commission

32854876.doc

ALTERNATIVE 5 – REDUCED DEVELOPMENT ALTERNATIVE

Based on the Fish Study recommendations, TRPA would remove the prohibition on locating structures in prime fish habitat. However, in order to address threshold degradation, this alternative would only allow new private and quasi-public multiple-use structures where there is a net reduction in total permitted structure numbers (2 to 1 reduction) and new public structures where there is no increase in total permitted structure numbers (1 to 1 reduction).

1. **New Private Single Use** – TRPA would not permit new private single use piers, buoys, boat ramps, slips or floating docks.
2. **New Private and Quasi-Public Multiple-Use Structures** – TRPA would permit new piers, buoys, or floating docks only when the reduction ratio is 2 to 1. For example, for every new pier constructed two piers would have to be removed. In addition, a pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 2:1 ratio. No new slips would be permitted.
3. **New Public Structures** – New public multiple-use structures that are deed restricted for public use would be permitted, provided that for every new structure built an equivalent type of structure is removed. A pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 1:1 ratio.
4. **Repairs** – All existing structures could be maintained or repaired
5. **Modifications and Expansions** – Expansions of the existing single-use structures would not be permitted.

Modifications of existing single-use structures can be permitted when the structure is not expanded and the modification assists in bringing the structure into compliance with the proposed Shorezone Ordinances, does not impact any one threshold standard, and if the structure improves the ability to attain or maintain one of the threshold standards.

Private and quasi-public multiple-use structures would be permitted to modify or expand under the standards set forth in the proposed Shorezone Ordinances. Expansions and modifications of multiple-use structures would be permitted in prime fish habitat areas if there is a decrease in the extent to which the structure does not comply with the development standards, it does not impact any one threshold standard, and the structure improves the ability to attain or maintain one of the threshold standards.

7. **Other Structures** – New or existing marinas, jetties, groin walls, breakwaters, or fences are permitted under the standards set forth in the Code, Chapter 52, Existing Structures, and Chapter 54, Development Standards Lakeward of High Water. With the exception of fences, these standards require proposed projects to be evaluated through an EA or EIS to address thresholds and other Regional Plan issues.

Buildout Conditions

Table 2-6 and Chart 2-5 summarize the projected buildout numbers for piers, buoys, ramps, floating docks, and slips with Alternative 5. No maps are presented for Alternative 5. Specific, geographic locations where we could expect to see removal of Shorezone structures are highly speculative.

The DRAFT EIS must provide a table of all the scientific studies completed and applicability to environmental protections that will produce new regulations and updated standards.

- TRPA News Release: Community Invited to November 3 Shoreline Workshop at TRPA

Thomas Lotshaw <tlotshaw@trpa.org>

10/20/16 at 1:13 PM

To: Thomas Lotshaw

NEWS RELEASE

Contact: Tom Lotshaw, 775-589-5278

For Immediate Release: October 20, 2016

Community Invited to November 3 Shoreline Workshop at TRPA

Stateline, Nevada – The Tahoe Regional Planning Agency (TRPA) is inviting people to attend an upcoming community workshop on Thursday, November 3 to share input and ideas and help guide the creation of a Shoreline Plan that protects Lake Tahoe's scenic shoreline and enhances recreation access to the lake. The workshop is open to the public and will be held from 6-8 p.m. at the TRPA offices in Stateline, 128 Market Street.

The shoreline is where most residents and millions of visitors interact with Lake Tahoe. The Shoreline Plan aims to balance use of structures like piers, buoys, and marinas with protecting the environment and ensuring recreational access to the lake.

"Our goal is for the Shoreline Plan to reach consensus on complex issues related to shoreline access, diversity of users, and environmental protection," said Brandy McMahon, principal planner at TRPA who is helping lead the planning process. "We are working with a broad range of agencies and shoreline stakeholder groups and certainly want to hear from the general public as well."

The Shoreline Plan will be developed over the next two years and will draw on significant community input and rigorous scientific study to create updated standards and regulations for shoreline structures such as piers, buoys, and boat ramps. The plan aims to address recreational access, marinas, boating, streamlining permitting processes, low lake water levels, and environmental effects on the lake.

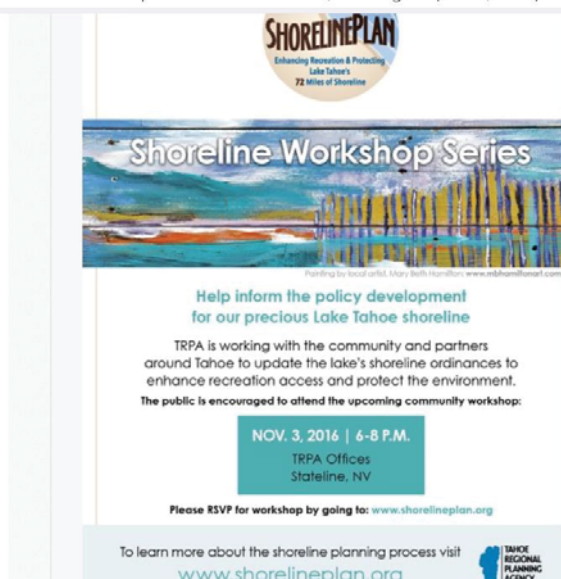
To learn more about the Shoreline Plan, sign up for information about upcoming meetings, or review public input from a community workshop held in Kings Beach on September 21, visit www.shorelineplan.org.

The Tahoe Regional Planning Agency leads the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region, while improving local communities, and people's interactions with our irreplaceable environment. For additional information, contact Tom Lotshaw, Public Information Officer, at 775-589-5278.

Link: <http://www.trpa.org/community-invited-to-november-3-shoreline-workshop-at-trpa/>

The DRAFT EIS must include a summary of all the workshops and input to allow the public and agencies to determine if their comments were integrated into the steering committee and other stakeholder group discussions which ultimately will derive the required analysis to complete the Shoreline Plan and achieve threshold attainment, reasonable fairness for buoys/piers, etc.

You're invited to Shoreline Workshop Series: November 3rd, Meeting #2 (Nov 3, 2016)



The comments for meetings 14, 15, 16 were not made available. If there were recommendations made those must be summarized and included in the DRAFT EIS and analyzed.

• RE: When will Steering Committee meeting notes be ready for public review

People

Appreciate your help ! Best, Ellie

From: Brandy McMahon <bmcMahon@trpa.org>
To: Ellie <tahoellie@yahoo.com>
Sent: Monday, August 7, 2017 8:26 AM
Subject: RE: When will Steering Committee meeting notes be ready for public review

Hi Ellie,

I just e-mailed Gina Bartlett, the mediator, to find out.

Brandy

From: Ellie [<mailto:tahoellie@yahoo.com>]
Sent: Saturday, August 05, 2017 5:52 PM
To: Brandy McMahon <bmcMahon@trpa.org>
Subject: When will Steering Committee meeting notes be ready for public review

When will Steering Committee meeting notes be ready for public review? Meetings 14,15 16 that are not available?
Thanks, Ellie

League to Save Lake Tahoe 955 Emerald Bay Road, South Lake Tahoe, CA 96150
(530) 541-5388 · Fax (530) 541-5454 · www.keeptahoeblue.org

ACTION ALERT!!!

Dear League Member,

The Tahoe Regional Planning Agency (TRPA) is preparing to vote on a new shorezone plan which will profoundly impact the beauty, serenity, and waters of Lake Tahoe. The current proposal would permit thousands of new buoys, hundreds of new piers and slips, and many new ramps in the Lake. Engine emissions and noise will be greatly increased without adequate protections for the Lake and those who use it.

Please join us in writing to TRPA to ensure that any shorezone plan improves water quality, protects natural scenery, and enhances the experience of all who enjoy Lake Tahoe. Please write your own letter (a form is enclosed for this purpose) or email your concerns to trpa@trpa.org, and consider attending any of the TRPA meetings listed on the League's website. The most important thing is to *make your views known!*

Here are some of the League's views on TRPA's shorezone plan:

- ♦ A mitigation, monitoring, and enforcement program to offset new water pollution and noise impacts must be provided to the public for review *before* TRPA adopts a shorezone plan.
- ♦ There should be no net increase in piers, buoys, slips, or ramps in Lake Tahoe until mitigation measures have been implemented and proven effective to counter environmental impacts and scenic degradation.
- ♦ Proactive measures to enhance the environment, such as illegal buoy removal, boat sticker and washing programs, and weed eradication should be implemented without further delay.
- ♦ The scenic beauty of Lake Tahoe's spectacular shoreline must be protected. Scenic areas, called "visually sensitive" areas in the plan, should not be opened to new pier development.
- ♦ The total number of additional buoys and boats that would be permitted by the shorezone policy must be revealed, and the environmental impacts compared to other alternatives.
- ♦ Adopted noise standards and the no wake zone must be strictly enforced to restore tranquility and improve safety along the shoreline.
- ♦ Quiet and nonpolluting activities including beach recreation, sailing, fishing, and kayaking should be protected; incentives should be developed to promote environmentally sensitive approaches to motor boating.

**Lake Tahoe's future depends on all of us taking action.
TRPA Plans to act on January 31, 2007. Please write today!**

The League comments in 2008 are still relevant/applicable. The requests in the comment above must be addressed/analyzed in the DRAFT EIS.



State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

North Central Region

1701 Nimbus Road, Suite A

Rancho Cordova, CA 95670

(916) 358-2900



January 22, 2007

Mr. John Singlaub and Members of the Governing Board
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, NV 89449

Re: Review of the Final Environmental Impact Statement (FEIS) for the Lake Tahoe
Shorezone Ordinance Amendments

The California Department of Fish and Game (CDFG) has worked successfully with the Tahoe Regional Planning Agency (TRPA) staff in developing the ordinances for its shorezone program for many years. During this period we have provided comments on numerous occasions, including comments on the Draft Environment Impact Statement in October of 2004.

We understand the Board is meeting soon to approve the Final EIS. We are concerned that if our previous comments of October 2004 are not adequately addressed, the CDFG will not be able to rely on the document in issuing our mandatory findings under the California Environmental Quality Act (CEQA) for any Lake and Streambed Alteration Permit required at Lake Tahoe (such as for a permit for any pier project). Such a situation would add time and cost to any project and would not provide the public nor agency staff with an efficient process. And the applicant would likely incur added costs during the application process if an individual CEQA document is needed.

The Department is most concerned about two specific issues (as mentioned in our letter of October 2004):

- 1) We believe that Best Management Practices and impact thresholds must be identified for mitigating, monitoring and adaptively managing potential impacts of building piers in fish habitat.
- 2) We want to be sure that these ordinances will address any negative impacts to the conservation of the State-listed Endangered Tahoe yellow cress (*Rorippa subumbellata*) due to expected increases in beach visitors.

Conserving California's Wildlife Since 1870

The Department of Fish and Game comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS.



California Regional Water Quality Control Board Lahontan Region

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan



Arnold Schwarzenegger
Governor

January 16, 2007

John Singlaub and Members of the Governing Board
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449

REVIEW OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE LAKE TAHOE SHOREZONE ORDINANCE AMENDMENTS

The Lahontan Regional Water Quality Control Board (Water Board) staff has reviewed the November 2006 Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments. I respectfully request that TRPA address our concerns prior to final certification. From the TRPA staff presentation at the January 10, 2007 Advisory Planning Commission (APC) meeting, I understand staff intends to address our concerns by bringing details to the January 17 APC meeting. I appreciate this commitment and effort, and hope the products will address our concerns.

My primary concern is the lack of specificity in the description of the water quality mitigation and monitoring program elements. The FEIS does not provide sufficient detail on the mitigation measures that would allow analysis of the viability or effectiveness of measures to reduce the potentially significant water quality impacts to a less than significant level. Additionally, the FEIS does not describe the expectations of the mitigation measures (both timing and effectiveness), what criteria will be used to determine if the mitigation measures are successful, and specific actions to be taken if mitigation is not successful. As policy makers, I would expect that you would require this information to fully understand the measures that you will need to implement in order to fully mitigate the effects of the project you are approving.

The Water Board will consider lifting its prohibition on new pier construction within significant spawning habitat (a portion of prime fish habitat areas). As a California State agency, the Water Board must rely on an environmental analysis conducted in accordance with the California Environmental Quality Act (CEQA). We planned to rely upon the FEIS analysis of environmental impacts and mitigation measures in preparing our own "substitute environmental document" to comply with CEQA. However, the FEIS does not meet the requirements of the CEQA and, therefore, the Water Board cannot rely on it for our substitute environmental document. Additionally, we are required by CEQA to use independent judgment based on the record as a whole in making our findings as a lead agency. We may identify additional impacts and mitigation measures as a result of peer review and public comments during our environmental review process.

California Environmental Protection Agency



John Singlaub and
Members of the TRPA Governing Board - 2 -

We are concerned that the proposed fees may not fund an adequate boat inspection and water quality monitoring program. Also, there is no assurance that mitigation measures will be effective at eliminating the increased pollutant loading to Lake Tahoe associated with the project. If TRPA moves forward with certification of the current FEIS, the Water Board will, in order to complete an adequate CEQA document, need to develop additional mitigation and monitoring requirements that could lead to two different regulatory programs. If sufficient details of these mitigation measures are not available for review and analysis sufficiently in advance of your meeting, I recommend that you postpone your decision until more details are incorporated to address our concerns and ensure your program and document can be relied on by the Water Board to satisfy CEQA.

The FEIS does not adequately address our comments provided in letters dated May 5, 2004, October 28, 2004, and September 2, 2005 and an email dated August 10, 2005 (enclosed). I recommend you incorporate into the FEIS the details to address the major missing components as identified in Enclosure 1. I believe that our concerns will be sufficiently addressed if the details of the required mitigation and monitoring measures to meet CEQA, noted in Enclosure 1, are incorporated into the FEIS.

If you have any questions or comments regarding this matter, please contact Lauri Kemper at (530) 542-5436.



Harold Singer
Executive Officer

cc w/enclosures:

Members of the Tahoe Regional Planning Agency Advisory Planning
Commission
Christine Sproul, Deputy Attorney General California Attorney General's Office
Marina Brand, California State Lands Commission
Susan Levinsky, California Department of Fish and Game
Ken Anderson, California State Parks
Patrick Wright, California Tahoe Conservancy
Jason Kuchnicki, Nevada Department of Environmental Protection
Jack Landy, United States Environmental Protection Agency

Enclosures: (1) Recommended Mitigation and Monitoring Measures
(2) Water Board Comments

California Regional Water Quality Control Board, Lahontan Region

Enclosure 1 to the January 16, 2007 TRPA Shorezone Ordinance Final
Environmental Impact Statement Review Letter

Recommended Conceptual Mitigation and Monitoring Measures to be
Incorporated into the Final Environmental Impact Statement

For the FEIS to serve as a substitute environmental document that complies with the California Environmental Quality Act (CEQA), the following items must be incorporated:

Monitoring:

A monitoring and reporting plan must be developed and incorporated into the project approval that includes detailed information on the proposed water quality assessment methods. At a minimum, the monitoring and reporting plan must include:

- sample locations,
- sampling methods,
- sampling frequencies,
- sample analysis parameters,
- sampling, analysis and reporting cost estimates,
- reporting content, and
- reporting frequencies.

Monitoring parameters must include, at a minimum, bacteria, fuel constituents, combustion by-products, and engine types used and volume of gasoline consumed (to more accurately estimate the nitrogen, phosphorus, and particulate matter loading to the Lake).

Mitigation:

Particulate Matter

The increase in particulate matter (PM) associated with the increase in boating from the implementation of the Shorezone Ordinance Plan requires adequate mitigation. The current Final Environmental Impact Statement (FEIS) proposes enforcement of a 5 mph speed limit in Emerald Bay and a 600-foot no wake zone along the perimeter of the Lake, implementation of a boat sticker program, and an annual buoy fee program.

