

Coverage Transfers across Hydrologically Related Areas (HRAs) - Working Group Meeting #1

MEETING NOTES

March 10, 2014

1. Introduction & Background

TRPA staff presentation on the process to date, meeting format, expected outcomes, the schedule moving forward as well as background information. Public comment to follow working group discussion on each item.

Requested Action: No action requested.

Coverage Transfers Across HRAs Priority Project Schedule	
January 29, 2014	RPIC endorsed process, schedule and working group members
March 10, 2014	Working Group meeting #1 – conceptual approach
April 24, 2014 or May 28, 2014	RPIC review of conceptual approach
May-August 2014	Working Group meetings #2 and #3 – Develop recommendations, draft policy and code that incorporate RPIC direction; Complete environmental review
September-December, 2014	TRPA review process: RPIC, APC and Governing Board review and approval

2. Conceptual Approach – Objectives

TRPA staff presentation on the conceptual approach and objectives.

Requested Action: TRPA staff requested that the Working Group discuss the conceptual approach objectives and provide concerns, specific criteria or standards for each objective, as well as identify additional objectives to include or existing objectives to delete. TRPA staff requested that the Working Group endorse the conceptual approach objectives or provide direction on necessary revisions.

Conceptual Approach

The Working Group advanced the conceptual approach with modification: *“Develop feasible and implementable policies and/or other recommendations addressing coverage transfers across HRAs that protect and enhance water quality and meet project objectives.”*

Objectives

The Working Group advanced Objective I with modification: *“Support Regional Plan goals including but not limited to protecting and enhancing water quality, accelerating restoration of sensitive lands, facilitating environmental redevelopment of Centers, and promoting affordable housing.”*

The Working Group advanced Objective II as written: *“Address limitations, market inefficiencies and other constraints with the existing coverage transfer provisions while maintaining environmental protections.”*

The Working Group discussed adding “*while maintaining environmental protections*” to the end of Objective III and IV, but some felt the environment was adequately addressed by Objective V. The objectives are written as follows:

Objective III. “Simplify operational processes and increase policy flexibility, transparency and accountability to reduce project costs that inhibit beneficial restoration and redevelopment projects, and to enable the policies to be administered at a reasonable cost, while maintaining environmental protections.”

Objective IV. “Support effective private and public sector investments, while maintaining environmental protections.”

Objective V. “Avoid or minimize unintended environmental effects.”

The Working Group advanced Objective VI as written: “*Focus on the detailed review of coverage transfers across hydrologic zones. Other topics outside the scope may be recommended for future Governing Board prioritization.*”

The Working Group deleted Objective VII related to environmental review since it is a requirement and not an objective.

3. Conceptual Approach – Discussion Items

TRPA staff presentation on the conceptual approach discussion items.

Requested Action: TRPA staff requested that the Working Group discuss the topics, state any general concerns or support for each one and identify additional topics to advance or existing topics to delete.

TRPA staff requested the Working Group to endorse the recommended discussion items or provide direction on necessary revisions. TRPA staff will provide more detail on the discussion items advanced by the Working Group and endorsed by RPIC at the future meetings.

Discussion Items

- The Working Group combined and modified the first two discussion items as follows:
“*Consider whether or not to remove HRAs, maintain HRAs or some combination thereof.*”
- The Working Group discussed how items #3 thru #8 are really different options for the modified item #1 above and to add “*consider*” to the beginning of each to read as follows:
 - “*Consider allowing transfers across HRA boundaries for coverage transferred out of sensitive lands.*”
 - “*Consider allowing transfers across HRA boundaries to Centers to facilitate environmental redevelopment.*”
 - “*Consider allowing transfers across HRA boundaries for affordable housing and/or EIP projects.*”
- The Working Group modified item #6 to include the possibility of a new approach:
 - “*Consider developing an alternative approach that addresses watershed conditions and/or connectivity with Lake Tahoe and is more effective at meeting the HRA objectives while being simpler to administer.*”

- The Working Group modified item #8 to address boundary lines and HRAs that cross State lines:
 - *Consider redefining the HRA boundaries to follow jurisdictional boundaries.*
- The Working Group advanced #9 as written, but only as a secondary phase pending TRPA Governing Board approval. The TRPA Governing Board will consider prioritizing review of the excess coverage mitigation fee in April, 2014:
 - *Consider reviewing the excess coverage mitigation fee system for refinement in addition to coverage transfers across hydrologic zones. Recommendations may include requesting future Governing Board prioritization.*
- The Working Group added an additional option to modify the existing HRA system that aligns with the TMDL:
 - *Consider allowing transfers across HRAs to registered catchments that meet TMDL load reductions.*

Data Needs

Land Coverage Transfers

1. Information on why HRAs first established and what we know now about how they've worked.
2. List benefits from coverage transfers (e.g. BMPs on receiving parcels, sending parcel restored etc.) as well as the benefits of removing existing coverage versus potential coverage.
3. Explain how TRPA and the Land Banks track coverage transfers now and in the future. What protections are in place to ensure that restoration occurs and is effective?
4. Identify areas in demand for coverage based on TRPA data and past demand from Land Bank transactions (e.g. residential areas versus. Centers, which may be largely over-covered and coverage reduced through redevelopment). Quantify total potential for land coverage to be transferred into Centers.
5. Coverage inventory for each HRA including an inventory of the banked coverage from the land banks and existing coverage in sensitive and non-sensitive land using TRPA LiDAR data.
6. Explain watershed differences and level of sensitivity with the Individual Parcel Evaluation System (IPES) watershed condition score.
7. Provide a TMDL overview including loading from different land uses, level of impairment of different catchments, how the TMDL addresses connectivity with Lake Tahoe, and maps of catchments currently registered and those anticipated to be registered in the future.
8. Map nearshore conditions and impairment.

Excess Coverage Mitigation Fee System – to be addressed secondarily following TRPA Governing Board prioritization

1. Determine when coverage is actually mitigated – coverage reduction on the ground vs. writing a check.
2. What are the economic consequences of excess coverage mitigation fees and how do they affect land banks?

Public Comment

Laurel Ames:

- Periphyton map only based on one year of data and hot spots move around.
- Should not just state need to maintain environmental protections but rather assess if environmental protections are good enough
- The EIS for setting thresholds discusses disturbed lands.
- The TMDL should not be relied on as it is behind schedule in registering catchments. It may be 15 years before there are any results.

Jennifer Quashnick:

- Concern over nearshore – written comments submitted and attached to this document.
- Problem must be understood first before recommendations made.
- BMPs are not a benefit of coverage transfers as all properties should have maintained BMPs already.
- Questioned when excess coverage mitigation fees were last updated? They should be adjusted to equal the market value.

Steve Teshara

- Need more information on the land bank mitigation funds and requests that the land banks provide a detailed presentation at the next meeting.

4. Future Meeting Dates

TRPA staff went over available meeting dates with the Working Group.

Requested Action: TRPA staff requested that the Working Group select possible dates for meetings #2 and #3.

Next meeting dates from 1:00pm to 4:00pm on Tuesday July 8, 2014 and Wednesday August 20, 2014.