Mitigation for increases in PM (or soot) loading should be in the form of decreased soot loading elsewhere within the Lake Tahoe Basin. While the Emerald Bay speed limit will reduce some loading to this isolated area, additional soot loading reductions will be required elsewhere within the Basin to offset the increase in loading throughout the Lake. Examples of programs that could be implemented to mitigate for the increased soot loading to the Lake include, but are not limited to:

- banning burn piles on residential parcels while supporting Fire District chipping on residential parcels, and
- provide rebates for the elimination of fire places and older wood stoves with purchase of clean-burning wood stoves.

Spawning Habitat Mitigation

The FEIS does not establish monitoring protocol and performance measures to demonstrate that impacts to spawning habitat have been fully mitigated. Provide monitoring protocol and performance measures, as well as specific guidelines for work performed in spawning habitat areas.

Adaptive Management

To ensure the proposed mitigation is adequate, provide an adaptive management plan that includes:

- measurable performance standards by which the success of the mitigation measures can be determined,
- details on the contingent mitigation if monitoring reveals success criteria is not satisfied, and
- a schedule for implementation of the contingency measures when success criteria are not achieved.

Cost Analysis

To ensure the proposed mitigation and monitoring programs are adequately funded, provide an annual cost analysis including:

- Funding from the buoy fee program,
- Funding from the boat sticker, or "blue boating" program
- Funding from the fish habitat mitigation fee,
- Cost to implement the boat sticker program,
- Cost to enforce the 5 mph speed limit in Emerald Bay,
- Cost to enforce the 600-foot no wake zone,
- Cost for water quality sampling, analysis, and reporting, and
- Any other proposed funds or costs associated with the Shorezone Plan, as amended.

The California Regional Water Quality Control Board comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS. Please accept these few pages but acknowledge the other pages within comment letter for recommendation for analysis.

Coleen Shade

05-18

From: Mary Fiore-Wagner [MFWagner@waterboards.ca.gov]
Sent: Wednesday, August 10, 2005 3:56 PM
To: Coleen Shade
Subject: CEQA Scoping Mtg Prez and some questions



PierBPA-CEQAScopi
ngMtgPrez-Fin...

Coleen,

Attached is the presentation that was given at our Scoping Meeting on August 4. The slides that referred to the Fisheries Mitigation Fee are Slides #10 and #15 which lead one to believe a new pier application must include the \$5,000 Fisheries Mit Fee. (This was my understanding from language on Page 2-17 under Fees- Two categories of fees would be charged for all shorezone structures. and Page 4-8 that mentions a mitigation fee program specific to Shorezone development...I interpreted this language to include new piers.) After speaking with you today, I understand this Fisheries Mitigation Fee only applies to expansions or modifications of piers, and other shorezone structures. Page 1-6 states, "In areas where piers would be constructed in spawning habitat, restoration or enhancement of spawning habiat at a ratio of 1.5:1 must be committed to, or the property owner must fund a portion of an EIP spawning habitat project." Would this option "to fund a portion of an EIP spawning habitat project" mean the applicant would pay the \$5,000 Fisheries Mitigation Fee if they chose this over completing the 1.5:1 restoration?

18-1

Another thing that I mentioned in our presentation was that piers affecting spawning habitat which would need to offset habitat displaced with 1.5:1 restoration "would not be permitted until BMPs for these techniques are developed. (Page 4-6)" Would this mean a project application would be kept in abeyance if the applicant included the required 1.5:1 restoration, but the techniques were in the process of being developed and not yet proven? If yes, the pier projects affecting spawning habitat may not be eligible for approval, based on the techniques being proven, for potentially a few years after the Shorezone EIS is certified, right? I know you're swamped, but if you get a chance to clarify these issues in the next few weeks, I'd really appreciate it. Thanks Coleen. --mary

18-2

PLEASE NOTE MY EMAIL HAS RECENTLY CHANGED
My New Email is mfwagner@waterboards.ca.gov

Mary Fiore-Wagner
Environmental Scientist
CRWQCB-Lahontan Region
phone (530) 542-5425
fax (530) 544-2271
email: mfwagner@waterboards.ca.gov

The California Regional Water Quality Control Board comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS.

Lake Tahoe Area Sierra Club Comments to APC 1/17/07

Right now, decisions are being made that will dictate how Lake Tahoe will look in another 10, 20 and even 50 years. Looking back, decisions made over 40 years ago, such as the development of the Tahoe Keys, continue to contribute pollutants to the Lake today. We can not go back and change that decision now and must therefore continue to live with the environmental consequences and try to reduce pollution elsewhere to make up for it. Now, it is time to make sure that we do not make decisions that lead to the future degradation of Lake Tahoe. Thanks to advances in technology, we know far more about the environment now than we did 20 or 40 years ago; we must listen to what the science tells us so we do not make such mistakes again.

The Sierra Club has several serious concerns regarding the proposed Alternative and associated environmental documentation. First, we feel the TRPA does not have enough information to effectively evaluate potential environmental impacts and develop appropriate mitigation measures to reduce those impacts and second, from a review of the information that *is* available, TRPA's proposal does not do what is required.

On the first point, necessary environmental information is currently lacking. TRPA's first priority is to attain and maintain environmental thresholds; any decision made must contribute towards that goal. Yet where is the 2006 Threshold Evaluation to tell us how we're doing? Where is the Environmental Improvement Program Update which the proposed Alternative relies on to mitigate existing and future impacts? Although we may have received a draft of the Blue Boating Program by today's meeting, to date the mitigation of impacts has relied heavily on an unspecified mitigation program. Outside of the fact we are not getting a 60 day review for such an important component of the environmental document, **there is clearly a problem when a conclusion of "less than significant impacts" or even, "environmentally beneficial," is made *before* the analysis of impacts and mitigation is even completed.** Additionally, we have identified numerous problems with the technical analyses of impacts in the document, where methods are flawed or appropriate analyses simply weren't performed or provided.

TRPA is also relying heavily on Adaptive Management to prevent future environmental impacts. Although the proposed Alternative includes an annual and 5-year report, it does NOT include a modification of TRPA's process for adapting to change. Currently, this process is so cumbersome and political that TRPA can not easily adapt to change; we have instances of environmental degradation continuing for 10 to 20 years because TRPA was unable to adapt although impacts were clearly seen or the need was very clear. One example of this is the degradation in scenic quality along the Shorezone, which was first documented in the 1991 Threshold Evaluation, observed to be even worse in the 1996 report and again the 2001 report before attempts were made to amend the threshold to stop the degradation.

On the second point, from the information that is available, TRPA is simply not doing what they are required to do. TRPA's primary goal is to attain and maintain environmental thresholds. Currently, TRPA's thresholds are not being met. Lake clarity

is still about 30 feet short of the goal. We continue to exceed air quality and noise standards. Should we not first meet our environmental goals and then consider adding more development? Additionally, the proposed Alternative does not support TRPA's recreation goals. The Plan increases access and opportunities for motorized recreation at the expense of non-motorized recreation. Ask any kayaker out there where they can be assured a quiet recreational experience on Lake Tahoe...there is no such location. This is also an example of conflicts with the Pathway 2007 Update. If one compares the needs identified in the P7 Update with the Shorezone Plan, there is clearly a disconnect between the two plans.

Finally, more piers and Shorezone structures mean more interference with public access. Lake Tahoe is owned by the *public*, not a few lakefront property owners. In fact, in one of the largest surveys to date, about 2,100 people recently mailed postcards to the TRPA; the results overwhelmingly indicated public opposition to *any* additional private piers; only about 5% indicated a preference for at least 100 more piers. **It's time to listen to the true owners of Lake Tahoe and to tell TRPA to do their job.**

The Sierra Club asks the APC to recommend that the TRPA Governing Board postpone voting on the Shorezone Plan so that these questions can be addressed and so the public and other agencies are granted at least 60 days to review the mitigation program that is being relied upon so heavily to reduce impacts.

Thank you for the opportunity to talk about such an important topic.



Tahoe Regional Planning Agency
Governing Board and Advisory Planning Commission Members

9/25/08

Subject: Questions regarding Volume 4, Appendix M: for consideration at 9/25 Public Workshop

Dear TRPA Governing Board and Advisory Planning Commission Members:

We appreciate your taking the time to discuss the proposed Shorezone Ordinances at the workshop today. We also thank you for making the decision to allow public comment.

Because this workshop is being held to allow you to ask questions and discuss issues, including new information provided in the recent "Volume 4", we would like to provide you with some additional information with regards to impacts from motorized watercraft, with focus on greenhouse gas emissions. We also hereby incorporate and join in the comments provided to you on 9/24/08 and 9/25/08 by the League to Save Lake Tahoe, which discuss other issues of concern.

In August, we contacted the California Air Resources Board to ask for emission rate information for greenhouse gas (GHG) emissions from watercraft, and based on that information, we put together our some estimates (below). Recently, TRPA released "Volume 4," and on 9/10, provided Appendix M, which purports to estimate GHG emissions and discuss what levels of increased emissions are considered "acceptable."

Our emission estimates were based on the boat use information provided in the 1/31/07 Supplemental document and used by TRPA up until Volume 4 was released. As you will see below, one of our current questions is why the boat use information has changed, and what data and equations were used in making these changes. We assume this may in part be the reason for the differences between our estimates and TRPA's (which are less), however, because TRPA has not also provided the GHG emission rates used (stated to be from CARB) or other relevant assumptions, it is not possible to assess TRPA's process for generating the estimates.

Below, we first present boat use information used in our analysis, followed by the estimated GHG emissions and a discussion of the emission rates used. Finally, we list questions we have with regards to Appendix M in Volume 4¹. We hope this information and these questions will help facilitate helpful discussion at the 9/25 workshop.

Sincerely,

Michael Donahoe,
Tahoe Area Sierra Club

Jennifer Quashnick
Tahoe Area Sierra Club

¹ Also included is "Additional Information" which discusses our process and data in more detail – a discussion TRPA should include in their own technical supporting documents so the public can understand where the final estimates came from.

Estimated Greenhouse Gas Emissions related to Proposed Shorezone Ordinances:

Number of Additional boating trips/year that would result from proposed Ordinance (~June 2008):

Prior to the new numbers provided in Volume 4 (although where the new numbers came from is not provided), the last estimate of boat trips we had from TRPA came from the *1/31/07 Supplemental EIS (section D)*, which was based on Alternative 6A but referred to as the supporting analysis for all recent revisions until the release of Volume 4.

2004 Yearly Boat Trips:	232,210
2024 Yearly Boat Trips:	312,753
Additional Boat Trips/Year:	80,543

Total Fuel Use per Year (from all motorized watercraft on Lake Tahoe)²:

Total Fuel Use (gallons) for 2004 (Baseline):	2,642,187 gallons
Total Fuel Use for 2024 ³ :	3,434,843 gallons

Estimated Greenhouse Gas Emissions from motorized boats

Greenhouse gas emissions include carbon dioxide (CO₂) and “carbon dioxide equivalents (CO₂-E)” [a standard CARB emission rate which includes the combined emissions for methane (CH₄) and nitrous oxide (N₂O)].

Because CARB has not separated out the GHG emissions from recreational watercraft, CARB provided average rates (in grams per gallon of regular gasoline) to be used for a general, conceptual representation of values.⁴ These rates are not to be used in lieu of an actual analysis, but only as a conceptual representation of potential GHG emissions – see caveats and limitations of emission rates (from CARB staff) discussed in “Additional Information” Section.

Using the emission rates provided (and data from the 2007 SEIS), the increase in the annual emissions of CO₂ and CO₂-E over the 20 year life of the Shorezone Ordinances would be:

		<u>(2024 minus 2004 emissions)</u>
Additional CO ₂ :	7,024 tons	(30,436 tons – 23,412 tons)
Additional CO ₂ -E:	7,364 tons	(31,910 tons – 24,546 tons)

This would equate to a ~ 30% increase in GHG emissions in a time when California, Nevada and others are calling for an overall *decrease* in GHG emissions.

Additionally, while we estimate the 20 year ‘end point’ for comparison purposes, a technically adequate analysis must also consider the **annual emission increases over the next 20 years and beyond**. TRPA can not consider technological advances 20 years into the future as “mitigation” for immediate increases in pollution (this applies to all air pollution from boats, not just GHGs). Impacts from increased air pollution are immediate, and therefore the mitigation must also be immediate.

² From 1/31/07 Shorezone SEIS, Section D: Air Quality.

³ TRPA does not provide this for Alt. 6/6A/Proposed. Use estimated by increasing 2004 fuel use by 30% based on TRPA’s assumption of a 1.5% increase in boat use/year (over 20 years).

⁴ Pers. Comm. Kevin Eslinger, CARB, Emissions Inventory Branch. 8/13/08.

Questions regarding GHG estimates in Volume 4:

In Volume 4, TRPA provides a last minute "Appendix M" which purports to analyze estimated greenhouse gas emissions. Appendix M also includes a general discussion about why TRPA believes an estimated increase in GHGs of 30% is acceptable because it falls below potential maximum limits being discussed by California entities. Problems with Appendix M are two-fold:

1. The technical data (including revised boat use and emissions data) are not supported.

- No data are provided to explain the reduction in annual boat trips by almost 18,000/year (or ~25%) compared to the boat trip numbers still used up until Volume 4.
- No data are provided with regards to the equations or emission rates used to develop the 'estimated' GHG emissions for each alternative.
- Additional unlabeled and undefined 'rows' of information are included in the estimated emissions spreadsheet (e.g. 'floating numbers' under the estimated emissions on right side). We are provided with no information regarding what this information is and where it came from.

Basically, the document fails to provide the public with adequate information to 'repeat' the analysis and get these results, let alone to even understand how TRPA did the analysis and obtained such results.

2. The discussion regarding what level of increased GHG emissions is inappropriate.

- Regarding the discussion of appropriate 'maximum emission limits' for GHGs, first, the reference to conceptual limits still under discussion and adopted by no entity is inappropriate. Additionally, TRPA feels that they should not have to develop their own limits because other governmental agencies are working on this already. Basically, this entire discussion should be irrelevant because TRPA should not be approving Plans that will increase GHGs. Period. Rather, TRPA should take the leadership role it once had with regards to environmental planning and go the extra mile and help reduce GHG emissions from the Basin. *In the past, there was a time when other regulatory agencies looked at what TRPA did for guidance on how to implement more protective and innovative environmental planning, rather than the other way around.*
- TRPA has a responsibility to reduce GHG emissions from the Basin, just as the states have a responsibility to reduce statewide emissions. The Tahoe Basin should be finding ways to reduce GHG emissions, not allow increases! Not only is this a global problem – and global responsibility – but as the 2008 State of the Lake Report (from Tahoe Environmental Research Center) shows, the Basin is already feeling the effects of climate change. Those effects will affect our environment in unique ways, including lake clarity and forest health, and our economy (e.g. shorter ski seasons and less snow mean less skier dollars spent in the Basin). **It is clearly in the Basin's best environmental and economic interest to provide a net reduction in GHG emissions.**
- Further, TRPA fails to address the cumulative impacts of the increased GHG emissions from boats, from vehicles driving those boats in the Basin, and from the many other large scale projects being considered that will increase VMT (and associated GHG emissions), in the Basin.

*** ADDITIONAL INFORMATION ***

Estimated Greenhouse Gas Emissions from motorized boats

Although CARB recently created a GHG emissions inventory for California, the inventory does not separate the emissions associated with recreational watercraft at this time. In substitution of this data, CARB staff⁶ stated that in general, the GHG emissions per mile for a motorized boat are similar to the average for motorized vehicles. *However, of note are the relatively small miles per gallon for boats (generally between 1-4 miles per gallon – see last section below).*

CARB therefore provided average rates (in grams per gallon of regular gasoline) to help estimate, at least conceptually, potential GHG emissions (see caveats and limitations discussed below*). Those rates are:

CO₂: 8,861grams / gallon
CO₂-E: 9,290grams / gallon

* These rates are the average of all on-road gasoline vehicles listed in CARB's published 1990-2004 online inventory. Note that gasoline carbon content will vary year to year, and sometimes season to season, and therefore the emission rates of GHGs will also vary. Further, CO₂-E pollutants will be affected by the type of emissions system on each boat, and therefore the boat emissions may further (and significantly) vary from average motor vehicle per gallon emissions.

Using these emission rates, we calculated the difference between the 2004 and 2024 emissions:

2004: 2,642,187 gallons * (8,861 CO₂ & 9,290 CO₂-E grams/gallon) =
CO₂: 23,412,419,007 grams = 23,412 Tons/year
CO₂-E: 24,545,917,230 grams = 24,546 Tons/year

2024: 3,434,843 gallons * (8,861 CO₂ & 9,290 CO₂-E grams/gallon) =
CO₂: 30,436,143,823 grams = 30,436 Tons/year
CO₂-E: 31,909,691,470 grams = 31,910 Tons/year

Additional Emissions from Proposed Ordinances = 2024 emissions minus 2004 emissions

Additional CO₂: 7,024 tons (30,436 tons – 23,412 tons)
Additional CO₂-E: 7,364 tons (31,910 tons – 24,546 tons)

----Excerpt from CARB re: Emission factors for GHGs----

Here are the on-road emission factors: 8861 gCO₂ (and 9290 gCO₂E) per gasoline gallon. These numbers are an average of all on-road gasoline vehicles listed in ARB's published 1990-2004 online inventory: <http://www.arb.ca.gov/cc/inventory/data/data.htm> (see the multiple inventory links at the bottom of the page)

Please note that carbon content in gasoline changes year to year (and even season to season) which is particularly true in more recent years due to MTBE phase-out, so real measurements of gasoline carbon (and thus, CO₂ emissions) would vary from this averaged/approximated 8861 number I've provided you. Furthermore, recreational vehicles such as boats have different

⁶ Pers. Comm. Kevin Eslinger, CARB, Emissions Inventory Branch. 8/13/08.

emissions control systems which means there could be drastically different CH₄ & N₂O emissions when comparing boats to gasoline cars, trucks, etc. So please make extra effort to caveat any mention of the 9290 gCO₂E number with "from the on-road inventory which is likely different from boat CH₄ & N₂O emissions"

Miles per gallon associated with typically-sized boats on Lake & total fuel use/year:

Example Mile Per Gallon (mpg) for boats:

The following table provides mpg info for a selection of boats within the top 3 size categories (per TRPA's survey data).

<u>(length [ft])</u>	<u>Boat</u>	<u>Miles per gallon (mpg)*</u>
27.5'	2003 Cobalt 250 BR	2.1 to 2.8
24'	2005 Bayliner 249 Deckboat	1.94 to 3.19
22'	2006-2008 Tahoe 250	2.35 to 4.44
20'	2006-2008 Tahoe 195 I/O	1.86 to 4.49
18'	2007 Ranger Boats 1850 Reata	3.27 to 5.02
16'	2007 Tracker Pro Team 170 TX	4.18 to 13.50

** For all boats except 2003 Cobalt (mpg range depends on speed), averages provided are from data for mpg running at 1,500 rpm and above. Source, full mpg range and engine information for these boats (and additional boats in these size classes) were collected and are available upon request.*

SIERRA CLUB 10-8-08 APC SHOREZONE COMMENTS

My name is Michael Donahoe and I'm speaking for the Tahoe Area Sierra Club.

The 1st thing I want to talk about today is the nearshore. If you have been swimming or boating in Tahoe this summer or reading the news, you already know that conditions in the nearshore are getting worse. They have been for quite some time. More algae. Less clarity. More milfoil. Beds of Asian clams. Etc. If you've ever gone up on Heavenly's gondola, you've seen the plume of sediment from development, (roads, houses, driveways, parking lots, etc.) flow out of the Upper Truckee River and fan out along the nearshore. The change in color and clarity is pretty startling. The nearshore, as is clear from the diagram on page 2 of the introduction of the Shorezone Final EIS, is part of the shorezone. The deteriorating conditions in the nearshore and foreshore need to be corrected before you approve any more disturbance in the Shorezone. It's as simple as that. That means keeping the sediment out of the streams in the 1st place. Which means curtailing new development. Which also means finally enforcing BMP implementation. I believe next Monday is the often extended final deadline for BMP compliance around the Basin. Over 70 % of the BMP's are not even in place yet, let alone maintained. 70%. Until the nearshore is on the mend, please do not even consider voting for increased development in the shorezone.

Now this is going to take some courage on your part. In your joint shorezone workshop with the Governing Board last month, as well as in previous presentations, you have heard that the Lt Govs of CA and NV and other State officials have reached an agreement on a Shorezone compromise. I've heard some TRPA decision makers say that the matter is now out of their hands.

I beg to differ. The proposed compromises constitute a **political** decision. TRPA's mandate, as outlined in the Compact, is to make an **environmental** decision. I've looked at the Compact. The Lt. Govs are not in there. You are. And the role that has evolved for APC over the years (and the role I've heard as an expectation from Gov Board members), is that you use your technical expertise to make recommendations to the Board. Technical. Not political.

I hope you do that today.

And in making your findings, I think 2 other criteria besides the conditions in the nearshore are critical.

The 1st is from the compact, which under Article 1b says that TRPA's job is to "establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities."

The last phrase of that sentence is the one that is too often ignored. - any growth and development has to be consistent with Threshold attainment. That is so key.

The 2nd criteria is from the latest science, which tells us we need to reduce pollutant loading from all sources by over 55% if we are to reach our legally mandated clarity goals

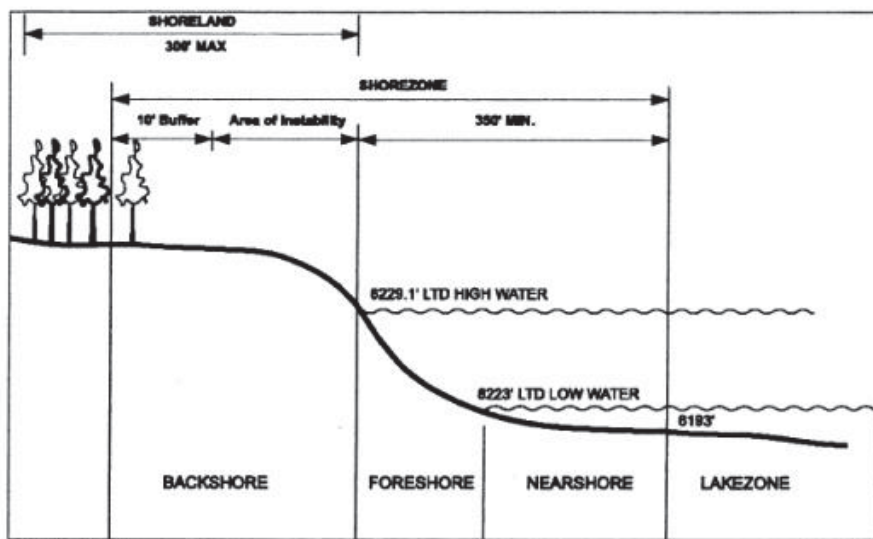
It seems to me there are five core questions you need to answer "yes" to in order to approve the proposed Shorezone package.

- 1) Will the 80,543 more boat trips per year that this ordinance will produce help us attain our noise Threshold, reduce pollutant loading and fix the nearshore? Yes or No.
- 2) Will the 128 more private piers jutting out up to 300 feet into the lake make Tahoe more scenically beautiful? Yes or No?
- 3) Will the 100's of added tons of boat emissions that are documented in the EIS help us reach our Air Quality Threshold, reduce pollutant loading and fix the nearshore? Yes or No?
- 4) Will the 128 more private piers and the 1800 + more buoys make our beaches more enjoyable to walk along, our nearshore more attractive to swim in, our waterways more enticing to kayakers and sail boarders and other non polluting recreationists? Yes or No.
- 5) Will the increased motorized boating, generating 22 MORE tons a year of particulate matter, some of which will deposit into the lake, help us attain our water quality Threshold, reduce pollutant loading and fix the nearshore? Yes or no.

If you haven't answered yes to every one of these questions, then you in good conscience need to vote no on this shorezone proposal.

Please do what is right for this lake and the people of this country. The lake is counting on you.

Thank you.



Source: EDAW 2006

Lake Tahoe Shorezone Areas

Figure 1-1

Article VII of the Compact requires TRPA, when acting upon matters that have a significant effect on the environment, to prepare an EIS. The content and procedure for preparing an EIS are set forth in Article VII of the Compact; Code Chapter 5, "Environmental Documentation"; and Article VI of TRPA's *Rules of Procedure*.

BACKGROUND OF THE SHOREZONE PROGRAM

TRPA's regulation of the Shorezone began in March 1972 with the adoption of the original TRPA Shoreline Ordinance, which was modeled after the 1966 Placer County Shoreline Ordinance. Previously, there had been no ordinances that considered the entire Shorezone of Lake Tahoe. Because of the controversy surrounding the development provisions of the ordinance, a moratorium was placed on new Shorezone development in prime fish habitat until a plan and new ordinance could be adopted. Table 1-1 summarizes the actions pertaining to the management of the Shorezone that have taken place over the years.

Reconsideration of the 1972 Shoreline Ordinance evolved into a series of studies investigating the characteristics and sensitivity of various resources in the Shorezone of Lake Tahoe. These studies led to the publication of the *Shorezone Plan for Lake Tahoe* (Orme, 1973). The Shorezone Plan analyzed and evaluated the physical, biological, and visual characteristics of the Shorezone, in terms of its tolerance or responsiveness to disturbance or change. The Plan established Shorezone units that reflect the distribution of Shorezone resources and features of varying sensitivity and importance. The "tolerance" zones based on this delineation were mapped for the physical, biological, and visual components of the Shorezone Plan.

The Sierra Club comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS.



United States
Department of
Agriculture

Forest
Service

Lake Tahoe Basin Management
Unit

35 College Drive
South Lake Tahoe, CA 96150
(530) 543-2600

File Code: 1950
Date: October 28, 2004

Coleen Shade
Long Range Planning
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Dear Ms. Shade:

Thank you for the opportunity to comment on the July 2004 Lake Tahoe Shorezone Ordinance Amendments Draft Environmental Impact Statement. The comments are organized by section following the outline of the DEIS. These are proceeded below by a few general comments regarding the process and document as a whole.

Please accept my compliments to you and your team for their work on this task. The chronology in table 2-1 reflects what a challenging job this has been. Management of the shorezone is important to the achievement of the Forest Service mission and the mission of virtually every agency and organization with an interest in the Tahoe Basin.

The EIS does not convincingly describe what is expected to occur under a given alternative and the affects associated with that development. The proposed action (Alternative 2) projects development on every available parcel (428 new piers and 3,656 new buoys) and that they will be 100 % occupied. Who believes that this will actually occur once financial considerations and other reality constraints including mitigations are imposed? The finding that this much development can take place without causing even one significant effect that cannot be mitigated to less than significant levels (page 16-1) also deserves reconsideration. Acknowledging impacts and making overriding considerations may be a more convincing approach. As one example: the total effectiveness required of mitigation 15.1A (page 15-16) to satisfy the significance criteria for public health and safety (page 15-13) compared to the expected effects on page 15-17 seem questionable.

The National Forest includes only 13 miles of the Lake Tahoe shoreline. Though short in distance these are some of the most valuable parcels of public land in the Basin. The Partnership Committee's "Points of Consensus" documents agreement that continued recreation access to publicly owned shoreline is important. Obviously, recreation is an important Multiple Use and National Forest goal. However, just as the environmental thresholds provide for recreation subject to protecting other resource values, the Forest Service considers it critical that shorezone recreation be balanced with the other benefits these sensitive areas provide.

Forest Service plans for additional piers and buoys are very modest compared to the projected numbers for private development. The Shorezone Partnership and EIS endorse appropriate development for public facilities. However it stops short of reserving a fair share capacity for



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Forest Service Shorezone Comments
Page 2

future public piers, buoys and ramps. We would like to see a reservation for public fair share addressed in this EIS.

A Fair Share reservation for public piers should be adopted. Public piers serve such a large segment of the public that they should be given special consideration. The rules for allowing replacement of piers that have been removed are not clearly defined and understood. It would be unfortunate if the Forest Service was prevented from developing a public pier because private development had already used up all of the scenic points in a scenic unit. Establishing and ensuring that a Fair Share of the Basins capacity for outdoor recreation is available to the general public is a goal of the Forest Plan and the TRPA Regional Plan.

Review of private development should consider how these structures would impact public access to land and water. Many National Forest visitors enjoy walking and skiing along the lakeshore as entitled by the Public Land doctrines. This important recreation opportunity should not be compromised.

Mitigating the removal of buoys that don't meet the new standards may result in increased demand for public buoys. We should not assume that adding public buoys would satisfy this demand. To do so could jeopardize preservation of high-quality undeveloped shorezone areas like the East Shore.

EIP implementation is the principle mitigation in the EIS. We think it is important that EIP and other mitigations are tracking with shorezone development in an equitable manner between private and public land. There are many mitigation opportunities on private parcels. In most cases we would prefer to see private development mitigated on private lands. That's not to say that off-site mitigation is not a valuable tool; but the National Forest does not want to accept the burden of mitigating extensive private development.

The EIS alternatives and direction address all lakes in the region. Page 1-3 refers to Lake Tahoe, Cascade Lake, Fallen Leaf Lake, and Upper and Lower Echo Lakes. The meaning of the sentence "*While there are no specific criteria for the management of these other lakes, the code of ordinances is used as a management guideline*" is unclear to me. This section should be rewritten to make it more understandable.

Our paper copy of the Draft EIS includes too many minor editorial notes to list here. Your writer editor is welcome to borrow this copy so they can incorporate or reject these edits as they choose. Below are some suggestions with specific page references.

Chart 2-1 Check the numbers for floating docks against Table 2-2.

Page 11 Quasi-Public. The category "public parcels that limit public access" needs defining.
Page 11 Public Structures. Limiting public moorings to 2,000 PAOTS. How will this be allocated? See CODE Chapter 33.

Page 25 Economics - Reduced scenic quality would result in a potential negative economic effect.

Forest Service Shorezone Comments
Page 3

Page 1-3 fourth paragraph. The impacts of this Shorezone Plan to the other lakes are not very clear or visible.

Page 2-53 bottom of page 1. Assumptions about number of boats present appear to assume 100% occupancy of buoys, slips and other facilities. This seems high. I don't know what the percent occupancy is but it is certainly less than 100%. Was this somehow negotiated and agreed to by the Partnership? If this number (100%) stands, consider including some rational or explanation.

Page 3-2 (and throughout the EIS). Please note that the USFS does not "own" forest or shoreline. The correct usage is that the land and shoreline is "National Forest" (i.e. owned by the public). It is managed (not owned) by the USFS. This comment was made on the previous drafts in 1995 & 1999. We consider this a correction worth making because many citizens respond differently to decisions that affect their land vs. decisions that affect land that belongs to someone else, especially a large bureaucracy (like the USFS). We try to be persistent in reminding our employees (and others) that we (the USFS) do not own the National Forest. We manage it for the people.

Page 3-17 (fourth bullet) and Table 3-14. "The alternative is inconsistent with USFS prescriptions for their management areas." In addition to management areas (similar to TRPA PAS) the LTBMU Forest Plan also includes Forest wide Management Direction (similar to TRPA Code). This bullet might be more correct it read "inconsistent with USFS Forest Plan management direction". Please contact Joe Oden for assistance with edits in this Chapter.

Chapter 7. Recreation: The introduction to this section is very well written.

Page 7-5 We would like to redraft this section describing the regulatory considerations for the Forest Service. Please contact Joe Oden for assistance with this edit.

Page 7-20 Required Mitigation Measures should note the important role of adequate parking and restroom facilities.

Chapter 10. Vegetation -Consider adding a description of natural disturbances that affect vegetation type and conditions in the shorezone. One of the main points being made in Chapter 10 is that preserving the land use (natural vegetation dynamic) as opposed to changing the land use to developed recreation (piers, ramps, buoys) is "integral for attaining and maintaining the Environmental Thresholds" We want to be careful when using the term "Preservation" so as not to close options for management of shorezone vegetation. In several locations in Chapter 10 the term preservation is not used accurately. Forest Service foresters are very precise in how they use the term preservation.

Natural systems, including vegetation, are dynamic (changing), developing from early seral (young) to late seral (older) stages. This process cannot be stopped (i.e. preserved). The writers of the EIS appreciate this as reflected on Page 10-5 second paragraph where the narrative describes vegetation as being dynamic, changing with water levels. We suggest that you add additional examples of natural disturbance (fire, insects & disease).

Water level is a very important disturbance regime affecting shorezone vegetation. The role of fire and insects are part of the water fluctuation regime as well as being disturbance regimes in and of themselves. A good example of this relationship is the high water level that occurred at Baldwin Beach. The high water was followed by a Mountain Pine Beetle outbreak, resulting in mass lodgepole pine die-off. The dead pine resulted in a high fire hazard.

Forest Service Shorezone Comments
Page 4

Consider making a distinction between shorezone areas where the land capability makes them suitable for consideration for development (piers, & ramps; access to buoys) as opposed to wetlands, meadows and other areas that should be off limits to development.

Section 11-2 notes that littoral processes are not TRPA thresholds. It appears that a substantial amount of the logic used to tie littoral processes to the soil conservation threshold and mitigate impacts is circuitous and hard to follow. If this subject is beyond the scope of the shorezone EIS, consider addressing it through the P7 process – as a threshold.

P11-11 – typo in heading at top of page.

Erosive vs. erodible – please check definitions of these words.

P11-16 – paragraph 2 states that the probability of geologic events with the potential to create widespread geomorphic changes is low in the near future. I believe that recent research may contradict this. Refer to recent findings by UNR.

P11-22 – one of the stated concerns about loss of natural vegetation is the reduction of sediment movement from backshore to foreshore and nearshore. Other portions of the document express concern about increased sediment movement from backshore to foreshore and nearshore. This should be clarified.

P11-23 – soil survey update is no longer expected by summer/fall 2004. New expected dates are winter 05-spring 06. Confirm with Woody Loftis, NRCS.

P11-23 – shorezone tolerance system – note that not all shorezone classification types are soils – “ranking of the Districts adequately describes the relative tolerances of soils”.

P11-38 – Impact 11.1.3 states that inadequate delineation of unstable backshore area would be a problem. Why not address this directly instead of through a mitigation fee for shorezone projects? Perhaps this issue could be resolved through P7?

Mitigation 11.1.1f – It appears that this would effectively prohibit construction in all but unstratified sands. Is this the intent?

Mitigations 11.1.1d,e, and g – what are the relationships among these measures? This seems confusing.

Chapter 12. Wildlife: A large portion of this section mirrors information (including the effects analysis) presented in the 1999 DEIS. It is important to use the most current information (e.g., buoy inventory data) and new or revised analysis for new/modified alternatives.

On page 12-5, is there a reason that the last paragraph is in capital letters?

Page 12-12, second paragraph, populations are viable not species. Perhaps say “...not an indication of viable populations.”

Table 12-6. Footnote ^c should read “...risk of large diameter declining or dead trees (snags)...” Also, need to clarify the footnote...there is a 20% greater likelihood that snags will be removed as compared to the existing condition or that 20% more snags will be removed from the existing condition. Or perhaps it means that 20% of the snags would be removed. Clear units of measure are important. Was there an inventory of existing snags to derive probability of removal or is this an assumption based on some constant (for example, we assumed that there were 0.1 snags per parcel). Footnote ^f should be footnote ^e.

Forest Service Shorezone Comments
Page 5

le 12-7 reads, "Potential significant direct and indirect impacts to wildlife", although no direct impacts are identified. Do we mean direct and indirect impacts to wildlife habitat or sensitive wildlife or both? For example, USFS biologist would consider the removal of nest tree a direct impact to wildlife habitat, while it could be considered an indirect impact to a wildlife species. Please clarify.

Our biologist noted that there are no cumulative effects analysis provided in the Wildlife Section. The effects shown are cumulative only if they are the sum of the effects from past, present and future actions.) Because cumulative effects are a key component of most EIS documents, how this requirement is addressed should be explained.

Mitigation measure 12.1.2a appears ineffective given that ordinance already exist (no-wake zone). Need to enforce existing ordinances.

Page 12-20, last paragraph, not consistent with table 12-6.

Page 12-21 12.1.3a mitigation measure, may want to consider the creation of snags using fungal inoculation in areas that do not present a public hazard.

If there are no "non-significant impacts" or "beneficial impacts", what's the point of including them in the document?

Page 12-22. Impact statement not consistent with table 12-6. Check all impact statement for similar errors.

Page 12-23, "Beneficial Wildlife Impacts", do you mean "no beneficial impacts on wildlife with Alt 2) the Proposed Alternative". Make sure to check all sections for this typo.

Page 12-2 The first auto access to the Tahoe Basin occurred prior to the roads being paved in the 1930.

Page 13-3 first full paragraph following the bullets. Replace the phrase *determined to be eligible for designation as a historical resource by the applicable SHPO* with the more precise statement *eligible for inclusion in the National Register of Historic Places*.

Page 13-4 National Register of Historic Places first paragraph. Advisory Council on Historic Preservation should be followed by the citation (36 CFR part 800).

Page 13-5 Nevada Office of Historic Preservation. Does TRPA consult with CA SHPO in a similar fashion? If yes then a statement to that effect should go with CA SHPO.

Page 13-17 Alternative 2 second bullet should be expanded to include all prehistoric and historic archaeological sites.

Page 14-10 next to bottom paragraph suggest very high public cost to mitigate the severe impacts from the private development associated with Alternative 3. Wouldn't the private sector be required to mitigate the impacts from developing their piers and buoys?

Page 15-13 Summary of Potentially Significant Impacts. Recommend you reword the first sentence to address "Each of the 5 Alternatives to avoid confusion. The current reference to the *proposed alternatives* is confusing because only Alternative 2 is the Proposed Action Alternative. All 5 alternatives are not proposed.

Forest Service Shorezone Comments
Page 6

Page 19-2 gives the impression that the Partnership Committee consisted of just 9 Stakeholders. Is this correct or should the other Partnership Committee participants (like the USFS) be included?

USDA Forest Service is listed under Public Agencies (page 19-3) and also under Federal Agencies (page 19-4). This Chapter should be proofed and edited.

Sincerely,

/s/ David Marlow (for)
MARIBETH GUSTAFSON
Forest Supervisor

Letter 05-1
U.S. Forest Service, Lake Tahoe Basin Management Unit
Janine Clayton, Acting Forest Supervisor
August 26, 2005

- 1-1 Responses to the attached comment letter by the U.S. Forest Service (USFS) on the DEIS, dated October 28, 2004, are provided following Letter 04-1).
- 1-2 When PATHWAY 2007 is adopted, any needed revisions to the Shorezone Ordinances (in effect at that time) would be made to achieve consistency with the new Regional Plan. Alternative 6A is intended to promote flexibility with opportunity for review, adaptive management, and revision every 5 years.
- 1-3 Refer to Master Response I, "Resource Protection Zones/Shorezone Preservation Areas." As described, the resource protection provided by designation of Resource Protection Zones (RPZs)—renamed Shorezone Preservation Areas (SPAs) for Alternative 6A—duplicates protections already being afforded sensitive species in these areas. It is also important to note that only new structures are limited in SPAs; existing structures can be modified as allowed in other areas (proposed Code Section 50.4.B). TRPA and USFS include public education as part of their current work programs. The education efforts referred to in the SDEIS are ongoing, and no change would be required as a result of the new Shorezone Ordinance amendments.
- 1-4 Master Response I addresses concerns regarding the ability of USFS to provide recreational access in SPAs for the public, what types of structures would be allowed in SPAs, and the continuation of existing resource protection policies of other agencies and TRPA in these areas.

The estimate of 10 new public piers over the assumed 22-year planning horizon includes a reasonable estimate of the needs for a Lake Tahoe water transit system, if it comes to fruition. Thus, this concern has been addressed in the proposed program. With regard to waterborne transit, if an appropriate location within a SPA is identified in the future for a transit terminal, the project would be subject to further environmental review and revision of applicable Code.

Development assumptions and criteria for public piers are defined in Chapter 2 of the FEIS for the proposed program and in Chapter 2 of the DEIS and SDEIS for the other alternatives.

- 1-5 The commenter does not identify specific concerns regarding the lack or inadequacies of the cumulative effects analysis in the SDEIS. Chapters 3 through 15 in both the DEIS and SDEIS analyze regional policy change scenarios that would direct development in the Shorezone through buildout (for Alternatives 1 through 5) or for the implementation period (for Alternative 6 or Alternative 6A). Each resource chapter addresses and analyzes the specific alternatives based on past, present, and reasonably foreseeable future actions being considered within the alternative scenarios. It is inherent in this regionwide analysis that incremental changes in the Shorezone over time are disclosed, evaluated in terms of additive effects, and deemed significant or not based on the policies proposed. The analysis of cumulative impacts in these documents meets the requirements of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and the TRPA *Bi-state Compact*.

The USDA Forest Service comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS.



LIEUTENANT GOVERNOR JOHN GARAMENDI

January 29, 2007

Chair Julie Motamedi and Governing Board Members
Tahoe Regional Planning Agency
128 Market Street
Stateline, Nevada 89449

Subject: Final Environmental Statement and Proposed Ordinance Amendments

Dear Chair Motamedi and Governing Board Members:

I am writing to express my concerns over the proposed Shorezone Ordinance, scheduled for consideration at the January 31, 2007 meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA). As the Lieutenant Governor of California and a member of the California State Lands Commission, I am concerned that the proposed Ordinance will adversely affect public access and water quality at Lake Tahoe and that the detailed environmental review necessary to accurately gauge these impacts or develop appropriate mitigation has not been completed.

Throughout my career as a public official and author of SB 82 (1980), which created the Tahoe Regional Planning Agency, and SB 1806 (1984), which established the Tahoe Conservancy, I have been a staunch supporter of protecting Lake Tahoe. Now, as a State Lands Commissioner, I am directly responsible for the management of the lakebed in California. The common law, public trust doctrine requires that this land be available to the public for commerce, fishing and navigation. California's State Constitution also requires that the public not be denied access to the waters of the state. I intend to implement the public trust in a manner which is both protective of the environment and maximizes public use of public waters.

I am concerned that the number of new piers authorized by the Ordinance will cause adverse impacts to public use of Lake Tahoe. These piers will interfere with the public's right to walk the shores of Lake Tahoe. They also will adversely affect the public's ability to use the near shore portion of the lake for swimming, kayaking and other recreational activities. Further, the piers, along with the high number of new buoys that would be permitted by the Ordinance, will facilitate a large increase in boat use of Lake Tahoe, which could further degrade the lake clarity - one of Tahoe's outstanding features. I do not believe that these potential impacts have been adequately analyzed and that mitigation measures to address them have been sufficiently defined.

Tahoe Regional Planning Agency

Page 2

January 29, 2007

One example of the additional steps that could be taken would be for the Ordinance to offer more incentives to promote the construction and consolidation of joint-use recreational piers and more public facilities. One such incentive would be to give joint-use or public piers priority in the Ordinance's annual quota system. Offering incentives for the construction of joint-use piers could help reduce the overall number of piers at Lake Tahoe thereby improving public access and providing additional protection of public trust resources.

Both California and Nevada also have laws and regulations that establish a baseline for Lake protection. However, as the lead planning agency for Lake Tahoe and with unique, bi-state jurisdiction, TRPA is well placed to develop overall strategy for the Lake. Several factors suggest that TRPA's planning should assure that these state requirements are met. First, consideration and incorporation of policies that meet these requirements help assure the adequacy of TRPA's efforts. Second, if state agencies determine that additional analysis and requirements are necessary, beyond that which is currently contained in the Ordinance and its environmental review, conflicting mandates on development could occur which may frustrate the environmental and public access goals of the various agencies.

As California's state agencies have already commented, the Ordinance and its environmental review does not contain the analysis necessary to assure compliance of resulting development with California water quality law, the California Environmental Quality Act (CEQA) and the public trust. Compliance with CEQA is particularly important since this is the overarching California environmental law, utilized by all public agencies. Should the State Lands Commission or the Lahontan Regional Water Quality Board be required to conduct additional environmental review before approving the projects authorized by the Ordinance, the efficacy of the Ordinance to achieve a coordinated approach at Lake Tahoe will be severely reduced.

I appreciate your consideration of these issues. As members of the Governing Board of TRPA, I know that you share my dedication to preserving the jewel that is Lake Tahoe and making the wonderful resources there available to the public. I call on you to take the additional steps necessary to carry out these goals in the Shorezone Ordinance. The active assistance of the Commission staff continues to be available to cooperatively complete this work.

Sincerely,



JOHN GARAMENDI
Lieutenant Governor

The former Lt. Governor Garamendi comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1833
Contact FAX: (916) 574-1835

October 28, 2004

Coleen Shade
Tahoe Regional Planning Agency
128 Market Street
Stateline, Nevada 89449

Dear Ms. Shade:

Staff of the California State Lands Commission has reviewed "Lake Tahoe Shorezone Ordinance Amendments – Draft Environmental Impact Statement" and submits the following comments, which also incorporate, by this reference, the additional comments submitted on our behalf in the letter of the same date from the Office of the Attorney General, and our letter of September 14, 2004, attached hereto.

General Comment

This EIS is currently inadequate, in part due to mitigation measures that are, as written, futuristic, not measurable and potentially unenforceable. For example, many of the mitigation measures involve the collection of mitigation fees to be placed in a fund for the purposes of implementing EIP projects. Will the mitigation fees collected be deposited in accounts specified for mitigating the impact intended? The FEIS should clarify this example of ambiguities as well as revise all mitigation measures written in like manner to the standard required by law.

Specific Comments

Table of Contents

Table of Tables and Table of Figures should be List of Tables and List of Figures, respectively. The Table of Contents also does not provide a list of tables or list of figures for the Executive Summary.

Page xiii, List of Figures – Tahoe Yellow Cress Inventory (2003 through 2003) – The

Coleen.Shade

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October 28, 2004

Page 2-60 – Private – Single-Use Structures – Boatlift – The FEIS needs to discuss the design criteria and vessel requirements for applying for a boatlift for private piers. Will applicants be required to provide substantiation that they own a boat to apply for a boatlift?

Chapter 3 – Land Use

Page 3-17 – Section 3-4 – Standards of Significance – Fourth bullet after the second paragraph – The FEIS should include the definition and a discussion of USFS prescriptions for management areas.

Chapter 4 – Fisheries

Pages 4-27, 4-28 last paragraph and first paragraph 4-29 - Several statements in these two paragraphs are erroneous.

- 1) Though the first introductions of non-native aquatic weeds were probably from launch of contaminated boats (props, bilge water, engine water intakes, bait boxes), current spread throughout the Lake is now primarily from boat navigation through infested/ harvested waters (props, bilge water, water intakes, bait boxes), from wind dispersal and faunal transport. Dispersal from infested waters far outweighs the introduction potential from contaminated boats.
- 2) Regardless of Alternative, Eurasian watermilfoil (EWM) will spread proportionally to:
 - a. The biomass density build-up and natural release of viable fragments in the fall.
 - b. The number and type of navigations through heavily-infested EWM areas;
 - c. The number of navigations through recently harvested EWM areas;
 - d. The direction and speed of wind from heavily infested areas towards pristine sites
 - e. Birds, fish and other faunal transport.
- 3) Watermilfoil, as with any aquatic vegetation canopy, at certain densities, provides harborage to all fish.

Inventories have been chronicled since 1995, mapping all aquatic plants around the entire Lake. The EWM infestations are spreading and increasing in density.

Coleen Shade

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October 28, 2004

actual figure title is *Rorippa subumbellata* (Past Locations and 2003 Inventory). "Past Locations" should be "Historic Locations" (see additional comments below).

Chapter 1 – Executive Summary

Page 1-24, Vegetation – Format should be common name (*scientific name*) – Tahoe yellow cress (*Rorippa subumbellata*).

Page 1-8 – The CSLC should state in the parenthetical: uses within the Public Trust, ownership, and leasing.

Page 1-49, List of Acronyms – CSL, change to CSLC, California State Lands Commission; The acronym for CSLC is also not consistent in the document (see pages 10-8 to 10-9; CS, Conservation Strategy should be capitalized.

Chapter 2 – Project Description

Page 2-3 – Project Description –Section 2-2 – Background of TRPA Shorezone Regulation– It would be helpful if the criteria for issuing qualified exempt activities were described.

Page 2-3, last Paragraph – 1st Sentence – Currently, the Code prohibits the placement of new structures in specified fish habitat. The FEIS should also include a discussion explaining that permitted replacement and reconstruction activities in these areas do occur.

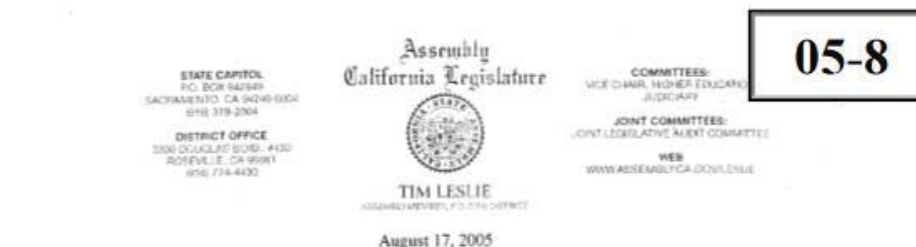
Page 2-6 – Last paragraph – The "numerous studies and evaluations" since the 1999 DEIS should be included in Table 2-1 – A Chronology In Planning.

Page 2-11 – Please identify what the 2002 (IKONOS) survey covered and the meaning of the acronym.

Page 2-12 – Piers – "Width of littoral parcel is at least 50 feet". Is this an average width or a measurement taken of the parcel at the shoreline? The FEIS should specify how the width of the parcel is measured.

Chart 2-2, following Page 2-28 – Floating Docks in the chart should be 83 not 113, which would lower the % of Maximum Build-out.

The California States Lands Division comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS. Please accept this portion but include all of the document requests for analysis or correction.



August 17, 2005

Mr. Tim Smith, Chairman
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449

Subject: Alternative 6 Shorezone Plan Comments

Dear Chairman Smith:

As part of Alternative 6 of the Shorezone Plan, TRPA staff has proposed two boating proposals that cause me great concern. The first is the implementation of an Outstanding National Resource Water boat sticker program. The second is the prohibition of private motorized boats one day per weekend in July and August. The July, 2005 Supplemental Draft Environmental Impact Statement suggests that these boating proposals are necessary in order to mitigate pollutants in Lake Tahoe and in Emerald Bay specifically. Indeed, TRPA staff has expressed this opinion publicly on many occasions.

At a meeting with TRPA Executive Director John Singlaub, and Acting Chief of Planning and Evaluation, Helen Shade, Senator Dave Cox and I requested the "science" supporting these boating proposals. In response, TRPA provided us with a 2003 University of Nevada, Reno study which is Appendix C of the Shorezone Draft Environmental Impact Statement, a United States Geological Survey study by Michael Lico evaluating the effectiveness of the two-stroke ban, and various charts and graphs summarizing this information. I am also aware that TRPA developed a "PAH Whitepaper" which appears as Appendix D of the Shorezone DEIS.

After careful review of these documents and much additional research from other sources, I have concluded that the proposed boating curtailment and management strategies are unwarranted. The scientific evidence does not support these proposals. Please see the attached comments.

I urge TRPA to withdraw these unnecessary proposals from the Shorezone Plan.

Sincerely,

TIM LESLIE
Assemblyman, Fourth District

TL: ma

cc: Governing Board Members
John Singlaub, Executive Director
Interested Parties

Attachment

The Assemblyman Fourth District Tim Leslie comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS. Please accept this portion but include all of the document requests for analysis or correction.



August 23, 2005

Ms. Colleen Shade
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449-5310

RE: Comments to the Lake Tahoe Supplemental Document to the
Shore Zone Ordinance Amendments Draft Environmental Impact Statement (DEIS)
Source Water Protection

Dear Ms. Shade:

We appreciate the opportunity to review and comment on the subject document and will focus our attention on source water protection. Representing six Nevada water purveyors, I am concerned that the document does not go far enough to protect the public from contamination of its water supply, caused by threatening activities within the most vulnerable portion of the watershed, the shore zone. As highlighted by Wayne Nastri, Administrator, EPA Region 9 at the May 5, 2005 Tahoe Drinking Water Forum, and echoed recently by EPA Administrator Johnson at the Tahoe Summit, source water protection is key to assuring a safe and cost-effective water supply while protecting public health from chemical, microbial and pathogenic contamination.

The Nevada Tahoe Water Supplier Association (NTWSA) is pleased to see that the proposed Alternative 6 will introduce the concept of "risk assessment" into the review and approval process for shorezone structures located within ¼-mile of public drinking water intakes. Risk assessments for potential contaminations have long been a mainstay of the water industry and it is past time for their use at Tahoe. We suggest that Alternative 6 be clearly labeled as "Source Water Protection" friendly, and here's our suggestion how:

- Page 1-6, 1st Paragraph: Add the following: "Source Water Protection of public drinking water is a stated EPA objective and relies on controlling sources of pollution within the shore zone as well as throughout the watersheds. For the protection of beneficial uses of Lake Tahoe, a boat sticker program would be initiated, with the funds collected being allocated toward water quality monitoring and mitigation, monitoring directed to protect municipal and domestic supply, monitoring for noise, administration, enforcement, and public outreach."
- Page 5-7, Impact 5.6.4: Add the following to the 2nd paragraph: "This Alternative would also provide for source water protection in accordance with U. S. EPA and State Health organizations' guidelines, to limit potential contamination by microbial, pathogenic or chemical components harmful to public health."
- Page 15-1, Introduction: Add "protection of public drinking water" after "source water" to make clear the intent to meet EPA and State Health agency objectives.
- Page 15-4: Add the following Mitigation Measure 15.6.2:

Mitigation Measure 15.6.2. To minimize deleterious effects to public drinking water supplies caused by the continued development and utilization of the shore zone, the Alternative will provide shorezone structure setbacks of ¼ mile from public drinking water intakes unless a professional risk assessment demonstrates to the satisfaction of the impacted water purveyor and the responsible public health agency that no risk to public health will result from the proposed activity.

082105.8

In reviewing comments to the July 2004 Lake Tahoe Shorezone Ordinance Amendments Draft Environmental Impact Statement, we noted that diverse agencies expressed the need to maintain the existing high water quality and ensure that the established beneficial uses, including municipal and domestic water supply, are maintained and protected. Agencies responding included the Nevada Division of Environmental Protection—Bureau of Water Quality Planning, Nevada Bureau of Health Protection Services, California Environmental Protection Agency—Division of Drinking Water Environmental Management, California Environmental Protection Agency—Executive Office, California Attorney General's Office, and the California State Lands Commission. One requirement of the EPA Outstanding Natural Resource Water status is a non-degradation standard applicable to the established beneficial uses. Incorporating source water protection monitoring for constituents related to drinking water quality, completing risk assessments near drinking water intakes, and public education programs are valuable tools to protect the municipal and domestic supply for the residents and visitors in the Lake Tahoe Basin.

On behalf of the members of the NTWSA and water industry professionals around the lake, I appreciate the opportunity to comment, and believe the TRPA has taken several significant steps to address source water protection. I sincerely hope that you will carefully consider our suggestions. I will be available to meet with you at your convenience should you wish to discuss them.

Very truly yours,



Daniel M. St. John, P. E.
Chairman, NTWSA
Director of Public Works, IVGID

C: NTWSA Board of Directors
S. Tone, NTWSA Exec. Director
A. Biaggi, NV Dept. of Conservation
IVGID Board of Trustees
Wm. B. Horn, General Manager, IVGID
S. Rogers, NTPUD

The NTWSA Board of Directors comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS.



*California Environmental
Protection Agency*

January 29, 2007

Julie Motamedi, Chairperson
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Dear Chairperson Motamedi:

We understand that the Tahoe Regional Planning Agency (TRPA) Governing Board will meet on January 31, 2007 to consider adoption of a major package of shorezone development ordinance amendments for the Lake Tahoe basin. The proposed amendment package (or "shorezone plan") would allow for: 1) the immediate development of up to 1,862 new buoys and 235 new slips; 2) the phased development of 220 new private piers over the next 22 years; and 3) up to a total of 637 new private piers after subsequent environmental review.

As you know, several California state agencies are responsible for regulating or promoting public and private activities in the shorezone of Lake Tahoe. The Lahontan Regional Water Quality Control Board (Lahontan Water Board) is responsible for protecting the lake's designated uses and it's nationally recognized outstanding water quality. The Lahontan Water Board currently prohibits new pier construction within significant fish spawning habitat areas. The State Lands Commission is responsible for issuing leases on sovereign lands in Lake Tahoe and protecting the public trust easement between high and low water elevation. The Department of Fish and Game is responsible for issuing streambed and lakebed alteration permits for activities that affect the bed and nearshore waters of the shorezone. The California State Parks Department and the California Tahoe Conservancy promote and implement public access, public recreation, and resource restoration projects.

The California state agencies share your goal of developing and adopting a revised shorezone plan that allows for appropriate levels of public and private access to Lake Tahoe while protecting this magnificent national treasure. We

Julie Motamedi, Chairperson
January 29, 2007
Page 3

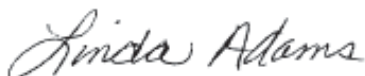
Finally, and most important, we are concerned that the state agencies have not been adequately involved in the development of the latest version of the proposed plan. As a first step toward a more collaborative approach, we recommend that TRPA and the California and Nevada state agencies immediately begin preparing a joint schedule to: 1) develop revisions to TRPA's proposed shorezone plan and the Lahontan Water Board Basin Plan; and 2) present the proposed schedule to the members of the TRPA Governing Board, the Lahontan Water Board, the State Lands Commission, and the Nevada Department of Environmental Protection. We also recommend that TRPA and the state agencies reconvene the Shorezone Partnership Committee to provide a forum for stakeholder input to the revised plan and work with the Tahoe Science Consortium to develop a schedule for peer review of the key assumptions and findings. We believe this approach is essential to develop broad-based support among the implementing agencies and stakeholders for these important long-term changes to TRPA's shorezone development ordinances and the Lahontan Water Board's Basin Plan.

Thank you for considering our comments. We look forward to developing a more collaborative approach to addressing our environmental and economic goals in the Lake Tahoe basin.

Sincerely,



Mike Chrisman
Secretary for Resources



Linda Adams
Secretary for Environmental Protection

cc: Tahoe Regional Planning Agency Governing Board Members
John Singlaub, Executive Director

Julie Motamedi, Chairperson
January 29, 2007
Page 2

remain concerned, however, that the proposed plan is inadequate to meet the requirements of the bi-state Compact and the California Environmental Quality Act and does not adequately address the need to protect and improve public access, non-motorized recreation, and public trust values in the Lake Tahoe shorezone. Unless these issues are resolved, the state agencies will have to develop and adopt separate environmental documentation with potentially different requirements and mitigation measures, which will in turn result in significant delays, increased uncertainty, and potentially inconsistent regulatory approaches. Instead, our mutual goal should be to develop a single shorezone plan and a comprehensive environmental analysis that all the agencies can rely upon to meet their mandates in the shorezone.

As described in more detail in the attached comments, and in several previous state agency letters to TRPA, the proposed plan should be revised to include the following:

- Greater detail on the proposed water and air quality monitoring, mitigation, and adaptive management elements of the plan, including but not limited to their funding sources, implementation time schedules and commitments to adopt them;
- Greater detail on the mitigation options (Best Management Practices), monitoring, and adaptive management elements of the proposed mitigation measures to address the adverse impacts to fisheries habitat;
- Revised density-based criteria for new piers that consider the need to protect and improve public access, non-motorized recreation, and littoral transport processes;
- Increased emphasis on joint-use piers rather than private single-use piers to minimize conflicts between competing shorezone activities;
- Alternatives to the proposed Lake Tahoe Public Access Fund that would provide adequate and timely mitigation for new shorezone structures;
- An implementation plan for meeting TRPA's recreation thresholds in the shorezone, to assure that the proposed plan to significantly increase private access to Lake Tahoe does not conflict with strategies to increase public access and non-motorized recreation; and
- Further development and agreement on permit streamlining and other proposed provisions that require the involvement of the state agencies.

The California Environmental Protection Agency comments are still relevant/applicable and must be addressed/analyzed in the DRAFT EIS.

IN CLOSING:

People don't want to recreate in a buoy field with boats and the gas slick that's often near them. They don't want to swim there, they don't want to kayak there - and this is the public's lake. It doesn't belong to the lakefront homeowners, it belongs to all of us.

Lake Tahoe is an Outstanding National Resource Water body. The beauty of its cobalt blue waters and pristine clarity has inspired visitors since the time of Mark Twain.

Lake Tahoe is protected by a decades-old Congressionally-approved Compact between the states of California and Nevada, which mandates the region to protect the environmental health and scenic quality of the Lake Tahoe Basin watershed.

Section II. Comments on the Notice of Preparation (Pre-Scoping Period)

2.1 Agencies



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 327-7704
Facsimile: (916) 327-2319
E-Mail: Jessica.TuckerMohl@doj.ca.gov

April 25, 2017

Sent via Electronic Mail

Tahoe Regional Planning Agency
Regional Plan Implementation Committee
P.O. Box 5310
Stateline, NV 89449

RE: Lake Tahoe Shoreline Plan Environmental Impact Statement – Working Session on
Conceptual Scoping of Alternatives, Item #V.A on Agenda for April 25, 2017 Meeting

We make these comments on behalf of the Attorney General in his independent capacity, to facilitate your development of a robust and defensible Shoreline Plan Environmental Impact Statement (EIS) that allows for informed decision-making and fosters public participation.

Under NEPA and CEQA, it is important to analyze a range of reasonable alternatives. For purposes of the EIS, we would hope to see an analysis of a range of viable policy alternatives, including a reduced development alternative. We have reviewed the five conceptual alternatives listed in the staff report for this Item, including (1) Proposed Alternative; (2) Maximize Access/Development; (3) Public Access; (4) Go Slower; and (5) No Project. From the brief descriptions included, none seem to represent a viable reduced development alternative that would yield a meaningful comparison with the Proposed Alternative.

While Option (3), Public Access, may sound like a reasonable reduced development alternative, the brief description in the staff report suggests that it would only allow development of public structures and not *any* private structures. Although we strongly support the concept of public access, Option (3) as formulated seems to represent an extreme form of reduced development that would likely not be a viable policy option. From its brief description, Option (4), Go Slower, seems to include the same level of private development as the Proposed Alternative but simply implemented more slowly. While there could certainly be benefit to a measured approach that provides robust checks on the level of impacts and planned opportunities to scale back development, the Go Slower approach does not necessarily represent a different level of development for purposes of the analysis. And finally, it is important to note that Option (5), the No Project Alternative, is not a “no development” alternative; rather, it would allow development pursuant to the 1987 Shoreline Ordinances, which are now known to reflect outdated science on fish habitat. In order to better inform the public and the decision makers and to insure the legal defensibility of the environmental analysis, we would encourage the RPIC and

staff to reconsider this combination of alternatives and, in particular, to consider inclusion of a reasonable and viable reduced development alternative.


We note that the prior EIS that supported the 2008 Shorezone Ordinance Amendments relied on a robust alternatives analysis, including what was referred to as its “reduced development alternative” (or “Alternative 5”) We enclose as **Exhibit A** a one-page description of the reduced development alternative from the prior EIS. This prior reduced development alternative, or at least certain of its elements, could be relevant to consider for inclusion in the forthcoming EIS, including, e.g.,

- Emphasis on multi-use structures by allowing only new private multi-use piers and buoys;
- Emphasis on reducing structures through 2:1 reduction ratio; and
- Allowance of new public multi-use structures.

Further, we encourage the RPIC to consider including the density restrictions that were included in the 2008 Shorezone Ordinance Amendments, but which may not be part of the presently Proposed Alternative, to be included in one of the alternatives to be analyzed.

Thank you for your attention to this matter, and we look forward to further engagement with you.

Sincerely,



JESSICA E. TUCKER-MOHL
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Enclosure

cc: Joanne Marchetta, Tahoe Regional Planning Agency
John Marshall, Tahoe Regional Planning Agency
Todd Ferrara, California Natural Resources Agency
Jennifer Lucchesi, California State Lands Commission

32854876.doc

Exhibit A

ALTERNATIVE 5 – REDUCED DEVELOPMENT ALTERNATIVE

Based on the Fish Study recommendations, TRPA would remove the prohibition on locating structures in prime fish habitat. However, in order to address threshold degradation, this alternative would only allow new private and quasi-public multiple-use structures where there is a net reduction in total permitted structure numbers (2 to 1 reduction) and new public structures where there is no increase in total permitted structure numbers (1 to 1 reduction).

1. **New Private Single Use** – TRPA would not permit new private single use piers, buoys, boat ramps, slips or floating docks.
2. **New Private and Quasi-Public Multiple-Use Structures** – TRPA would permit new piers, buoys, or floating docks only when the reduction ratio is 2 to 1. For example, for every new pier constructed two piers would have to be removed. In addition, a pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 2:1 ratio. No new slips would be permitted.
3. **New Public Structures** – New public multiple-use structures that are deed restricted for public use would be permitted, provided that for every new structure built an equivalent type of structure is removed. A pier needs to be a minimum of 15 feet in length in order to be considered for removal and credited towards the 1:1 ratio.
4. **Repairs** – All existing structures could be maintained or repaired
5. **Modifications and Expansions** – Expansions of the existing single-use structures would not be permitted.

Modifications of existing single-use structures can be permitted when the structure is not expanded and the modification assists in bringing the structure into compliance with the proposed Shorezone Ordinances, does not impact any one threshold standard, and if the structure improves the ability to attain or maintain one of the threshold standards.

Private and quasi-public multiple-use structures would be permitted to modify or expand under the standards set forth in the proposed Shorezone Ordinances. Expansions and modifications of multiple-use structures would be permitted in prime fish habitat areas if there is a decrease in the extent to which the structure does not comply with the development standards, it does not impact any one threshold standard, and the structure improves the ability to attain or maintain one of the threshold standards.

7. **Other Structures** – New or existing marinas, jetties, groin walls, breakwaters, or fences are permitted under the standards set forth in the Code, Chapter 52, Existing Structures, and Chapter 54, Development Standards Lakeward of High Water. With the exception of fences, these standards require proposed projects to be evaluated through an EA or EIS to address thresholds and other Regional Plan issues.


Buildout Conditions

Table 2-6 and Chart 2-5 summarize the projected buildout numbers for piers, buoys, ramps, floating docks, and slips with Alternative 5. No maps are presented for Alternative 5. Specific, geographic locations where we could expect to see removal of Shorezone structures are highly speculative.

Hi Brandy, I was meeting with Tom on your staff about backcountry skier issues and I happen to ask him about who to talk to about shoreline issues affecting our public beaches. He said that I should send you an email. I have submitted concerns in the past about private buoy encroachments that affect the USFS public beaches and piers. Concerns are associated with our concession operated sites including Kaspian Beach and Pier and sometimes Nevada Beach. If you have an opportunity to talk about this issue with me, please give me a call at 530-543-2675 as I would welcome an opportunity to share our concerns with you. These beaches will be going out to prospectus for their future operations this year and the encroachments do affect potential concession uses, and our beach users and boater access.

Very best, Gina



Gina M. Thompson
Recreation Staff Officer
Forest Service
Lake Tahoe Basin Management Unit
p: 530-543-2675
gthompson04@fs.fed.us
35 College Drive
South Lake Tahoe, CA 96150
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Caring for the land and serving people

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Section II. Comments on the Notice of Preparation (Pre-Scoping Period)

2.2 Organizations

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Date: July 17, 2015
To: Tahoe Regional Planning Agency Governing Board
From: The League to Save Lake Tahoe

Re: Shoreline Adaptation Strategy and Action Plan

Dear members of the Tahoe Regional Planning Agency Governing Board,

The League to Save Lake Tahoe (the League) and the Tahoe Lakefront Owner's Association (TLOA) appreciate the renewed prioritization to update a Regional Shorezone Program and the new emphasis on a Shoreline Adaptations Strategy including the nearshore as five-year priorities. TLOA and the League have both made updating of a Shorezone Program a priority and have dedicated staff time and resources to addressing the topic this year. Additionally, leadership on both organization's boards are committed to making meaningful progress towards this priority.

Progress towards updating the Shorezone Program (as part of the Shoreline Adaptation Strategy) should begin immediately. The Shoreline Adaptation Strategy fails to detail meaningful actions to make progress towards a robust Shorezone Program. TRPA not only has the legal responsibility to update its Shorezone Program but the TRPA Governing Board (GB) has clearly directed staff on multiple occasions to make adoption of a new plan a priority. We recommend that the following actions be initiated:

- **Re-establish a TRPA Governing Board Shorezone committee**
- **Begin submitting funding requests to both states to conduct a comprehensive environmental analysis**
- **Develop and build consensus with stakeholders on a Shorezone Program development process**
- **Stronger enforcement of current Shorezone regulations**
 - **Begin identifying and cataloging illegally and non-permitted buoys in public buoy fields or off of public lands and initiate appropriate enforcement measures for citation and ultimately removal (as needed)**
 - **Secure and finalize MOUs necessary to remove illegal buoys**
 - **Begin identifying and collecting boating data for baseline information to guide the eventual environmental analysis**

Background

Since 1987, TRPA has been mandated through their Code of Ordinances to adopt a new Shorezone Program and reconsider prohibitions on fish habitat. Updating of the Shorezone regulations has been a GB identified strategic priority for TRPA for over three years. The process has started and stopped numerous times. The League and TLOA have raised concerns on multiple occasions about the lack of progress on a Shorezone Program. With the lack of comprehensive and consistent regulations both the Lake and people seeking access to the Lake are suffering as illegal activity is likely increasing. There is

also an absence of necessary mitigation measures during low water conditions and fluctuating boating activity.

There are current interim Shorezone regulations that need to be enforced and complied with until a new Shorezone Program is developed. We suggest that TRPA take more rigorous and immediate steps than outlined in the current Shoreline Adaptation Strategy. Along with the recommendations below, TRPA should also establish a timeline with milestones as well as begin to secure funding necessary to expedite the environmental review and planning process. Staff and other resources should be immediately allocated to this priority.

Re-establish a TRPA Governing Board Shorezone committee

TRPA GB members have directed staff to prioritize advancement of a Shorezone Program in consecutive strategic planning sessions over the last several years indicating their willingness to dedicate their time to guiding this process. A GB committee should be reformed with adequate representation from both states to guide the process and provide the public an opportunity to participate in the creation of these regulations.

Submit funding requests to conduct a comprehensive environmental analysis

Funding limitations have been an obstacle for TRPA's progress on updating a Shorezone Program due to other resource intensive obligations. The estimated cost for the environmental analysis alone has been stated by staff to be between \$750,000 to \$1,000,000. With the current cooperative atmosphere between the two states and their success in identifying funding for other priorities, the likelihood of finding this additional funding seems high. TRPA should clearly identify these funding needs for state and federal funding for conducting the environmental analysis and any other associated costs (staff time, stake holder meetings, public hearings, facilitator, etc.) in their next round of budget requests to both states. Once funding is identified, TRPA should create a timeline for planning and implementation of the program.

Develop and build consensus with stakeholders on a Shorezone Program development process

Through the GB Shorezone committee, a stakeholder process should be developed and agreed upon. The process should identify a timeline and milestones to ensure progress will be made. The process should also identify the need for a facilitator and potential resources for this role.

Enforcement and compliance of current Shorezone regulations

Beginning no later than fall 2015 and following the above identified action items, TRPA should make a good faith effort to commence stronger enforcement of its interim Shorezone regulations. These actions should include (but are not limited to) the following;

Begin identifying and cataloging illegally and non-permitted buoys in public buoy fields or off of public lands and initiate appropriate enforcement measures for citation and ultimately removal (as needed)

TRPA must begin to catalog the existing conditions of the Lake to establish their baseline for the updated Shorezone Program. Action should be taken on any illegal buoys once these conditions are assessed and any MOUs needed to remove buoys have been finalized between TRPA and any other required agencies. The 2016 boating season should be the target for these actions.

Secure and finalize MOUs necessary to remove illegal buoys

Because management of Shorezone activities falls under the jurisdiction of multiple entities, TRPA must work with its state land partners to streamline and coordinate actions such as permitting and illegal buoy removal. Both State Lands Divisions have indicated willingness to

coordinate processes to avoid redundancy and inconsistency. TRPA should immediately develop and finalize MOU's with the appropriate agencies to ensure consistency moving forward.

Finalizing the MOUs will allow consistent permitting between agencies, citation of unpermitted buoys and steps toward removal of illegally placed buoys (as needed).

Begin Identifying and collecting boating data

Previously, TRPA staff had committed to collecting data on boating uses, concessions and Shorezone structures during the summer boating season of 2015. If this is not currently occurring, TRPA should identify timelines and mechanisms to start collecting this information. This data collection is necessary for TRPA to define a baseline as a first step towards conducting the Shorezone Program environmental analysis.

Recommendations

Delay of any progress on a Shorezone Program is a disappointing departure of TRPA's responsibilities to protect and permit uses in the nearshore. An updated program is necessary to encourage compliance with design and location standards and ensure better compliance with environmental thresholds and standards. Without an accelerated timeline for implementing a new program, we are not going to get the much needed improvement to the shorezone and nearshore. TLOA and the League to Save Lake Tahoe recommend that the TRPA GB direct staff to initiate the following actions immediately:

- **Re-establish a TRPA Governing Board Shorezone committee**
- **Begin submitting funding requests to both states to conduct a comprehensive environmental analysis**
- **Develop and build consensus with stakeholders on a Shorezone Program development process**
- **Stronger enforcement of current Shorezone regulations**
 - **Begin identifying and cataloging illegally and non-permitted buoys in public buoy fields or off of public lands and initiate appropriate enforcement measures for citation and ultimately removal (as needed)**
 - **Secure and finalize MOUs necessary to remove illegal buoys**
 - **Begin identifying and collecting boating data for baseline information to guide the eventual environmental analysis**

Sincerely,

Jan Brisco,
Executive Director of Tahoe Lakefront Owner's Association

and

Darcie Goodman Collins, PhD,
Executive Director of the League to Save Lake Tahoe

Hi Brandy,

Unfortunately we don't have any data about motorized vs non-motorized user conflicts. However, we understand the issue is growing due to the critical mass of paddlers on the lake. Creating "protected areas" sounds difficult to enforce and unsafe. Several motorized watercraft and paddlers use the west shore because water is less choppy and calmer because our predominant southwest winds are sheltered by west shore mountains. Forcing other boaters, sailors, water skiers, etc out into the bigger conditions may cause more water safety problems.

The Lake Tahoe Water Trail Association educates paddlers about avoiding busy areas such as marinas as well as being visible through the LTWT website, Map & Guide, and Day Trip Maps and our new Signage that will be launched with signage installed in North Lake Tahoe later this month. There will be 20 of these signs installed by 2018 at public launch/landing sites with restrooms, parking and facilities identified by the USFS, CA and NV State Parks and others who manage public lands/lake access.

Although paddlers can see the motor boat headed at them, most paddlers are not wearing brightly colored life jackets or carrying a whistle or flashlight to alert boaters. This is a gigantic problem throughout the country and for all US Coast Guard, and especially here. As a tourism destination, many stand up paddlers have "vacation brain" and do not think about water safety. Even locals are lazy about safety. It's a SUP culture mindset propagated by photos of paddlers with no safety gear. A direct consequence is an increase in drownings, especially here in Tahoe.

An educational campaign will be better - maybe it's sponsored by the marinas or USCG Lake Tahoe, or auxiliaries.

We have 2 water safety educational programs coming to market - Signage (see attached panel), and a brochure that will include water safety info, photos of paddlers wearing safety gear, and info about best places/times to paddle to avoid the crowds/congestion.

It's a tough one, and every entity at Lake Tahoe including our visitor bureaus, paddle shops, lodging properties, agencies, you name it have a responsibility to show all water users - kayakers, SUPs, jet skiers, motor boaters - wearing a life jacket and/or SUP leash. The current "lifestyle" photos are off target and promote the false idea that paddling comes without any life threatening consequences. It really could be a positive PSA for Tahoe.

I hope that helps, and please let me know any ideas you may have about water safety and addressing user conflicts that we can add to our website or brochure.

Thank you,

Becky

Becky Bell
Project Manager, Lake Tahoe Water Trail
Sierra Business Council
P.O. Box 2428
Truckee, CA 96160
[\(530\) 318-6454](tel:5303186454) cell



On Fri, Aug 5, 2016 at 9:48 AM, Brandy McMahon <bcmahon@trpa.org> wrote:

Hi Becky,

We had a Shoreline meeting this week and the issue of user conflict between motorized and non-motorized boats came up. I was asked to follow-up with you to find out if there was any information or surveys collected as part of the water trail project that identifies conflict areas on Lake Tahoe and/or any recommended solutions provided by non-motorized users. One member of the public that attended is recommending we establish "protected areas" for non-motorized boaters and swimmers in certain areas, like DL Bliss or Sugar Pine State Park. I appreciate your help.

Thank you,

Brandy

Brandy McMahon, AICP, Principal Planner

Long Range and Transportation Planning Division

Tahoe Regional Planning Agency

P.O. Box 5310, Stateline, NV 89449

[\(775\) 589-5274](tel:(775)589-5274)

bcmahon@trpa.org



1220 Sweetwater Road
Incline Village, Nevada 89451
775-832-1212

TWSA Members:

Cave Rock Water System
Edgewood Water Company
Glenbrook Water Cooperative
Incline Village GID
Kingsbury GID
Lakeside Park Association
North Tahoe PUD
Round Hill GID
Skyland Water Company
South Tahoe PUD
Tahoe City PUD
Zephyr Water Utility

9/22/16

Brandy McMahon, AICP, Principal Planner
Long Range and Transportation Planning Division
Tahoe Regional Planning Agency
P.O. Box 5310, Stateline, NV 89449
(775) 589-5274
bmcmahon@trpa.org

Ms. McMahon –

The following correspondence is follow-up to our discussion at the 9/21/16 TRPA Shoreline Workshop. That discussion focused on the TWSA concerns regarding shoreline structures/buoys and recreation activities/boating impacts on drinking water quality and infrastructure.

Our main concerns include these items:

- We wish to request to TRPA to revise the Code of Ordinances section 60.3.3.1 for an enlarged Protection Zone (infrastructure buffer zone) around Lake Tahoe drinking water intakes.

Source water assessments for surface waters (DHS, 2000) recognize a recreational area on or near a surface water source as a Possible Contaminating Activity (PCA) associated with high potential risks, specifically due to microbiological contamination. Protection zones based upon fixed distance, time-of-travel, modeling or combinations of these approaches have been used to delineate areas with greatest potential impact. Our request is that the zone be enlarged from the current 600 ft. to 1,320 or more feet. This language would trigger mandatory notification to a water provider whose Lake Tahoe intake (entire line and inlet) falls within the zone of a potential shoreline development or PCA. The notification would request comments and/or potential mitigations from the affected utility, regarding the proposed development or activity.

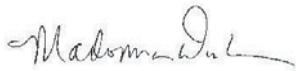
I have attached a support letter from Black and Veatch, who conducted a full Risk Assessment analysis in 2008 on PCAs at several Tahoe intakes. The full Risk Assessment report supporting this request is posted at the TRPA website at:

<http://www.trpa.org/wp-content/uploads/2008-TWSA-Tahoe-Source-Water-Protection.pdf> .

- Lakebed infrastructure damage has occurred to several water providers from anchors and ‘migrating’ buoys. Buoy fields over or adjacent to intakes raise concerns to potential infrastructure damage and/or water contamination from sinking boats or fuel releases.

As the Shoreline Plan moves forward, TWSA requests that considerations should be made to enhance future compliance on keeping boats on assigned buoy locations and reducing potential impacts from shorezone recreation activities by adopting the larger requested infrastructure Protection Zones.

I appreciate your interest in addressing TWSA concerns. If you have questions, please contact me directly. Thank you for the opportunity to comment.



Madonna Dunbar, TWSA Executive Director

Reference:

60.3.3. Source Water Protection Standards

To protect public health and to insure the availability of safe drinking water, TRPA shall review proposed projects identified as possible contaminating activities to source water that are located within a source water protection zone depicted on TRPA Source Water Assessment maps according to the following standards and procedures:

A. Source Water Defined

Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

B. Possible Contaminating Activity Defined

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health or the Nevada Bureau of Water Quality Planning, regardless of where the project is located, as having the potential to discharge contaminants to surface or groundwaters. Such uses are listed in subsection 60.3.5.

C. Source Water Protection Zone Defined

A zone delineated around drinking water sources in the following manner as depicted on the TRPA Source Water Assessment maps.

1. Protection Zone

A protection zone consisting of a fixed 600 foot radius circle shall be identified around wells, lake intakes, and springs assessed by TRPA. Protection zones shall be delineated using the best available source water location data known to TRPA. Protection zones may be located using the centroid of the parcel in which the well, lake intake, or spring is found. Protection zone delineations may be modified by TRPA as follows: Upon receipt of source water assessment information collected by the California Department of Public Health, the Nevada Bureau of Water Quality Planning, or other public agencies

responsible for conducting drinking source water assessments in accordance with state Source Water Assessment and Protection Programs and if recommended by the California Department of Public Health or the Nevada Bureau of Water Quality Planning; or upon receipt of source water assessment information provided by the property owner in which the well, spring, or lake intake is located and if the California Department of Public Health or the Nevada Bureau of Water Quality Planning concurs with the new delineation.

An issue we've been grappling with for decades is access to Lake Tahoe for the marine contractors for all the on lake construction, maintenance and repair of structures, and respond to emergencies such as sewer line breaks. Since the late 1940's, marine contractor access has been possible through marinas and launch ramps. We need to decide if this is to continue or if it makes sense to provide a separate locations for these activities to avoid potential conflict with recreation users. With all of the work we've been doing with marinas it seems timely to raise this issue now. Perhaps we can piggyback access points near first responder sites?

Thank you for your consideration.

Best,
Jan

Sent from Jan Brisco's iPhone

Section II. Comments on the Notice of Preparation (Pre-Scoping Period)

2.2 Individuals

Hi Brandy,

I am a 34 year resident of the Lake Tahoe area and an avid boater, kayaker, paddle boarder and swimmer.

It has become clear to me over the years that there are several great places to swim, kayak and paddle board. These places have become very popular with the public, as well, for these types of activities. Three particular areas do stand out, in this regard, and they are:

- 1) Sugar Pine Point State Park
- 2) Bliss State Park
- 3) Secret Harbor area

However, I have also noted that there is increasing user conflict between people recreating in the waters of these areas (doing such activities as swimming, paddle boarding and kayaking) with power boats who do not slow down or respect the 600 foot no wake zone. I have seen swimmers almost run over by power boaters and have seen many people learning to paddle board knocked off their boards by very large wakes. I have also seen jet skis circling near shore at high speed creating large wakes and endangering nearby swimmers and other non-motorized water recreationalists.

I have contacted all the enforcing agencies (USCG, TRPA, Sheriff's Offices, State Park Personal) in regards to these problems and they all acknowledge to me that there really IS a BIG problem, but none of them have the enforcement resources to truly control the illegal or dangerous activity. They do their best, but it is certainly impossible to put any significant dent in the activities described above.

That got me thinking: Maybe it would be a good idea to create 3 "Quiet Zones" at the above listed 3 locations where people could recreate safely and without a lot of undue boating traffic or wakes.

There is NO place in the entire 72 miles shore zone where people can safely recreate in peace and safety.....this seems absurd if you think about it.

My idea of these "quiet zones" is kind of like a small wilderness area in the lake but boating would not be prohibited in these zones, just highly regulated with large fines for offenders. These would be areas of NO WAKE for 1200 feet from shore and a 5 mph speed limit for all craft operating within the zone.

So, since we can not truly and realistically enforce the 600 foot no wake zone in the lake (according to ALL the enforcement agencies that I spoke with), can we at least create 3 safe quiet zones which ARE in fact enforceable?

Here is how this can be done: "Smart Buoys" with teeth!

Smart buoys would be placed every 300 feet along the perimeter of these safe, quiet zones (out to 1200 feet from shore) and these buoys would have solar panels with batteries operating night lights, small 360 degree cameras and maybe even decibel meters. This would generate real time data that could be observed and/or recorded for later scanning. Boats found inside the quiet/safe zone would be ticketed heavily for violating speed or wake rules. This would certainly pay for the buoys within the

first 2-3 years of use.

My proposal would allow just 3 safe places on the lake to exist for those wanting some peace and quiet, allow enforcement of the rules within these zones, and also pay for itself in a few years. It would be a win-win for everybody on the lake, but especially the increasing numbers of people who are looking to enjoy a safe, sane quiet day swimming, paddle boarding or kayaking without wakes and fast boats creating safety hazards.

This proposal could be woven into the fabric of an over-all, all encompassing, shore zone plan so that it seamlessly blends in with the rest of the master plan. If we do not do now, the proposal becomes more difficult in the future to implement and will lead to more and more lake user conflict and potential for injury.

Thanks for your consideration of my idea.

Please let me know if you have received this email!

Take care,

Steve Smith
530-277-9373

Hi Brandy and Rebecca, and all TRPA Directors and Staff, and other Interested Parties,

It was nice meeting with you the other day at the TRPA meeting at your offices in South Lake Tahoe (8/3/16). Thanks much for listening to my concerns. As a 30 year Tahoe resident who is an avid boater, kayaker and SUP user I would like to add just 3 ideas that might help solve the problems at hand:

I think that many Tahoe boating issues and user conflicts could simply be addressed by a 1200 foot "no wake" zone, with this zone demarcated clearly by large yellow buoys which are well lit at night by solar lights. The buoys could be labeled "1200 foot No Wake Zone" so people really knew what they meant and what the rules were. These buoys could be placed every mile and so only about 70 total buoys would be needed.....buoys and solar lights would not be overly expensive.

(It should be noted that the current 600 foot "no wake zone" is not very effective for the most part and this is due to 2 reasons: 1) There is no way for boaters to accurately judge this distance....some feel that they are at 600 feet out when they are really 200 feet out from the shore zone. 2) With today's high powered boats specifically, designed for maximum wake production, a very large wake is produced to allow wake surfing/boarding and this easily propagates to the shore with very little loss of energy.)

I think that the real problem is not so much enforcement (or lack thereof), but that boaters really do not know the rules, and those that do know the rules can not truly judge what is 600 feet from the shore. So, these 70 buoys might just be all that is needed to keep non-motorized users safe AND cut down on noise heard at the shore zone AND prevent re-deposition of shoreline sediments into the water.....This is a 3 way triple win situation and all for a reasonable cost.

An added benefit of these buoys is that they could be numbered and a corresponding numbered map could be issued to all boaters so that navigation around the lake could be greatly enhanced. I understand that USCG "buy-in" of this idea might be difficult because they may see these buoys as a "navigation hazard", however if well marked and well lit at night, this should be a trivial concern. Also, if they actually aid in navigation, this potential hazard would certainly be outweighed by the added benefit of fewer lost boaters demanding help from the USCG.

One other point I would like to make is this: There are effective TRPA rules regarding noise levels on the lake and I think that these noise thresholds should be strictly applied and tested on all boats that have over 500 horse power engines. These are mainly the "off-shore racing type cigarette boats" and they create that extremely loud, and unpleasant, roar that echoes in a horrendous way throughout the entire lake. Yes, people have the right to have fast boats on the lake, but no, they do not have the right to disturb hundreds of other people on the lake trying to enjoy a quiet day while soaking up the pristine beauty of the lake environment. A reasonable balance needs to be struck and, so far, there is no reasonable balance.

Reference: <http://www.trpa.org/wp-content/uploads/Chapter-68.pdf>

My final thought is this: The "direct injection 2 stroke engines" need to be banned from the lake. The reason is that they produce 10 times the hydrocarbon pollution when compared to a similar HP rated 4 stroke engine. So, having 1000 direct Injection jet skis on the lake produces as much pollution as 10,000 4 stroke jet skis. With the increasing use of the lake and the increasing popularity of these jet

skis, why not be proactive and stop this excess pollution before it shows up as a major problem in 5 years via some study of water pollution? Why not be logical and pro-active in protecting the lake instead of protecting the 2 stroke direct Injection industry. I really think the lake deserves priority over 2 stroke engine manufacturers!

Reference: "Even the latest direct fuel-injected two-stroke motors emit 10 times as many hydrocarbons as four-strokes." <http://www.kimointernational.org/WebData/Files/RESL102D.pdf>

Please think about the above 3 suggestion, and it would be great to hear any feedback regarding these thoughts. I will hopefully see you at the next meeting. Tahoe is WORTH saving and I am happy to participate in this very necessary work.

Take care for now and thanks again for considering the above ideas,

Sincerely,

Steve Smith
Tahoe Resident

Alyssa Bettinger

From: Tiffany Good
Sent: Monday, July 11, 2016 8:43 AM
To: Brandy McMahon
Subject: FW: Shorezone issue: Use Permits for recreational rentals on the beach

From: Ellie [<mailto:tahoellie@yahoo.com>]
Sent: Friday, July 08, 2016 9:30 PM
To: Matthew Miller <mmiller@trpa.org>; Steve Sweet <ssweet@trpa.org>
Cc: Joanne Marchetta <jMarchetta@trpa.org>; John Marshall <jmarshall@trpa.org>
Subject: Shorezone issue: Use Permits for recreational rentals on the beach

This issue should be addressed in the shoreline plan.
It's NOT ok for these concessions to block access and create scenic blight and private amenities like Martis Camp Beach Shack (and Ritz Beach Pavilion soon) need to follow the scenic rules for signage, use of public lands ,etc.

Thank you for your consideration when Shorezone code compliance is drafted.

Regards, Ellie

From: Ellie [<mailto:tahoellie@yahoo.com>]
Sent: Wednesday, July 06, 2016 2:43 PM
To: Paul Thompson <pkthomps@placer.ca.gov>
Cc: EJ Ivaldi <ejivaldi@placer.ca.gov>; Steve Sweet <ssweet@trpa.org>; Jennifer Montgomery <jenmonten@placer.ca.gov>; Julie Regan <jregan@trpa.org>; Matthew Miller <mmiller@trpa.org>
Subject: Use Permits for recreational rentals on the beach

Hi All,

Not sure whom to contact about recreational rentals on the beach. I know the Kayak folks at Tahoe Vista Recreation Area have a use permit that allows them to be on the beach.

I would like to better understand the rules and ordinances about on the beach vendors.

Also could one of you provide a contact e-mail for public lands just in case I need to follow-up with them.

Not sure about the trampoline in the water issue either?

Also not sure how semi-permanent shade structures are handled on public beach- should they have to be taken down every night?

This is not a personal attack this about being treated fairly. If the vendor at TVRA has to pay for permits and approval as well as the Truckee River Rafting folks so should everyone else.

Regards, Ellie

Brandy,
This came in. Can you respond or Gina to this comment and add to your table?

Thanks
-Seana

Seana Doherty

Freshtracks Communications
Creating Paths Forward

c: 530.386.2940

10418 Donner Pass Road, Suite C
Truckee, CA 96161
www.fresh-tracks.org

Begin forwarded message:

From: Judi Allen <judiallen2@icloud.com>
Subject: Re: Reminder: Shoreline Workshop Nov. 3, 6-8pm
Date: October 27, 2016 at 9:27:28 PM PDT
To: Seana Doherty <seana@fresh-tracks.org>

Hello there,
Unfortunately, I will not be able to make the workshop as I will be out of town. I would like my comments herein to be included. One issue that bothers me greatly is that some areas of shoreline are gated off, preventing the public use of the shoreline. One such area is the beach area between Stateline and I think it is Park, in South Lake Tahoe. It is fenced off and one needs a pass from the hotels or special homeowners to be able to access this beach. This is not right!

I am originally from Hawaii where the public has access to all beaches - even the ones in front of the fancy hotels! There are no passes or charges needed. We need to make our Lake Tahoe Shoreline accessible to all - not just the privileged!

Please forward me the agenda and worksheets for the workshop, as well as minutes and any other information. I am extremely sorry I have to miss this workshop!

Judi Allen
2540 Fountain Ave.

South Lake Tahoe, CA 96150
Judiallen2@aol.com
650-520-7961

Sent from my iPad

On Oct 27, 2016, at 4:52 PM, Seana Doherty <seana@fresh-tracks.org> wrote:

Please provide your input on TRPA's Shoreline Plan on Nov. 3rd.



Painting by local artist, Mary Beth Hamilton: www.mbhamiltonart.com

Help inform the policy development for our precious Lake Tahoe shoreline

TRPA is working with the community and partners around Tahoe to update the lake's shoreline ordinances to enhance recreation access and protect the environment.

The public is encouraged to attend the upcoming community workshop:

NOV. 3, 2016 | 6-8 P.M.

TRPA Offices
128 Market St.
Stateline, NV

Please RSVP for workshop by going to: www.shorelineplan.org

To learn more about the shoreline planning process visit

www.shorelineplan.org



We hope to see you there!

This is a friendly reminder that there is a community workshop next week on Nov. 3rd regarding [TRPA's Shoreline Plan](#) at the [TRPA offices in Stateline, NV](#). The public's comments and feedback are very valuable to us. Please consider attending this community workshop, which will be facilitated by [Freshtracks](#).

This email was sent to you by [Freshtracks](#).

Our mailing address is:

10418 Donner Pass Rd. Ste C
Truckee, CA 96161

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This email was sent to judiallen2@icloud.com
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freshtracks · 10418 donner pass road, suite C · Truckee, Ca 96161 · USA

MailChimp

Alyssa Bettinger

From: Judi Allen <judiallen2@icloud.com>
Sent: Saturday, July 23, 2016 8:21 AM
To: Brandy McMahon
Subject: WorkShop Sign-Up & Statement

Please sign me up for the shoreline workshops. Also, I think it is VERY IMPORTANT to address the issue of shoreline PUBLIC access. I am from Hawaii where beach access is available to all on all beaches via public access trails from the streets. I am very dismayed that recently, the Tahoe Keys Association installed a wrought-iron fence with a locked gate (for key access to Keys homeowners/tenants only) at the beach next to their homeowners office & facility! We used to go to the beach there because it was safe for kids, quiet, etc. Also, at the Lakeshore Beach between Stateline Ave & the Marina - the beach is totally locked off to the public! This is ridiculous! This needs to change.

Check the laws in Hawaii regarding public beach access. Even the beach-front hotels must let the public on the beach!

Judi Allen
650-520-7961

Sent from my iPad

Alyssa Bettinger

From: Cindy Donaldson <cindy@vacasa.com>
Sent: Tuesday, August 2, 2016 9:53 AM
To: Brandy McMahon; Rebecca Cremeen
Cc: Christina (Christie) Dille
Subject: Comments on Shoreline Plan

Good morning,

I very much enjoyed hearing the TRPA presentation this morning in Tahoe City. I offer these comments as a businessperson and local homeowner.

My company offers vacation rentals to the public, and many of our guests choose to stay with us so that they can bring their canine family members on vacation with them.

I would like to suggest that you keep in mind dog access to the lake in your plans for the Shoreline, as well as your broader efforts on behalf of transportation and recreation at the Lake. It seems that dogs are becoming personae non grata more and more, but I think this is misguided. Tahoe is the best place in the world for dogs and their owners, as long as they can get to the Lake and trails.

It would really be great if there were a beach in Kings Beach where we could take our dogs, rather than the unwalkable section now designated as a dog site. Perhaps there could be a designated time frame where dogs were welcome on the beach?

On the plus side, Carnelian Bay is the absolute best beach in the world for people and dogs alike. Providing waste bags and trash receptacles ensures that owners can easily pick up after their pets. Please please do what you can to assure continued access there.

Again, I personally very much appreciated the presentation this morning. Learning more about the changing efforts of the TRPA enhanced my support for the group, and I look forward to engaging more. Please add me to any distribution lists you might have.

--

Check it out - [Forbes](#) published a feature story about Vacasa and Eric Breon co-founder, which highlights Vacasa's founding story and ambitious growth plans.

Cindy Donaldson | *Business Development Representative*
530.723.1589
cindy@vacasa.com
vacasa.com

Vacation rentals made easy®

Alyssa Bettinger

From: TRPA
Sent: Monday, August 15, 2016 9:25 AM
To: Brandy McMahon
Subject: Fw: Public Access to Tahoe POA Beach

Shoreline summarized in one email.

From: Paul Palk <palkpm@yahoo.com>
Sent: Saturday, August 13, 2016 2:35 PM
To: TRPA
Subject: Public Access to Tahoe POA Beach

1. The Tahoe Tahoe Keys POA denies all access to (what they call) is a private beach including the waterline.
2. Is this legal?
3. Has anyone challenged this?
4. Are there any attorneys willing to file lawsuits against the POA?

Paul M. Palk
palkpm@yahoo.com

Alyssa Bettinger

From: Mindy Lokshin <mindyreno@gmail.com>
Sent: Monday, August 15, 2016 2:55 PM
To: Brandy McMahon
Cc: Boris Lokshin
Subject: Fwd: RE: Tahoe recreation

Hello Brandy,

Thank you for your quick response!

My husband and I would be very interested in discussing the idea of limited boat speed to <10mph for one day per week on the lake.

I understand there are two meetings coming up. We do live in Reno so could you please tell me the locations for these meetings? Also, is there someone we can contact on the board(s) to discuss this idea?

Thanks for your help.

Mindy Lokshin

----- Forwarded message -----

From: "Brandy McMahon" <bmcMahon@trpa.org>
Date: Aug 15, 2016 8:59 AM
Subject: RE: Tahoe recreation
To: "Boris Lokshin" <borlok@gmail.com>
Cc:

Dear Dr. Lokshin,

Thank you for your comments. We are tracking all of them. You are the first person to submit such a proposal. The next Joint Fact Finding (JFF) Committee meeting is on August 25th at 2:00 at TRPA and is open to the public. The JFF Committee is made up of technical experts that are providing recommendations on the best available information and science to be used in the Shoreline Plan and environmental review. Our first public workshop is going to be on the evening of September 21st. I would recommend you consider attending if you are interested in shoreline planning. If you have any questions, please call me at [\(775\) 589-5274](tel:7755895274).

Thank you,

Brandy

From: Boris Lokshin [mailto:borlok@gmail.com]
Sent: Monday, August 15, 2016 8:34 AM
To: Brandy McMahon <bmcMahon@trpa.org>
Subject: Tahoe recreation

Hi Brandy,
When is the next meeting of the Tahoe Shoreline association?

Do you know of any proposal to have one day a week, like Monday, to be a low speed water day? It is very loud, choppy and unsafe for small watercrafts on weekends due to overwhelming large speed boats. So many people would enjoyed the quiet recreation that is also safe for the Lake.

Just one day a week let the Lake rest, after busy weekend. 5 or 10 mile per hour speed limit would be perfect for most sailboats, kayaks, padding, or just slow motoring.

Thanks,
Dr.Lokshin

Rebecca

I realize these comments are late. Please see how they can fit into future consideration. Also, these do not represent comments from the Sierra Club as it is not possible to get Club sign off within the time period provided.

Comments

1. Please consider another effect of boating to be discharge of domestic waste and trash.
2. A secondary effect of resuspension of sediment could be the effect on fish habitat. Boating in near shore waters in the vicinity of fish habitat could result in the sediment being deposited in and adversely affecting the habitat.
2. Staff should review the TMDL analysis for shoreline erosion rather than take the results at face value. The TMDL analysis was to quantify the various sources adversely affecting deep water clarity. It did not consider the effect or respective contribution of these constituents to near shore conditions. The purpose of the analysis was different than that being considered under this plan. The statement "while not a major source of the pollutant of primary concern" (while true for deep water clarity) seems to oversimplify then possible impact of shoreline erosion on near shore conditions. Also, some of the assumptions may not be valid today (current and future lake levels under drought and climate change).
3. I have witnessed slow moving boats creating significant waves. This is especially true when pulling tubes or skiers and the bow of the boat is elevated in comparison to the stern. Due to the elevation the lake, boats do not have same power as they do at sea level and some boats take longer or never get to a horizontal position when towing.
4. There is a comment above table 1 indicating a broader literature review is needed to support the EIS. The possibility of additional study or research should also be an option if specific questions cannot be fully answered based on additional literature review.
5. The synopsis of the second reference in Table 2 indicates that "location ... of emission sources is important in determining potential for deposition." This finding is critical as all boating emissions occur "on the lake" while other emissions (auto, wood smoke, etc) occur on land. While boating emissions may be a smaller fraction of total emissions, they may have a greater effect due to location of the emission.
6. I have not reviewed all of the studies referenced so am unable to comment on whether these studies are sufficient in scope and applicability to support the EIS.

thanks
harold

On Monday, September 12, 2016 2:29 PM, Rebecca Cremeen <rcremeen@trpa.org> wrote:

Hello JFF Members, Please provide your input on the attached memo by COB Friday 9/15. We will be following up shortly with an agenda and materials for the next Joint Fact Finding Meeting on September 21.

Rebecca Cremeen
Associate Planner
Long Range and Transportation Planning
(775) 589-5214



August 29, 2016

Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89410

Attention: Rebecca Cremeen

Subject: Lake Tahoe Shoreline Plan

As I mentioned in my email last week, my name is Arnold Finn and I am President of Global Dock and Marina Systems, LLC, which has recently headquartered in Reno, NV.

We have over 35 years of experience designing, building and maintaining all manner of waterfront elements, from simple residential docks to commercial marinas. While with Moffatt & Nichol Engineers, in Long Beach California, I was the Project Engineer for the Downtown Long Beach Marina Feasibility Study. I also co-authored the **U.S. Army Corps of Engineers** design manual entitled **Small Craft Harbors: Design, Construction and Operation.**

On this occasion, I am writing to introduce our newest product, the Blue-Dock®. Over 20 years of focus and refinement have gone into the creation of our proprietary, “Blue” rated, floating dock system. The Blue-Dock® is made in the USA from recycled materials and is itself 100% recyclable. For a typical 100-slip marina installation, for instance, Blue-Dock® would eliminate about 66 tons of plastics from our landfills.

You might be interested to know that we are the only proprietary floating dock system designated as a “Blue” system and listed in the NOAA “Clean Marina” program as such. Therefore, we believe that this product melds perfectly with the objectives of the Fact Finding Committee relative to the Lake Tahoe Shoreline Plan. Our company understands TRPA’s commitments in terms of responsible growth, innovative development and working in the best interest of the community and the environment relative to Lake Tahoe.

For the most thorough analysis of the environmental benefits of the Blue Dock®, please refer to the Tech Blue Center for Waterfront Solutions [Clean Waterfront Product Review](#). This report shows why Blue-Dock® earned its “Blue” designation.

Our lightweight design and systems engineering allow the Blue-Dock® to be installed without the use of heavy equipment, using local contractors, with only hand labor and hand tools. This approach to assembly and installation supports the local economy as well as allowing for much greater delicacy when installing the system in environmentally sensitive areas.

This system does not require piling for installation and completely eliminates the need for treated timber. The inert components of Blue-Dock® eliminate leaching of harmful elements into the lake, particularly copper and arsenic, the injurious elements from pressure treated timber.

Being a bottom anchored, floating system, any Blue-Dock®, be it residential or marina, can easily be relocated as necessary to accommodate any range of lake elevation, up or down.

I am seeking an endorsement from your agency. Ideally, we would like to obtain a “pre-approved” status for our system that would streamline the permit process for shore zone projects that choose to use the Blue-Dock® in Lake Tahoe. The dock may even qualify as a guideline environmental mitigation measure for your Agency.

I will be attending subsequent meetings relative to the Shoreline Plan and would be willing to give a presentation to your technical staff regarding the technical aspects of the Blue Dock® system. I have attached a Power Point presentation for your review.

I have a Master’s Degree in Coastal Engineering, and, aside from the dock issue, may be able to help the committee with littoral zone and hydrodynamic issues at the lake shoreline.

Thank you for your consideration,

Arnold A. Finn

Arnold A. Finn
President
Global Dock and Marina Systems, LLC

Alyssa Bettinger

From: WordPress <noreply@shorelineplan.org>
Sent: Thursday, October 13, 2016 1:07 PM
To: Brandy McMahon
Subject: CONTACT FORM

From: Damon Spitzer
Email: marina@swchoa.com

Message Body:
Hello,

I manage the pier and buoy field at Stillwater Cove in Crystal Bay. I am wondering about new regulations regarding lights on mooring buoys. Will lights be required on all buoys around the lake? If so, when will these regulations come into affect? If you have any literature on this, could you send it my way?

Thanks,

Damon Spitzer
Stillwater Cove Marina Manager

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This e-mail was sent from a contact form on Shoreline Plan (shorelineplan.org)

Alyssa Bettinger

From: WordPress <noreply@shorelineplan.org>
Sent: Friday, October 28, 2016 7:36 AM
To: Brandy McMahon
Subject: CONTACT FORM

From: Jon Krauss
Email: jonkrauss@sbcglobal.net

Message Body:

I went to the October meeting and I have to admit, didn't feel that it was a good use of my time for the following reasons.

1. The TRPA was represented by staff that were well meaning but woefully unfamiliar with the shoreline issues or for that matter, even the terminology. The staff members that are familiar with shoreline issues were not present.
2. Quite a few of the public showed up with interest in pressing projects that they wanted. Although these issues may have been recorded on the scribble sheet table cloths, I doubt if they will go any further than that.
3. I have to admit that I left the meeting with the distinct feeling that it was a show of "good faith" rather than an attempt to bring in views that differ from the "stakeholder groups". A major contributor to this is #1, above.

I consider my time valuable, even during the off-hours. I deal with the TRPA on a regular basis as well as many of the other regulatory agencies.

I can't attend the second meeting if it's going to be a rehash of the one I attended.

Sincerely,
Jon Krauss

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This e-mail was sent from a contact form on Shoreline Plan (shorelineplan.org)

Bob, Brandy, Joanne,

In an effort to help the Shoreline process to a positive conclusion I have some suggestions or comments that might be considered as we as a committee finish up this process. Some of my comments are from spending time listening to the meetings. I would also like to thank Mitch for the spreadsheet he did establishing pier length extension estimates, this will be a valuable tool in the future.

- First of all I feel that the RPIC meeting on the 22nd went well and commend the efforts put in to a well done presentation. I have 3 comments about what was presented.
 - The question that Shelly had about how pier visual mass calculations were derived was an important question however I do not believe she was totally satisfied with the answer. I propose you write up a brief uncomplicated definition of what goes into that calculation and should include the lake level used to derive what is visible which I am assuming is the median lake elevation of 6226. I would also mention what surfaces are used i.e. pier deck, pilings, catwalk deck and fender pile. It should be mentioned that other visible mass calculations such as davits, boat lifts, rails, etc. are not included in design standard for minimum pier but are needed as additional mass for mitigation purposes.
 - The terms single use pier, multi-use pier, public pier, HOA pier, private commercial pier, marina pier, etc. should be defined in the document somewhere close to where you are indicating design standards. There has been a great deal of misunderstandings and questions about this at both committee and RPIC levels,(for instance, ‘what is the difference between a multi-use pier and a public pier?’). Along with this there is also considerable misunderstanding as they relate to how a pier is measured when involving catwalks, for example, everyone is assuming that a pier length can be extended beyond limiting factor by adding a catwalk (30’ or 45’).
 - I am not sure if it is understood if the visible mass calculations involving a boatlift or davit involve a certain calculated mass for a vessel occupying the davit or boatlift and if so whether the lift device is holding a personal watercraft or a standard vessel, I think this is important in determining the impacts of what Jan has been getting at.
- Marinas. I think we are just about there with the exception of pier length which for most marinas at this time may be a redundant conversation however there are certain marinas where pier length is an issue. With the understanding that some pier length extensions can be handled as a temporary solution there will be a time that the temporary nature of the structure may be asked to become permanent. With the understanding that temporary floating structures come with an attachment system that usually means pilings the marina wishing to extend a pier on a more permanent basis will be faced with mitigating a visible mass that must include the pilings. Also, I am assuming that removing a “temporary” floating pier will require the removal of the attachment pilings which may create an undesirable lake bottom disturbance every time the pier is put in and removed. There are

other attachment systems available that are subsurface but it is unclear as to the viability of using these devices to retain the pier during a wind/wave event. I think some kind of permanent floating structure could be allowed with a length that is a compromise between what is needed between phase I and phase II conditions that will allow for a temporary structure to go out from there in extreme phase II conditions, scenic mitigations opportunities for this scenario could and should be more attainable without necessarily having to be totally mitigated onsite because of the public nature of the facility. Review of the Environmental Menu items for reconfiguration and the process and requirements for accommodating during low lake adaptation needs more work.

- Concessions other than what is associated with a marina. The concerns from Nevada about this came as a bit of a surprise but I believe it just indicated that this item needed more work before presentation. Some items to consider here are:
 - Define what is meant by concessions so that it is understood what this entails i.e. personal watercraft, non motorized watercraft, parasailing, charters, boat rentals, etc.
 - Define the reason for the concerns over this i.e. individuals running concessions from boat ramps or personal property without having to comply with the standards that the marinas need to abide by.
 - Perhaps allowing public beaches to have a non motorized beach concession without a permit from TRPA if they are required to have a permit from the associated public agency.
 - Any concession that requires a motorized vessel should have TRPA permit in order to assure compliance with mooring, fueling and servicing requirements.
 - Personal watercraft mooring can be handled by a low impact device such as a string line with a stated limit on how many personal watercraft are anchored and should be considered as one mooring.
 - Existing concessionaires should be grandfathered if they can comply with established standards and should use a time frame established in a manner similar to the grandfathering of private moorings.
 - I am not sure if the environmental document will need to try to assess the scenic impact of beach concessions whether motorized or non motorized if not then no further discussion but if so some kind of standard will need to be established in order to be analyzed.

That is it for now, Jim Phelan